

AGENDA

Meeting: Northern Area Licensing Sub Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Friday 6 January 2012
Time: 10.30 am
Matter: Review of License - Guildhall Bar

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin
Cllr Nina Phillips

Cllr Ernie Clark

AGENDA

1. **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2. **Procedure for the Meeting** (*Pages 1 - 8*)

The Chairman will explain the attached procedure for the members of the public present.

3. **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Licensing Application**

To consider and determine an Application by Ms L Penfold for a Review of the Premises Licence in respect of the Guildhall Bar, 9 Oxford Street, Malmesbury, Wiltshire.

5.a. **Licensing Sub-Committee report** (*Pages 9 - 12*)

5.b. **Appendix 1 - Current Premises Licence** (*Pages 13 - 16*)

5.c. **Appendix 2 - Decision Notice - 16 June 2008** (*Pages 17 - 18*)

5.d. **Appendix 3 - Application for Review by Ms L Penfold** (*Pages 19 - 26*)

5.e. **Appendix 4 - Copies of Relevant Representations** (*Pages 27 - 48*)

5.f. **Appendix 5 - Location Plan of the premises and surrounding area** (*Pages 49 - 50*)

5.g. **Appendix 6 - List of other Licensed Premises in Malmesbury** (*Pages 51 - 52*)

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or an Interested Party or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

“Interested Party” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;

- 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or an Interested Party/Parties;
- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or an Interested Party/Parties.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - a refuse to permit them to return;
 - b permit them to return only on such conditions as the Committee may specify;
 - c in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.

- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a multiple of Interested Parties who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those Interested Parties.

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
 - 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
 - 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - a the options available to it;
 - b the considerations that are relevant in reaching its decision.
 - 5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - a presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - b confirming key information and answer pertinent questions; and
 - c calling witnesses in support of the Application (see paragraph 4.3).
- A Responsible Authority/Authorities and/or an Interested Party/Parties will orally present their representations in turn which shall include:
- a the grounds of the representation to the Application; and
 - b any condition(s) that the Responsible Authority/Authorities and/or an Interested Party/Parties would be happy to have the Application granted subject to which would cause the representation to be withdrawn.
- The Premises Licence Holder and/or their representative will orally present their representations which shall include;
- a The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties; and

- b Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or an Interested Party/Parties to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any Interested Party's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
 - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
 - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and the Interested Party/Parties to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Review Hearing Procedure Summary

1. The Chairperson welcomes all those present and introduces the Application.
2. The Chairperson invites the Sub-Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or Interested Parties and the Premises Licence Holder and/or their representative to introduce themselves.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report and outlines the application.
5. The Review Applicant and/or their representative address the Sub-Committee to present their case.
6. Questions to the Review Applicant by Members of the Sub-Committee, any Responsible Authorities and/or Interested Parties and the Premises Licence Holder.
7. Responsible Authorities and/or Interested Parties who have made relevant representations address the Sub-Committee.
8. Questions to any of the Responsible Authorities and/or Interested Parties by Members of the Sub-Committee, the Review Applicant and the Premises Licence Holder.
9. The Premises Licence Holder and/or their representative address the Sub-Committee to present their case.
10. Questions to the Premises Licence Holder by Members of the Sub-Committee, any Responsible Authorities and/or Interested Parties and the Review Applicant.
11. Summing up by the Responsible Authorities and/or Interested Parties who have made relevant representations.
12. Summing up by the Premises Licence Holder.
13. Summing up by the Review Applicant.
14. The Sub-Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub-Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub-Committee, and invites the parties present to make any comments on that advice.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

DATE OF MEETING 6th January 2012

Application for Review of a Premises Licence; Guildhall Bar, 9 Oxford Street, Malmesbury, Wiltshire, SN16 9AX

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of the Guildhall Bar, 9 Oxford Street, Malmesbury, Wiltshire, made by Ms L Penfold, a local resident living in the vicinity of the premises.

2. Background Information

- 2.1 An application for the Review of the Guildhall Bar Premises Licence has been made by Ms L Penfold. Following advertisement of the application 7 relevant representations have also been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To modify the conditions of the licence.
- ii) To exclude a licensable activity from the scope of the licence.
- iii) To remove the designated premises supervisor.
- iv) To suspend the licence for a period not exceeding three months.
- v) To revoke the licence.
- vi) To determine that no steps are necessary

Government Guidance issued under s.182 of the Licensing Act 2003 states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the

licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

2.5 The premise benefits from a Premises Licence issued under the Licensing Act 2003 since 24th November 2005 and this is attached as **Appendix 1**.

2.6 A review of this premises licence has taken place previously on 16th June 2008. The decision notice from this hearing is attached at **Appendix 2**.

2.7 Since the hearing in 2008, Wiltshire Council has not received any complaints in relation to the premises until such time that the request for review of licence was received.

3. Details of the Grounds for Review

3.1 The review of the licence has been requested on the grounds that the premises have been conducted in such a manner as to prejudice the licensing objectives. The grounds for review are:

- Prevention of Crime and Disorder: the patrons of the premises stand and drink on the street, fight, break windows and behave in a threatening manner
- Public Safety: the patrons of the premises stand in the street and present a danger to late night traffic.
- Prevention of Public Nuisance: the noise levels from the premises and its patrons are very high.

3.2 The application for review is attached as **Appendix 3**

4. Consultation and Representations

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park, Chippenham. During the consultation period 7 relevant representations have been received. Four (4) from residents living in the vicinity of the premises (interested parties), one (1) from the local residents association, one (1) from a local Councillor and one (1) from Wiltshire Constabulary (responsible authority).

- Mr R Budgen Malmesbury & St Paul Without Residents' Assoc.
- Ms N Oughton 18 Cross Hayes, Malmesbury
- Mr B Wilson 20 Cross Hayes, Malmesbury
- Ms A Sykes Tower House, Oxford Street, Malmesbury
- Mr P Lindrea Old Brewery House, Market Cross, Malmesbury

- Cllr Simon Killane Elected Councillor
- Wiltshire Police Polebarn Road, Trowbridge, Wiltshire

The relevant representations are attached as **Appendix 4**

All representations support the issues raised in the application for review of the premises licence.

A location map of premises and surrounding area is attached as **Appendix 5**.

A list of other licensed premises in the town of Malmesbury and their hours for supply of alcohol is attached at **Appendix 6**.

- 4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.
- 4.3 The representations included the following suggestions on how to address the concerns raised.
- Hours of opening are restricted to closure at 11pm on all nights of the week.
 - Licensee formally warned that disturbances of any kind will result in immediate withdrawal of the licence.
 - Withdrawal of the Licence.
 - Restriction on opening hours.
 - Revocation of the Licence.
 - Engage constructively with local police to address issues mentioned in representations.

5. Legal Implications

- 5.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

6. Officer Recommendations

- 6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

- 7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

- 7.2 The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.
- 7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.
-

Report Author: Mrs Jo Lloyd

Public Protection Officer (Licensing) North and West, jo.lloyd@wiltshire.gov.uk
Tel: 01249 706411

Date of report 8th December 2011

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Current Premises Licence**
- 2 Decision Notice – 16th June 2008**
- 3 Application for Review by Ms L Penfold**
- 4 Copies of Relevant Representations**
- 5 Location Plan of the premises and surrounding area**
- 6 List of other Licensed Premises in Malmesbury**

COPY

LICENSING ACT 2003

PREMISES LICENCE

PREMISES LICENCE NUMBER: LN/003303 NL

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
The Guildhall Bar 9 Oxford Street	
Post Town Malmesbury	Post Code SN16 9AX
Telephone Number 01666 826045	

Licensable activities authorised by the Licence	The time the licence authorises the carrying out of licensable activities
a. Films	a. Monday to Thursday 11.00 hrs to 00.00 hrs Friday to Saturday 11.00 hrs to 01.00 hrs Sunday 12.00 hrs to 00.00 hrs
b. Indoor Sporting Events	b. Monday to Thursday 11.00 hrs to 00.00 hrs Friday to Saturday 11.00 hrs to 01.00 hrs Sunday 12.00 hrs to 00.00 hrs
c. Live Music	c. Sunday to Thursday 20.00 hrs to 23.30 hrs Friday to Saturday 20.00 hrs to 00.30 hrs
d. Recorded Music	d. Sunday to Thursday 20.00 hrs to 23.30 hrs Friday to Saturday 20.00 hrs to 00.30 hrs
e. Performances of Dance	e. Monday to Thursday 11.00 hrs to 23.30 hrs Friday to Saturday 11.00 hrs to 00.30 hrs Sunday 12.00 hrs to 23.30 hrs
f. Anything of a similar description to that falling within Live Music, Recorded Music, Performances of Dance	f. Monday to Thursday 11.00 hrs to 23.30 hrs Friday to Saturday 11.00 hrs to 00.30 hrs Sunday 12.00 hrs to 23.30 hrs
g. Provide Facilities for Dancing	g. Monday to Thursday 11.00 hrs to 23.30 hrs Friday to Saturday 11.00 hrs to 00.30 hrs Sunday 12.00 hrs to 23.30 hrs
h. Supply of Alcohol – for consumption both on and off the premises	h. Monday to Thursday 11.00 hrs to 00.00 hrs Friday to Saturday 11.00 hrs to 01.00 hrs Sunday 12.00 hrs to 00.00 hrs

Non Standard Timings

New years Eve from 11.00 hrs to 23.00 hrs on 1st January 2005

The opening hours of the premises

Monday to Thursday	11.00 hrs to 00.30 hrs
Friday to Saturday	11.00 hrs to 01.30 hrs
Sunday	12.00 hrs to 00.30 hrs

COPY

COBY

Name, (Registered) address of holder of Premises Licence Colin James Pike The Fox Pool Gastons Road	
Post Town Malmesbury	Post Code SN16 9AX
Name of Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol Michael John Lawford	
Personal Licence Number: LN/004589 NL	Licensing Authority: North Wiltshire District Council
State whether access to the premises by children is restricted or prohibited Yes - The provisions of Section 145 of the Licensing Act 2003 apply	

Licence Commencement Date

24th November 2005



.....
Environmental Health Manager
(the Officer appointed for this purpose)

Current Licence Date

16th July 2008



.....
Environmental Health Manager
(the Officer appointed for this purpose)

Environmental Health Licensing Section of North Wiltshire District Council, Community and Environment,
Monkton Park, Chippenham, Wiltshire, SN15 1ER
Tel. 01249 706555 www.northwilts.gov.uk

COBY

ANNEX 1 - MANDATORY CONDITIONS

Door Supervision

Where this Premises Licence includes a condition that one or more individuals must be at the premises to carry out a security activity, those individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

Supply of Alcohol

Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- a. At a time when there is no Designated Premises Supervisor in respect of it
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended"

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

Where this Licence authorises the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

ANNEX 2A - CONVERTED CONDITIONS

None

ANNEX 2B - OPERATING SCHEDULE

PREVENTION PUBLIC NUISANCE

- All supply/sale of alcohol shall comply with the Portman Group Code of Practice.
- There shall be no external flashing neon lighting.

PUBLIC SAFETY

None

PROTECTION OF CHILDREN FROM HARM

- A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 21 and who wishes to purchase or consume alcohol.

PREVENTION OF CRIME AND DISORDER

- Staff will take all reasonable precautions to ensure that people entering the premises are not carrying illegal drugs.
- The Premises shall register as a member of the Pubwatch Scheme in the locality and a representative of the Management Team shall attend all meeting.
- A minimum of one search of the premises is to be carried out each day when licensable activities are taking place for illegal drugs and drug paraphernalia.
- Should any person be found in possession of illegal drugs they are to be asked to leave the premises and the police informed as soon as practicable.
- All incidents involving the use of illegal drugs and/or criminal activity are to be reported to the police as soon as practicable.

ANNEX 3 - HEARING

- No person under the age of eighteen years may be on the premises at any time during licensed hours for a period of three months, to commence from the date that the premises has re-opened following the suspension.
- All staff serving alcohol on the premises shall have undertaken the BII Social Responsibility Course at the cost of the Designated Premises Supervisor.
- Records shall be maintained on the premises detailing the training of staff in relation to licensing law, with particular emphasis on the prevention of under age sales and the legal requirement not to serve persons who are intoxicated. Such records are to be available for inspection by the Police or Licensing Officer on request.
- The premises shall implement and operate a Think 25 Policy.
- A risk assessment of the requirement for SIA staff is to be carried out by the Designated Premises Supervisor. Upon completion this risk assessment should be provided to the Licensing Officer. This risk assessment should be reviewed annually.

- CCTV will be installed at the premises to the satisfaction of the Police. The cameras will cover all areas accessed by the public including entrances and exits. The quality of recorded images will be of sufficient quality so as to allow identification. The images will be retained securely for a minimum of 28 days and will be presented on demand to the Police Authority.
- Mr Colin Pike is to be removed as the Designated Premises Supervisor and a new Designated Premises Supervisor appointed prior to the re-opening of the premises – **Condition complied with on 3rd July 2008.**

ANNEX 4 - PLANS

See Attached

Details of Determination

Application: For a review of a premises licence	Chairman: Councillor A Bucknell Member 1: Councillor D Allen Member 2: Councillor H Plenty
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At: The Guildhall Bar, 9 Oxford Street, Malmesbury

Determination of hearing

In reaching our determination we have taken into account the Council's Licensing Policy and Government guidance, including the licensing objectives. We have also taken into account the Review Applicant's submission the relevant representations received and the comments made by all parties at the hearing.

We have determined that:

- (1) The premises licence is to be suspended for a period of up to two calendar months to enable the premises to reposition itself within the night time economy of Malmesbury and carry out required staff training. If the licence holder can satisfy the Police and Licensing Officer that all of the required conditions set out in (2) below have been successfully implemented, then permission may be granted in writing by the Licensing Officer for the premises to open prior to the end of this two month period.
- (2) The following additional conditions are to be imposed on the premises licence:
 - (a) No person under the age of eighteen years may be on the premises at any time during licensed hours for a period of three months, to commence from the date that the premises has re-opened, following the suspension in (1) above.
 - (b) All staff serving alcohol on the premises shall have undertaken the BII Social Responsibility Course at the cost of the designated premises supervisor.
 - (c) Records shall be maintained on the premises detailing the training of staff in relation to licensing law, with particular emphasis on the prevention of under age sales and the legal requirement not to serve persons who are intoxicated, such records to be available for inspection by the Police or Licensing Officer on request .
 - (d) The premises implements and operates a think 25 policy.
 - (e) A risk assessment of the requirement for SIA staff be carried out by the designated premises supervisor, Upon completion, this risk assessment should be provided to the Licensing Officer and Police. This risk assessment should be reviewed annually.
 - (f) CCTV will be installed at the premises to the satisfaction of the Police, The cameras will cover all areas accessed by the public including entrances and exits. The quality of recorded images will be of sufficient quality so as to allow identification. The images will be retained securely for a minimum of 28 days and will be presented on demand to the Police Authority.
- (3) Mr Colin Pike is to be removed as the designated premises supervisor and a new DPS appointed prior to the reopening of the premises.

Reason/s for decision

The Hearing has considered the concerns of the police and interested parties in relation to the protection of children from both physical and moral harm and the prevention of public nuisance and is satisfied that the conditions set out above are proportionate and necessary to address these concerns.

10 NOV 2011

Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003

PUBLIC PROTECTION

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Lyn Penfold*(Insert name of applicant)*

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Guildhall Bar, 9 Oxford Street,

Post town Malmesbury

Post code (if known) SN16 9AX

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Penfold

First names

Lyn

Please tick yes

I am 18 years old or over



Current postal address if different from premises address

8 Oxford Street

Post town

Malmesbury

Post Code

SN16 9AX

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANT

Name and address

Angela Sykes, The Tower House, Oxford Street, Malmesbury, SN16 9AX

Eileen MacAlister, 14 Cross Hayes, Malmesbury, SN16

Bill Wilson, 20 Cross Hayes, Malmesbury, SN16

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Prevention of crime and disorder: the clientele of the pub stand and drink on the street, have fights, break windows and behave in a threatening manner.

Public safety: the clientele of the pub stand in the street and present a danger to late night traffic.

Prevention of public nuisance: the noise levels from the pub and from its clients are very high indeed.

Further particulars are set out below.

Please provide as much information as possible to support the application

(please read guidance note 2)

The Guildhall Bar is a pub in Oxford Street in Malmesbury which is very popular with youngsters. Local police tell us that because of its late licensing hours on Fridays and Saturdays, it attracts people who first frequent other pubs with earlier closing times.

The landlords do not appear to exercise any control over their clientele, neither while the pub is open nor after closing time. As a result, in the small hours of Saturday and Sunday mornings the street is often full of people on the pavements and in the road; these people are always drinking, shouting and swearing. Fights occasionally break out and damage has been caused to neighbouring properties. This can continue until 2 a.m. and beyond.

The applicants have been threatened by these people. For example, I have telephoned my husband to warn him not to come home down Oxford Street while fighting was going on in the street. Our doorbell was rung in the early hours. People sit on our windowsill and shout. The neighbouring café (Amanda's) and the kitchen shop by the Market Cross had their windows broken. For several years windows on the empty property directly across from the pub have been boarded because of breakages (the property owner tells us) by drunken customers of the pub.

As well as the noise and disturbance in the street, the noise from the pub itself is frequently unbearable. The volume at which the pub plays its music is very loud indeed, and the people's shouting is very disturbing. I and some of my neighbours, including the applicants from Tower House, have had to install secondary glazing to attenuate the noise, and despite shutting ourselves in the back of our house during these night time disturbances we find we are always aware of the noise and – when we do manage to get to sleep - we are woken up regularly by the noise these people make.

Sometimes cars will pick up people from the pub and the drivers will stop outside and sound their horn, regardless of the late hour. People spill out onto the street, which makes it dangerous for drivers. Visitors to my house have felt unsafe when leaving my house after a visit.

On Saturday and Sunday mornings it is not unusual to find half full beer glasses in the street, along with broken glass and rubbish; evidence of vomit is not uncommon. I have taken photographs which illustrate the problem, and I am happy to present these as evidence. I have recorded that:

- On 10th June 2011 between 11 p.m. and 00:30 a.m. there was music blasting out of the Guildhall, and about 12 people shouting in the street and going in and out of the pub.

- On 17th June 2011, at 00:30 a.m. the street outside the Guildhall was full of people drinking and shouting, and this continued beyond 1:00 a.m.

- On 25th June 2011 young people were in and out of the Guildhall, making much noise which we could hear from our bedroom with all the doors closed.

The applicants have called the police a number of times when the noise and/or threatening behaviour has been particularly bad. Police records will show the frequency of these calls. That said, not a weekend goes by without there being a problem so the absence of a call to the police, or the absence of a written record, does not signify a quiet night.

The problem is not new. Applications to the licensing authority to amend the licence have been made before and I understand that they failed because the Guildhall is next door to another pub – the Borough Arms - and the applicants could not identify which pub was causing the problem. We are therefore filing an application for each pub with the same complaint and the substantially the same evidence, which we can corroborate with photos. From our vantage point directly across the street, we see both pubs being treated by the young customers as a single hostelry, with customers constantly leaving one pub, entering the other and then congregating outside both pubs. Succeeding with an application to restrain the licence of one pub while leaving

the other unaffected will simply transfer the problem.

Council records show that complaints were made in years gone by. The licensing sub-committee decided in 2008 to impose a two month closure on the Guildhall Bar and certain other conditions, but it seems that there has been no change; indeed letters of complaint drafted years ago could have been written today.

We believe that the reputation of the pubs have made this area of Malmesbury into a "no go" area. When my husband and I were planning to buy 8 Oxford Street a year ago, residents of Gloucester Road queried whether we really wanted to move into the area. A number of premises in Oxford Street have been up for sale, and prospective buyers are reluctant to invest in this problem street. As a result, the area is becoming derelict.

We believe restricting the licence to 11 p.m. is essential for public safety, the prevention of crime and disorder, the prevention of public nuisance, an end to anti-social behaviour at anti-social hours and a general improvement in the quality of life in the area.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Previous representations have been made by other residents, the last one that we are aware of was in 2008. I do not have details of the grounds on which the application was made. I believe that sufficient time has elapsed since the previous application and there has been no improvement.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

8 Nov. 2011

Capacity

Applicant.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) as above

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) as above

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank

20117398

RECEIVED

08 DEC 2011

PUBLIC PROTECTION

The Licensing Officer
Wiltshire Council
Public Protection Services & Licensing
Monkton Park
Chippenham
Wilts SN15 1ER

Divisional Licensing Officer
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire BA14 7EP
Telephone: [REDACTED]
Mobile: [REDACTED]
Ext: [REDACTED]
Direct Dial: [REDACTED]
Facsimile: [REDACTED]
DX: 146500, Trowbridge 5.

Date 08 December
2011

Your ref

Our ref

Reply contact name is **David Bennett**

Re: The Guildhall, 8 Oxford Street, Malmesbury, SN16 9AX

Dear Mrs Holland,

In relation to the recent review application made by local residents in respect of the above premises, Wiltshire Police as a responsible authority wish to make a representation.

Police will provide evidence of crime and disorder and antisocial behaviour that can be linked to the operation on the premises and therefore the representation being made, falls under the licensing objectives of prevention of crime and disorder and the prevention of public nuisance.

Details of evidence available will be disclosed as soon as possible.

Yours sincerely,

David Bennett
Licensing Manager

Smith, Karen L

From: Holland, Linda
Sent: 08 December 2011 11:39
To: Smith, Karen L
Subject: FW: I wish to support the application for a review of pub licensing at the Guild Hall and Borough Arms, Oxford Street, Malmesbury.
Attachments: Guildhall.pdf.pdf; Borough Arms.pdf.pdf; Guildhall letter to trustees.pdf

From: [REDACTED]
Sent: 16 November 2011 22:13
To: Holland, Linda
Cc: [REDACTED] Martin Alvis
Subject: I wish to support the application for a review of pub licensing at the Guild Hall and Borough Arms, Oxford Street, Malmesbury.

Linda Holland
Senior Licensing Officer
Wiltshire Council.

[REDACTED]
Email [REDACTED]

Dear Linda,

I wish to support the application for a review of pub licensing at the Guild Hall and Borough Arms, Oxford Street, Malmesbury. The attached applications detail the issues concerning residents living near these pubs. Our local police are also dealing with the following:

- Allegations of underage drinking
- Drug use/possession(3 seizures of a class B drug from customers in one night)
- Obstruction of the highway causing intimidation to motorist by customers
- ASB linked to the premises causing distress to nearby residential premises.
- Lack of cooperation by the licensee in respect of Police attendance and addressing the issues created as a result of the customers of the premises either using or leaving the premises. (See ths attached letter from our police sergeant)

Our local police have made great efforts to try and resolve these unacceptable acts. As a community dedicated to decent law abiding behaviour we need to support these residents with their appeal for a review of the licences for both these premises. As the Wiltshire Councillor for Malmesbury I wish to demonstrate my support for our local police and concerned residents.

Regards,

Simon Killane,
My Website: [REDACTED]

Wiltshire Councillor for Malmesbury, www.wiltshire.gov.uk
Malmesbury Town Councillor, www.malmesbury.gov.uk
Home: [REDACTED] Mobile: [REDACTED]

I appreciate that the premises does not have a beer garden/adequate smoking area but I do not accept that the situation should be able to continue in its current way. The issues that I raise with you generally only relate to a Friday and Saturday evening or when a special date falls such as carnival/Christmas period etc. I look forward to hearing from you to take this matter forward.

Yours faithfully,

Martin Alvis
Sergeant Neighbourhood Policing
Royal Wootton Bassett, Malmesbury & Cricklade.

RECEIVED
08 NOV 2011
PUBLIC PROTECTION

Malmesbury Police Station
Burton Hill
MALMESBURY
Wiltshire SN16 0EE

8th Nov 2011

Dear Trustees of the Warden and Freemen of Malmesbury,

As the local Sergeant in charge of the Neighbourhood Policing teams in Malmesbury I write to you fresh from a full Town Council meeting that I attended this evening in Malmesbury town hall. I was advised to write to you in relation to ongoing issues we have with premises that I understand you own in Oxford Street and lease to a Mr Colin Pike, the premises trading as The Guild Hall Public House.

My job that I take very seriously and with great pride is working with the Community and our partners in reducing crime and the fear of crime. This involves working with all licensees in Malmesbury. Over the past three years I have been working closely with Mr Pike in reducing crime and anti-social behaviour (ASB). I am pleased to report that the number of violent crimes that we were receiving from within the premises has significantly reduced and these matters are not coming to our attention. However despite advising and working with Mr Pike I find it increasingly frustrating that nearby residents and users of the highway are still being subjected to unacceptable levels of ASB.

The situation at the premises is not helped by the apparent reluctance of Mr Pike to work with us to solve this issue. It is not acceptable for the customers of The Guildhall to go onto the highway with or without drinks, create unacceptable levels of noise, and obstruct innocent members of the public driving along the road and cause disruptions to nearby residents.

I, as have my colleagues, have had many occasions to visit Mr Pike and advice him of this, sadly Mr Pike adopts the attitude that we are harassing him and the issues lie with the neighbouring premises of the Borough Arms. I can say from evidence gathered on patrol that Mr Newman, Licensee of the Borough Arms spends many hours on the door of his premises, or another family or staff member ensuring that his customers behave in an orderly fashion. I have no issues with the Borough Arms and the running of their establishment (Another premises owned by you)

In summary the current issues we are experiencing with your property are;

- Allegations of underage drinking
- Drug use/possession(3 seizures of a class B drug from customers in one night)
- Obstruction of the highway causing intimidation to motorist by customers
- ASB linked to the premises causing distress to nearby residential premises.
- Lack of cooperation by the licensee in respect of Police attendance and addressing the issues created as a result of the customers of the premises either using or leaving the premises.

Signature 

Date06/12/11.....

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council Office covering the area in which the licensed premises are situated (see below):

Chippenham:	Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER
Devizes:	Wiltshire Council, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT
Salisbury:	Wiltshire Council, 27/29 Milford Street, Salisbury, SP1 2AP
Trowbridge:	Wiltshire Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD

<p>2. To prevent public nuisance</p>	<p>Allegations of ASB linked to the premises causing distress to nearby residential premises</p>
---	--

OBJECTIVES	EVIDENCE
<p>3. To prevent crime and disorder</p>	<p>Lack of cooperation by the licensee in respect of Police attendance and addressing the issues created as a result of the customers of the premises either using or leaving the premises</p> <p>Allegations of damage to nearby properties</p>
<p>4. Public Safety</p>	<p>Allegations of obstruction of the highway causing intimidation to motorist by customers</p>

Please list below any suggested actions that you feel the applicant could take to address your concerns.

<p>I recommend that the pub landlord needs to do the following:</p> <ol style="list-style-type: none"> 1. Engage constructively with our local police team to address the above issues . 2. Comply with all requests made by the police to address the above issues. 3. Restrict opening hours to 11pm at night for all days of the week.
--

If a hearing needs to be held to determine the Premises Licence Application, the Councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant.

201117398

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section to confirm this date.

In the Licensing Act 2003, the term 'vicinity' is used with particular reference to those 'interested parties' who may lodge Representations to applications for Premises Licences and who may make Representations concerning existing Premises Licences. Although the Act does not define the term 'vicinity' it does define the term an 'interested party' as 'a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity, a body representing those persons' or a member of the relevant Licensing Authority (ie, elected Councillor).

Premises about which Representation is being made	The Guild Hall Oxford Street, Malmesbury	
Your Name	Councillor Simon Killane	
Postal Address	39 White Lion Park, Malmesbury, Wiltshire	
Contact Telephone Number	[REDACTED]	
Are you:	Yes	No
• A person who lives in the vicinity?		No
• A person who operates a business in the vicinity?		No
• A person representing residents or businesses in the vicinity?		No
• A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority in which the premises is situated)?	YES	
If you are representing residents or businesses in the vicinity please list those residents or businesses who have asked you to represent them		

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	Drug use/possession(3 seizures of a class B drug from customers in one night) Allegations of underage drinking Allegations of antisocial behaviour linked to the premises causing distress to nearby residential premises.

3.

IN A REVIEW OF THE LICENCE FOR THESE PREMISES WE WOULD REQUEST THAT THE MUSIC ISSUE WHICH HAS BEEN AN ON GOING SOURCE OF DISTURBANCE TO THE IMMEDIATE NEIGHBOURHOOD FOR SEVERAL YEARS IS SPECIFICALLY ADDRESSED. WHILE WE SEE NO OBJECTION TO MUSIC WITHIN THE PREMISES AS SUCH WE SEE NO REASON TO PLAY IT AT A VOLUME WHICH DISTURBS THOSE LIVING IN THE VICINITY.

I HAVE NOT ASKED FOR A REVIEW OF THE LICENCE PREVIOUSLY.


P.N. LINDRA.

6/2/11.

2.

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

THIS APPLICATION TO REVIEW RELATES TO THE FOLLOWING LICENSING OBJECTIVE

(3) PREVENTION OF PUBLIC NUISANCE.

GROUND(S) FOR REVIEW.

THE MUSIC NOISE FROM THESE PREMISES IS FREQUENTLY UNACCEPTABLE. THE BASS "BOOM" / "THUD" IN PARTICULAR IS VERY DISTURBING. WE HAVE TELEPHONED THE PREMISES FROM TIME TO TIME AND ASKED FOR THE MUSIC TO BE TURNED DOWN. OTHERWISE WE SIMPLY GIVE UP AND ARE FORCED TO SLEEP WITH OUR WINDOWS SHUT TIGHT WHICH SLIGHTLY MITIGATES THE NOISE. THE LAST OCCASION WE NOTED THIS NOISE WAS ON THE EVENING OF FRIDAY 15TH NOVEMBER 2011.

WE ARE AWARE THAT CUSTOMERS OF THE GUILDHALL ARE ALSO OR MAYBE CUSTOMERS OF THE BROUGH ARMS AND IT IS IMPOSSIBLE TO DETERMINE WHETHER SOME OF THE PROBLEMS IN TERMS OF NOISE AND ANTI SOCIAL BEHAVIOUR ASSOCIATED WITH THE BROUGH ARMS ARE LINKED TO THE GUILDHALL OR NOT.

1
APPLICATION FOR THE REVIEW OF A PREMISES
LICENCE UNDER THE LICENSING ACT 2003

RECEIVED

07 DEC 2011

PUBLIC PROTECTION
I, P.N. LINDBRA, APPLY FOR THE REVIEW OF PREMISES
LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003.

PART 1 PREMISES DETAILS

POSTAL ADDRESS OF PREMISES

THE GUILDHALL, OXFORD STREET,
MALMESBURY SN16 9AR

PART 2 . APPLICANT DETAILS

1) I AM

(a) A PERSON LIVING IN THE VICINITY
OF THE PREMISES.

I AM OVER 18 YEARS OLD.

LINDBRA

PETER NIGEL

THE OLD BREWERY HOUSE
MARKET CROSS

MALMESBURY SN16 9AS

201117398

ACK letter

Sank

KLS

The Old Brewery House
Market Cross
Malmesbury
Wiltshire SN16 9AS.

RECEIVED
07 DEC 2011
PUBLIC PROTECTION

Tel. [REDACTED]

Miss Linda Holland
Licensing Enforcement Office
Environmental Health Licensing Department
Wiltshire Council , Community and Environment
Monkton Park
Chippenham SN15 1ER

6th December 2011

Dear Miss Holland ,

Re: Reviews of premises licences under Section 51 of the Licensing Act 2003

Further to our telephone conversation last week I attach applications for a review of the licences of The Borough Arms , Oxford Street , Malmesbury and The Guildhall Bar , Oxford Street , Malmesbury.

Yours sincerely

[REDACTED]
P.N.Lindrea


Linda Holland 2)...

As one of the only two places (The Borough Arms and the Guildhall Bar) in Malmesbury which stay open late, it simply attracts customers from other premises who close at the reasonable time of 11.00pm. By staying open as late as they do, we experience groups of people who can drink for additional hours, creating excessive noise, carrying out criminal activities and threatening the local residents.

This is just not acceptable.

I would ask for a review of both Licences with the consideration that they should be revoked.

Yours Sincerely


Angela Sykes

RECEIVED
29 NOV 2011
PUBLIC PROTECTION

TOWER HOUSE MALMESBURY WILTSHIRE SN16 9AX
Tel: [REDACTED] Fax: [REDACTED]

For the attention of: Linda Holland
Senior Licensing Officer
Licensing Department
Wiltshire Council
Monkton Park
Chippenham
Wiltshire SN15 1ER

Dear Ms Holland

RE: Licensing Sub-Committee Review Hearings
The Guildhall Bar, 9 Oxford Street, Malmesbury
* The Borough Arms, 7 Oxford Street, Malmesbury

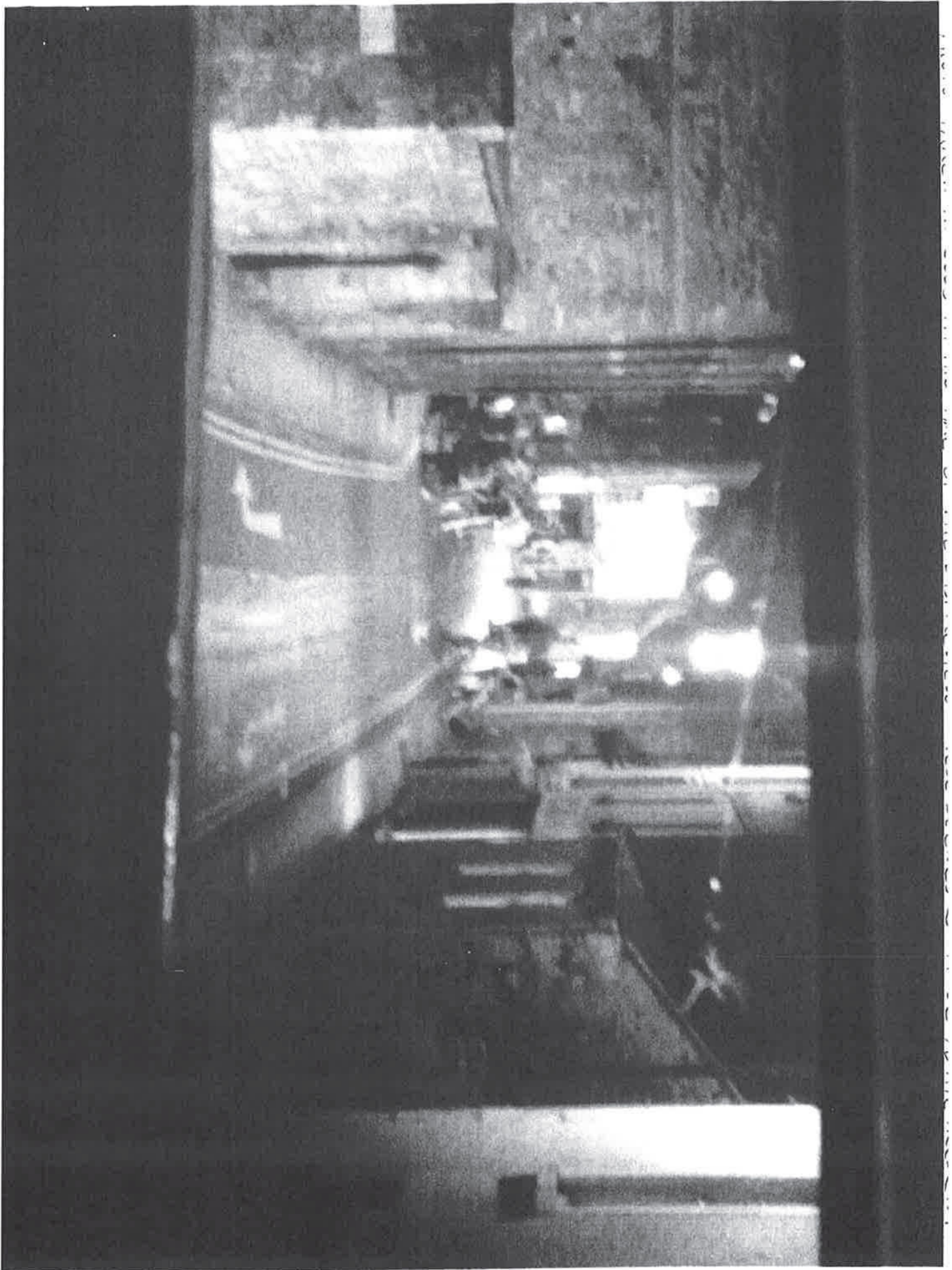
Following continual disturbances again from the Borough Arms pub and The Guildhall Bar in recent months and in support of Lyn Penfold's request for a Licence Review, I have enclosed a Representation form for each of the two premises with attachments for your consideration.

I wish to express my extreme concern about the lawlessness of the customers of these two establishments and the continued lack of control shown once again by the Licensees.

It has been 3½ years since these two premises' licences were reviewed and actions to correct the antisocial behaviour and criminal activities were required.

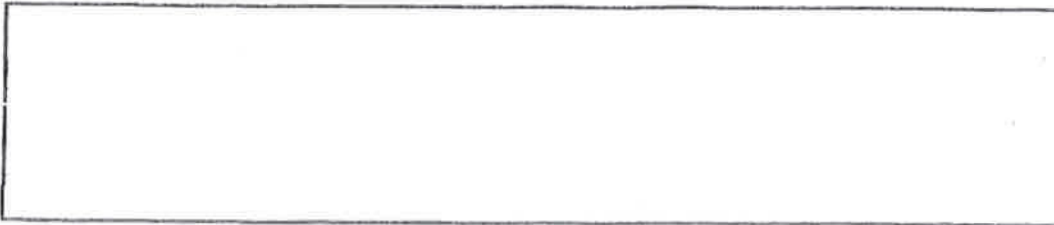
Regrettably, there was only a temporary improvement in the situation and, in fact, the impact of the continuing problems has exacerbated the commercial and residential quality of the street. We have had recent discussions with local people who have been put off purchasing properties for sale on the street because of the problems with this bar and pub.

Residents and cars driving down Oxford Street have experienced intimidating crowds of up to 40 people spilling across the street and who are noisy, drunk, vomiting and urinating, all of which have been witnessed on recent occasions; breaking drinking glasses and windows in adjacent premises. They are extremely threatening as they refuse to move out of the road.





COMMERCIAL DETERIORATION OF OXFORD STREET



If a hearing needs to be held to determine the Premises Licence Application, the Councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant.

Signature 

Date ...25th November 2011.....

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council Office covering the area in which the licensed premises are situated (see below):

- | | |
|--------------------|--|
| Chippenham: | Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER |
| Devizes: | Wiltshire Council, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT |
| Salisbury: | Wiltshire Council, 27/29 Milford Street, Salisbury, SP1 2AP |
| Trowbridge: | Wiltshire Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD |

<p>2. To prevent public nuisance</p>	<p>Over the years there have been repeated and regular disturbances on, mainly, Friday and Saturday nights of unruly drunks on the street who come in and out of the above premises. Noise, swearing, antisocial behaviour, broken drinking glasses, vomit and broken windows in many locations have often occurred during the night and early hours of the mornings.</p>
---	---

OBJECTIVES	EVIDENCE
<p>3. To prevent crime and disorder</p>	<p>Local people trying to return home are intimidated and feel threatened by the drunken people coming out of this bar into the street ; local residents have made detours to avoid walking past these groups outside the bar at night ; former shop windows(broken by customers from these two premises) have been boarded up(see photo) causing commercial deterioration of the area.</p>
<p>4. Public Safety</p>	<p>This area is a 'no/go' area on Friday/Saturday. Drivers have felt intimidated by drunks in the street (see photo). Broken drinking glasses and broken windows clearly present a public safety hazard.</p>

Please list below any suggested actions that you feel the applicant could take to address your concerns.

The problems with the Guildhall Bar have been ongoing for many years. Three and a half years ago in 2008 the police brought this to the attention of the Licensing Authority and the premises were required to carry out remedial action including a 2 month closure, CCTV installation, new supervisor etc. There was a brief lull and then problems restarted.

Local people are victims of this antisocial and sometimes criminal behaviour.

The Guildhall Bar had an opportunity to mend its ways three years ago but continues to perpetuate its abuse.

I have no hesitation in recommending the licence for these premises should be revoked. The Guildhall Bar has shown that it is irresponsible in managing the behaviour of its customers and has become a focal point for excessive drinking; antisocial behaviour; drug abuse and sometimes criminal behaviour. The behaviour has resulted in an enormous drop in the quality of life in the neighbourhood with constant feelings of intimidation for all who live in the area.

Having spoken to the police on many occasions we would ask that they give evidence in this licence review.

Most recent contacts with the police: Friday 28th October 2011 at 1.20 am : large group causing antisocial behaviour, noise, people in the street etc.
Saturday 5th November 2011 at 1.30 am : large group causing antisocial behaviour, noise, people in the street etc.

20117398
 ACK letter
 sent
 (KLS)

Wiltshire Council

Where everybody matters

29 NOV 2011

REPRESENTATION FORM

PUBLIC PROTECTION

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section to confirm this date.

In the Licensing Act 2003, the term 'vicinity' is used with particular reference to those 'interested parties' who may lodge Representations to applications for Premises Licences and who may make Representations concerning existing Premises Licences. Although the Act does not define the term 'vicinity' it does define the term an 'interested party' as 'a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity, a body representing those persons' or a member of the relevant Licensing Authority (ie, elected Councillor).

Premises about which Representation is being made	The Guildhall Bar, 9 Oxford Street Malmesbury SN16 9AX		
Your Name	Angela Sykes		
Postal Address	Tower House, Oxford Street, Malmesbury, SN16 9AX		
Contact Telephone Number	[REDACTED]		
Are you:	Yes	No	
- A person who lives in the vicinity?	X		
- A person who operates a business in the vicinity?			
- A person representing residents or businesses in the vicinity?			
- A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority in which the premises is situated)?			
If you are representing residents or businesses in the vicinity please list those residents or businesses who have asked you to represent them			

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1 The prevention of harm to children	--

W

Bill Wilson

RECEIVED

20117398.

21 NOV 2011

PUBLIC PROTECTION

ACK
LETTER
SENT
(KLS)

November 18, 2011

M/S Linda Holland
Licensing Enforcement Officer
Environmental Health Licensing Section
Community & Environment
Wiltshire County Council

Dear M/S Holland

Subject: Review of the Guildhall and Borough Arms (Malmesbury) Licenses

I am writing in support of Mr and Mrs Penfold's application for the review of these licenses. We live close by in the Cross Hayes and have supported a previous request for the the review of the licenses which did result in some improvement for us. The spillover of the rowdiness,swearing and fighting into the Cross Hayes has reduced but not disappeared. Nonetheless I frequently have to pass the pubs at 08.00am on a Sunday morning and often find an unpleasant mess outside the pubs.

However for those living in closer proximity it is obviously a nightmare. Decent families do not deserve to have their lives wrecked by this behavior and for many this is a "no-go" area after 11pm. This area of Oxford Street has become very run-down and as it is right in the centre of the town, it has a very detrimental effect on local business and the life of the town in general. A major factor is the rowdiness and drunkenness emanating from these pubs.

I respectfully request that the Licensing Authority considers changing the license hours so that both pubs close at 11pm every day.

Thank you for your consideration,

Yours Sincerely



Bill Wilson

2011 7398

ACK JOKKER

18 Cross Hayes,
Malmesbury,
SN16 9BG

SENK
(KLS)

4 Dec 11

Dear Ms Holland,

It is with grave concern that I write to you with reference to the re-licencing of the Guildhall and the Borough Arms Public Houses in Malmesbury. We have lived in our house in the centre of Malmesbury for over 7 years now and we have grown increasingly concerned with the behaviour and attitude of the clientele of these 2 public houses. When out visiting friends on the other side of Malmesbury, I, as a lone female, despite being in the military for 18 years, would never dream of walking along Oxford Street due to the aggressive and abusive nature of the clientele who without fail have spilled out on the road outside to smoke, chat, spit and, on occasion, scuffle. Even when with my husband, we still avoid the area as it is extremely intimidating to have to walk through such a large crowd, many of whom are not from Malmesbury itself. We believe that the late licencing hours encourage out of town visitors to the bars and we feel that if their opening hours were limited to the old closing times of 11 pm there would be less reason for these non-Malmesbury residents to visit the pubs and consequentially there would be less spill over onto the road.

On Saturday and Sunday mornings it is extremely disturbing to have to manoeuvre our 3 young children through the inevitable and frequent pools of vomit in the alleyway beside the Guildhall and the Borough Arms – Market Lane. We park behind the Library in The Cross Hayes and have noticed a significant increase in the times that we have been greeted by vomit there too when off to a rugby or football match early on a weekend morning.

We feel very strongly that the late opening of both of these bars has had a huge detrimental impact on the centre of Malmesbury. If residents feel unable to walk safely to their own properties after dark in this beautiful, ancient town then something needs to be done; we suggest very strongly that limiting the opening times of both of these public houses would be a significant start.

Yours sincerely,

<< Original Signed >>

Nuala Oughton

Consequently we feel that a decision should be made to withdraw the licences from these two establishments. We understand that this might be viewed as an excessive measure but in the face of their continued disregard for local opinion and the disrespectful way they treat their near neighbours we feel this action can be justified. Doubtless this will be argued by some as an extreme solution to the problem, however we feel something must be done to improve the position. At the very least we would expect a reduction in their hours of operation to include a 2300 closure on Friday and Saturday to bring it in line with the other nights of the week.

We look to you for assistance in this matter.

Yours sincerely,

A black rectangular redaction box covering the signature of the Chairman.

Chairman



201117348

RECEIVED

28 NOV 2011

PL10111

ACK
Ladder
Sank,
CRS

Malmesbury & St Paul Without Residents' Association
Hon President : The Mayor of Malmesbury

Ilex House,
Arches Lane,
Burton Hill,
Malmesbury,
SN16 0EL

[REDACTED]
[REDACTED]

Mrs Linda Holland,
Senior Licensing Officer
Monkton Park,
Chippenham,
SN15 1ER

28th November 2011

Dear Mrs Holland,

Licensing issues at – Guildhall Bar, Oxford Street and Borough Arms, Oxford Street, Malmesbury

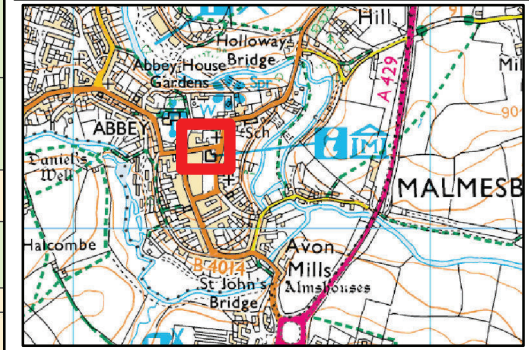
The Association has been approached by a number of its members about the serious breaches of the Licence conditions of the two premises at title. We have been made aware over many months of the impact of these breaches, and the subsequent anti-social behaviour, that has, and continues to be, regularly inflicted upon local people. We feel that the foregoing situation will not improve under the present management of these establishments given the conditions associated with their Licence and hence we look to you as the Licensing Authority to take the necessary action to provide a sustainable long-term solution to this long running issue.

The landlords concerned appear unwilling to exercise any influence over their customers during their hours of opening or afterwards. This results in large numbers of people congregating late at night or early morning in the vicinity of Oxford Street continuing to drink, make excessive noise and engage in rowdy activity which often spills over into aggressive confrontational behaviour. Local commercial properties have suffered damage as a result of these unacceptable activities.

People have complained of intimidating behaviour toward them and their guests in Oxford Street and its immediate surrounds to the extent that certain times of the late evening/early morning on a Friday or Saturday are considered by local residents as a 'no go' area. The police are routinely advised of this unacceptable activity; a review of police records will indicate the frequency of the calls to report instances of this type of disturbance.

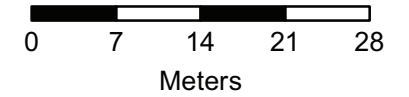
This situation will of course not be new to you as the sorts of issues described above in relation to the operation of these two establishments have been around for a long time and there is a shameful history of flouting local Licence conditions and a total disregard for the local community. The Association feels the time has come to rebalance the licensing conditions of these two establishments in favour of the local community. Sufficient opportunity has been afforded to both managements to act responsibly and get their houses in order but they have patently failed, or are unwilling, to address this matter.

Guildhall Bar 9 Oxford Street Malmesbury

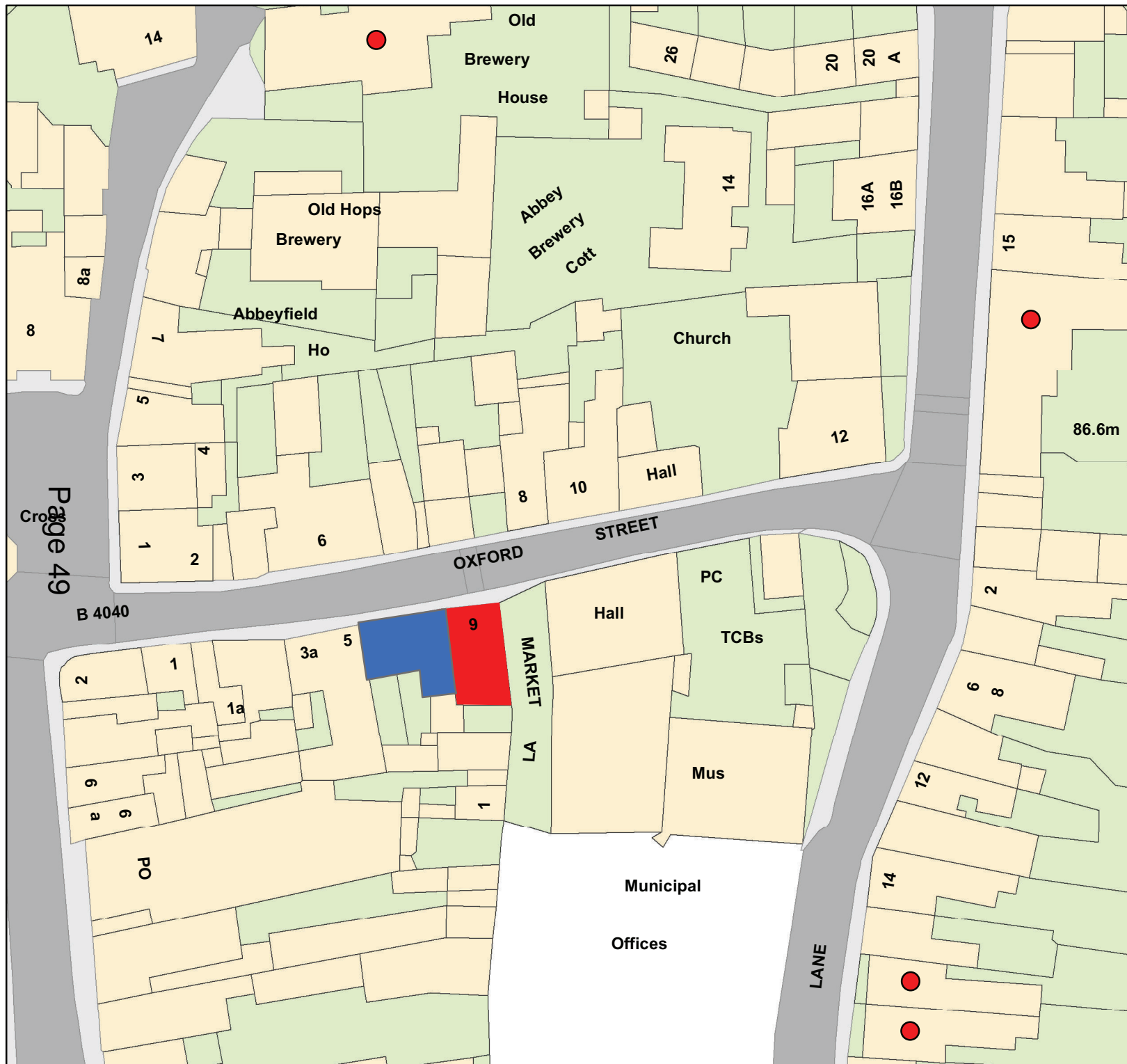


Scale

1:626



- Guildhall Bar
- The Borough Arms
- Interested Parties



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LICENSED PREMISES IN MALMESBURY

HOURS FOR SALE OF ALCOHOL

Kings Arms 29 High Street Malmesbury	Sunday to Saturday	10:00 – 01:00
Smoking Dog 62 High Street Malmesbury	Sunday Monday to Thursday Friday to Saturday	11:00 – 22:30 11:00 – 23:00 11:00 – 00:00
The Whole Hog 8 Market Cross Malmesbury	Sunday Monday to Thursday Friday to Saturday	12:00 – 23:00 11:00 – 23:00 11:00 – 00:00

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