

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 MARCH 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD IN RESPECT OF 5A CHURCH STREET - NEW PREMISES LICENCE

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Rod Eaton

Also Present:

Anna Thurman, Democratic Services Officer
Kieran Elliott, Democratic Services Officer
Maggie Jones, Licensing Officer
Paul Taylor, Senior Solicitor
Mrs T Newberry, Applicant

1. **Election of Chairman**

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

3. **Chairman's Announcements**

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

4. **Declarations of Interest**

There were no interests declared.

5. Licensing Application

Application by Mrs Tammatha Newberry for a Premises Licence at 5a Church Street, Trowbridge

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by the Applicant were:

- The provision of live and recorded music was to be a key part of the appeal of the new business.
- The previous licence holder for the building had never received complaints regarding noise.

Key points raised by the Responsible Authorities Jacqueline Gallimore (Wiltshire Police) and Richard Francis (Senior Environmental Health Officer), were:

- The police had concerns regarding the applicant's failure to promote the licensing objectives, with instances of non-compliance.
- Following consultation by the police with the applicant, proposed opening hours had been reduced not to extend past 0300 on any night, mitigating the concerns of Wiltshire Police in that area.
- Conditions had been agreed in principle by the police with the applicant regarding CCTV, door supervision, staff training, the creation of a written drugs policy and incident record. A list of these proposed conditions was provided to the Sub-Committee. The imposition of these conditions on the premises licence would address the concerns of the police
- There is a duty to protect the amenity of neighbouring residential properties from public nuisance.
- Mr. Francis stated that the premises did not seem to be suitable for preventing the break-out of music
- There had been no report from an acoustic engineer on the property, leading to uncertainty as to the impact of late night music on the very close neighbouring properties. In response to the Chair, the applicant stated they were prepared to commission such a report. It was noted that the applicant had offered to install a noise limiter, but Mr Francis stated there had been

concerns this would have been counter-productive and a detriment to the applicant's business.

- The applicant has a history of non-compliance with the Environmental Health Team and the Sub-Committee should take account of this.

Members of the Sub-Committee sought clarity on a number of points:

- Whether challenges of proof of age be recorded.
- Whether the Think21 or Think25 schemes should be condition to be used. It was clarified that there has been no evidence of difficulty involving children, so a restriction on under 18s after 2100 should be sufficient.
- How many people would be permitted to congregate within the porch area to smoke when door supervisors are present, and if this restriction was enforceable. It was clarified that a maximum of ten persons permitted outside to smoke was suggested, and it would be the responsibility of the Designated Premises Supervisor and staff to ensure this.
- Whether a condition on capacity was necessary. It was clarified that a risk assessment to determine appropriate capacity had not yet been conducted.
- Whether door staff would be required at all times. It was clarified that it was only felt necessary during the provision of regulated entertainment.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Wiltshire Council Officers.

A debate ensue in which the Sub Committee discussed the lack of objections from local residents during the tenure of the previous licence holder at the address, the internal structure of the building and location of speakers and the presence of any chairs or tables outside the building. The applicant stated there would be some seating outside in the summer months, but that this should not interfere with the presence of smokers using the area.

The Sub-Committee retired at 11:25am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 2pm

Following the deliberations of the Sub-Committee Members, the Solicitor for the Council reported that no specific material legal advice given in closed session, other than to remind the Sub-Committee of the options available to it and the criteria to take into account in its considerations.

Resolved:

That the Application for a Premises Licence/for a Variation of a Premises Licence at 5a Church Street, Trowbridge, be granted as detailed below.

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Live music (Indoors)	1900 – Midnight	Monday to Thursday
	1900 – Midnight	Friday & Saturday
	1900 – 2230	Sunday
Recorded Music (Indoors)	1900 – Midnight	Monday & Tuesday
	1900 – Midnight	Wednesday & Thursday
	1900 – Midnight	Friday & 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 & Tuesday
	1900 – Midnight	Wednesday & Thursday
	1900 – Midnight	Friday & 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, Thursday, Friday & Saturday

	1200 - 2300	Sunday
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And subject to the following 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 license holder will produce within 28 days of the granted 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 2100 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 foot path 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 i.e. police called. The record to include details of successful challenges to proof of age and be available on request 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 at all times when 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 and legible notices to be displayed at all exits.
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

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.

The majority of the conditions imposed are consistent with those submitted by the applicant in her operating schedule. The Sub Committee have reduced the requested hours for live and recorded music and imposed other conditions

relating to noise monitoring in order to prevent noise nuisance to neighbouring residents.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. This decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.

(Duration of meeting: 10.30 - 11.25 am)

The Officer who has produced these minutes is Anna Thurman, of Democratic Services, direct line 01225 718379, e-mail anna.thurman@wiltshire.gov.uk

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