

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 20 March 2012

**In respect of an application for a Premises Licence made by
Tammatha Newberry for 5a Church Street, Trowbridge**

Decision:

The Western Area Licensing Sub Committee has resolved to GRANT the licence for the following licensable activities:-

The Provision of Licensable Activity:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Recorded Music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Sale by retail of alcohol (on the premises)	1100 – Midnight	Monday & Tuesday
	1100 – 0200	Wednesday & Thursday
	1100 – 0230	Friday & Saturday
	1200 – 2230	Sunday
Performance of Dance & Facilities for dancing (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Anything of a similar description (Karaoke)	1900 – Midnight	Wednesday & Thursday
	1900 – 2230	Sunday
Hours open to the Public	1100 – 0030	Monday & Tuesday

	1100 - 0230	Wednesday and Thursday
	1100 - 0300	Friday & Saturday
	1200 - 2300	Sunday

And subject to the following additional conditions:

The prevention of crime and disorder:

1. No glass bottles, glasses or alcoholic drinks to be permitted off the premises or in the porch area after 2100hrs.
2. All drinks to be served in polycarbonate glasses and no glass bottles to be served from over the bar after 2100hrs.
3. The premises will adopt a zero tolerance to drugs. The premises licence holder will produce within 28 days of the grant of the licence a written drugs policy to the satisfaction of the licensing authority and the police which will be provided to all staff and implemented.
4. The designated premises supervisor or his/her representative will attend regularly, and be an active member of, Pubwatch.
5. When regulated entertainment is offered a minimum of three door supervisors will be deployed at the premise from 2100hrs to the closing of the premises.
6. CCTV will be installed at the premises - the system should be installed so as to cover all entrances and exits, and the licensed area. The system is to be maintained and in full working order during all licensable hours. The system is to be of sufficient quality so as to enable identification. Images must be retained for a minimum of 28 days and produced to a police officer or a Wiltshire Council licensing officer on request.
7. Customers wishing to smoke will be restricted to the frontage of the premises, and will not be permitted to use the footpath or highway. No more than six persons will be permitted to use this area at any one time. When door staff are on duty this number may be increased to no more than ten persons.
8. The premises will maintain an incident record in a consecutively numbered log book. All incidents shall be recorded promptly and shall record the date, day, time, description of incident and any actions taken. The record is to include details of successful challenges to proof of age and be available to the police and licensing authority on request.

9. The premises will maintain a record of all door supervisors deployed at the premises which will be made available on request to the police and licensing authority.
10. Staff will undertake appropriate training in all aspects of relevant licensing legislation within two months of commencement of employment; this training will be recorded and regularly refreshed.
11. In the absence of the designated premises supervisor, a personal licence holder will be present on the premises at all times when a licensable activity is taking place.
12. No person under the age of 18 years old will be permitted on the premises after 2100 hours.
13. The premises licence holder shall maintain a noise log book during live and recorded music events including karaoke. A responsible person working within the premises shall undertake observations at the nearest noise sensitive residential premises. The observations shall be undertaken at hourly intervals during events. The following information must be recorded and available for inspection by the Council: the date and time, location, name of the person making the observation on the level of music and any remedial actions taken to reduce the levels.
14. Doors and windows to be kept closed during regulated entertainment (except for ingress and egress) after 2100hrs to reduce noise nuisance from the premises.
15. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.
16. No bottles to be emptied into waste receptacles between the hours of 2000hrs and 0900hrs the following day.
17. Any request by authorised Officer of the Council in relation to reducing noise levels during regulated entertainment to be complied with.

Reasons

The representations made by the police and the Environmental Protection services related respectively to the licensing objectives of preventing crime and disorder and preventing public nuisance. The Sub-Committee noted that the police had agreed a number of conditions with the applicant which, if imposed, would meet many of the concerns that the police had in relation to possible crime and disorder associated with the premises. The conditions set out above were generally in line with those requested by the police and were in any event consistent with those set out in the applicant's operating schedule.

The Sub-Committee accepted the concerns raised by the Environmental Protection officer regarding the suitability of the premises for music event, given its location and structure. In view of this, the Sub-Committee considered it necessary to reduce the hours during which regulated entertainment could take place at the premises, as well as imposing the additional conditions relating to noise monitoring and the reduction of noise, in order to prevent noise nuisance to neighbouring residents.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda and the supporting evidence provided by the applicant, police and the Environmental Protection Officer together with the oral evidence given at the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.