

## **EASTERN AREA LICENSING SUB COMMITTEE**

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**DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 8 APRIL 2013 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS IN RESPECT OF The Royal Oak, Easterton - Variation of Premises Licence**

**Present:**

Cllr Ernie Clark, Cllr Jose Green and Cllr Jonathon Seed

**Also Present:**

Jane Cowley (Public Protection Officer), Sukdave Ghuman (Principal Solicitor), Kieran Elliott (Democratic Services Officer), Jill Crooks (Wiltshire Gazette and Herald), Lloyd Stephens (Licence Holder - Wadworths and Company Ltd.), Phil Evans (Designated Premises Supervisor - Royal Oak)

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**1 Election of Chairman**

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

**Resolved:**

**To elect Councillor Jonathon Seed 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 agenda pack.

**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 Wadworth & Company Ltd. for a Variation of a Premises Licence at Royal Oak, 11 High Street Easterton, SN10 4PE**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. A correction was made to paragraph 2.2 of the report, clarifying that for the sentence "*In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers necessary for the promotion of the licensing objectives*", the phrase 'considers necessary', should be substituted with 'considers appropriate' as required under current legislation.

In accordance with the procedure detailed in the agenda, the representative for the Licence Holder, Wadworths and Company Ltd., and Tenant and Designated Premises Supervisor were given the opportunity to address the Sub Committee. No others who had made representations were present to address the Sub Committee.

Key points raised by Mr Phillip Evans, Designated Premises Supervisor (DPS), and Mr Lloyd Stephens on behalf of the Licence Holder, were:

- There was no intention to hold events on every Friday and Saturday, but to enable flexibility in scheduling;
- There had been no recorded complaints or police visits during the four licensed events in the past 12 months;
- Of the three remaining representations, two were not permanent residents of the village;
- The additional conditions agreed in the agenda pack were felt to be sufficient to meet the licensing objectives and concerns of those making representations regarding public nuisance and potential disorder;
- The tenant of the pub as a good track record and there have been no concerns raised about the operation of the establishment to date.

The Sub-Committee then asked questions of the applicants, and raised points including the following:

- The Sub Committee sought further clarity on how, during the period in which no further customers were to be allowed in, the owners would ensure that someone leaving the building to smoke was not replaced by someone not previously present before the cut-off time. It was stated the DPS would keep track of all customers present at the time of cut-off, to prevent new customers to enter after this time, as had been done at the recent New Years.

- The Sub Committee raised the issue of signs and notifications of events that might disturb residents, and it was stated in the past the local residents would be informed in writing of scheduled events which might produce more noise than usual. It was clarified that this practice would continue, however, this would not include occasions where no event was scheduled, but the premises were open at the new proposed hours.
- The Sub Committee further sought details on the capacity and clientele of the Royal Oak, and commented that taxi pick-ups from the car park of the property could be advised to switch off their engines.

The Sub Committee members sought clarification on some points before retiring to consider the application at 10:50 and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11:00.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

No specific material legal guidance had been given in closed session, but the enforceability of proposed conditions had been clarified.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

**Resolved:**

The Eastern Area Licensing Sub Committee has resolved to amend the Premises Licence for The Royal Oak, Easterton, as follows:

The variation to the provision of Licensable Activity:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale of Retail of Alcohol (on & off premises)	10:00 - 02:00 next day	Friday & Saturday
Late Night Refreshment	23:00 - 02:00 next day	Friday & Saturday

Conditions to be varied by the addition of the following:

- 1) A closed door policy to be implemented from 23:30 hours, except for those customers who wish to leave and return for the purpose of complying with legislation regarding smoking in enclosed spaces.
- 2) Regular checks to be conducted outside of the premises to prevent customers congregating.

- 3) The Beer Garden to close from 23:00 hours and no drinks (alcohol or non-alcohol) to be taken outside after that time.
- 4) Customers using the smoking shelters to be monitored to prevent noise nuisance.
- 5) All external doors to be kept closed except for ingress and egress of customers leaving the premises.
- 6) On nights where events are being staged, prominent, clear and legible temporary 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.
- 7) Customers leaving the premises from 24:00 hours onwards to exit via the rear of the premises.

### **Advisory**

All Neighbours to be advised of a contact number to be utilized in the event of a noise nuisance associated with the premises.

All Taxis and taxi companies are to be informed to switch off their engines when waiting for collections from the premises, and to only use the rear car park for collections.

### **Reasons:**

The Sub-Committee considered the written evidence presented in the agenda from the licence holders and those making representations in objection, together with the oral evidence given at the hearing from the Licence Holder, Mr Lloyd Stephens, and the tenant and Designated Premises Supervisor, Mr Phillip Evans.

The Sub-Committee considered that the addition of the conditions set out above was appropriate to meet the licensing objectives and to address the relevant concerns of the interested parties regarding public safety, the prevention of public nuisance and crime and disorder.

In reaching its decision the Sub-Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right of Appeal:**

All parties have the right to appeal to the Magistrates' Court within 21 days of this decision. Any person or Responsible Authority has the right to request the Licensing Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and where a request is made by a person other than a Responsible Authority, a

review will not normally be held within the first twelve months of a licence, or within 12 months of any previous review save for the most compelling reasons.

(Duration of meeting: 10.30 - 11.00 am)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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