

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 APRIL 2018 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - WATERHOUSE HOTEL, 5 WATERHOUSE LANE, MONKTON COMBE, BATH

Present:

Cllr Trevor Carbin, Cllr Stewart Palmen and Cllr Ian Thorn

Also Present:

On behalf of the Applicant

Simon Wilsher
Richard Wilsher
Matt Perry
Helen Wright
Sue Wilsher

Those who made a relevant representation

James Aveling
Luke Sturgess-Durden
Mike Wells

Wiltshire Council

Councillor Peter Hutton (Substitute)
Sarah Marshall (Senior Solicitor)
Jemma Price (Public Protection Officer – Licensing)
Lisa Pullin (Democratic Services Officer)
Tara Shannon (Democratic Services Officer)

1 **Election of Chairman**

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

Resolved:

To elect Councillor Ian Thorn as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

Apologies were received from Cllr Gavin Grant (substitute). Cllr Peter Hutton was substitute in his place.

3 **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 5 – 12 of the Agenda refers).

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Simon Wilsher for a Variation of a Premises Licence at The Waterhouse Hotel, 5 Waterhouse Lane, Monkton Combe, Bath

Jemma Price (Public Protection Officer – Licensing) introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. Jemma highlighted the following:

- This was an application for a variation to the Premises Licence which was granted on 22 October 2013 in respect of the Waterhouse Hotel, Waterhouse Lane, Monkton Combe, Bath;
- The application proposed to remove/amend one of the additional conditions imposed at the original Hearing, in order to permit the sale of alcohol to "passing trade" on a Saturday and Sunday between the hours of 11:00 and 00:00;
- Thirteen relevant representations were received – nine from local residents and one from Monkton Combe Parish Council in objection to the application. Their representations were made over concerns about public nuisance and public safety – in particular with the use of the lane leading to and from the hotel. Three representations were in support of the application; and
- During the consultation period, the Applicant amended the application further to restrict the hours from the requested 11:00 to 00:00, to permit the

sale of alcohol to “passing trade” on a Saturday and Sunday between the hours of 12:00 and 19:00.

In accordance with the procedure detailed in the agenda, the Applicant and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Simon Wilsher (Applicant) were:

- If the hotel did not find ways of increasing their revenue then they would cease to be viable. In the last 12 months, a large number of hotel bedrooms had opened in and around Bath and as a result Waterhouse occupancy had reduced by 20% and may drop further this year;
- In order to remain viable the hotel had looked at other ways of raising revenue and it had been suggested by people who came to stay at the premises and also by some local residents that they would like the opportunity to be able to visit and call in for a drink/food over the weekends;
- Waterhouse’s vision was to be a place of rest, recreation and restoration. They also provided employment for 15 people, brought money into the local economy, supported local business start-ups, sponsored young entrepreneurs and provided holiday jobs for young people;
- They were the fourth family in 400 years to own Waterhouse – the risk was that if things continued they would have to sell and the legacy would not continue and the premises could be taken over by someone who had less interest in its history and importance to the local area;
- They took over premises when it was a failed care home and restored the Georgian building retaining many of the original features. The Applicants had no intention of disturbing the peace for their neighbours and had not received any complaints about noise in the 10 years that they had been there. They felt they were good stewards who ran the establishment responsibly, hence the no complaints; and
- Following concerns raised by neighbours they had amended their application to open to passing trade on a Saturday and Sunday and accordingly reduced their request to be able to serve alcohol between 12:00 and 19:00. They would look to offer drinks and afternoon teas and Sunday lunches to their guests without having to book.

As there was no one present who had made a relevant representation in objection to the application, the Chairman invited those who were in support of the application to address the Sub Committee.

Key points raised by Luke Sturgess-Durden were:

- I have been a resident of Monkton Combe for 14 years and my garden looks out over Waterhouse. I am impressed by the quality of the Waterhouse provision and the improvements carried out to the building over the years have improved my view;
- I enjoy walking and would like to be able to drop in and use the facilities at Waterhouse over the weekend when we are out and about;
- I have used the meeting rooms at Waterhouse and I admire the investments made by the Wilsher Group in the buildings and grounds. I believe that the benefits brought by the provision vastly outweigh any minor inconvenience brought about by traffic movements. I feel that some of the neighbours are being petty with their objections and clutching at straws to say their children are at risk; and
- I am fully in support of the application to allowing passing trade to visitors on Saturdays and Sundays without having to pre-book.

Key points raised by Mike Wells were:

- I am an Environmental Planner and I rent office space from the Wilsher Group in the grounds of Waterhouse. I work long hours and at weekends and I am not disturbed in my work by any events at Waterhouse; and
- I think that the plans to be able to serve drinks and refreshments to walkers/cyclists and local residents over the weekend are in keeping with the Waterhouse mission – they are not trying to be a pub – they are a 5-star guest house looking to seeking extra revenue to remain viable.

The Sub Committee Members then asked the following questions of the Applicant:

Q Those who have made relevant representations in objection have talked about concerns over traffic on the lane – how do you intend to manage this?

A We appreciate that the lane is not ideal. We have officially adopted it and widened the entrance with the A36 at the cost of £30k. No accidents have occurred on the junction. There are some pot holes in the lane and there are limited passing places. We have spoken to the other home owners who use the lane for access and they are not in agreement with what should be done to make improvements. We suggested adding more passing places, but some felt that the speed on the lane would increase. I have asked the residents to contribute to the upkeep of the lane but no one has yet responded to that request.

Q Will the changes you propose make enough of a difference to you to remain viable?

A We certainly hope so – our team have been looking at ways to increase revenue and this is what they are suggesting. At present, we have to turn away people at the weekend who would like to come in and use our facilities. We anticipate that we could draw in the large number of visitors that use the cycling/canal path – we believe the footfall is there for us.

Simon Wilsher made the following points in summation:

- We need to remain viable and we really want to continue to provide that all Waterhouse does for the local community;
- We have an excellent track record of running the business, we have no complaints;
- We do not envisage there being a significant increase in traffic movements on the lane should this application be granted. If we have larger events we ensure that traffic is managed accordingly; and
- We would like to be able to offer a drink to passing trade at the weekend which is not tied to having to order food as well and request that you grant this application.

The Sub Committee then adjourned at 10:50 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 11:00.

Following the deliberations of the Sub Committee Members, it was

Resolved:

That the Western Area Licensing Sub Committee has resolved to GRANT the variation, subject to the amendment of condition 1 (as agreed at the hearing on 22 October 2013)

The amendment of condition 1 is detailed in bold below:

- 1a. The sale of alcohol shall only be permitted between the hours of 11:00 – 23:59 to persons who are:**
- Residing at Waterhouse and their bona fide guests;**
 - Attending pre-booked conference/training events at the premises, or**
 - Who are members of any other pre-booked groups attending the premises.**

1b. The sale of alcohol may be made to any person on Saturdays and Sundays between 12:00 and 19:00 hours.

Conditions numbered 2 – 4 (below) to remain unchanged.

2. No alcoholic beverages sold at the premises are to be taken to, or consumed in, any of the outside areas after 21:30 hours.
3. The windows and external doors to all public areas are to be closed and remain closed after 21:30 except for access and egress.
4. Clear and legible notices are to be prominently displayed at all exits from the premises requesting that all persons respect the needs of people living in the area and to leave the area quietly.

In reaching their decision, the Sub Committee considered all the written evidence presented in the agenda together with the oral evidence given at the hearing.

The Sub Committee considered the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm and also took into account 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.

Reasons

The Sub Committee noted that the Applicant wished to increase the business revenue to ensure the continued sustainability of the business and he wanted to vary the 2013 conditions to be able to sell alcohol to people using the footpath/cycle path along the canal or visitors to the village who may wish to stop for a drink at lunchtime or during the afternoon over the weekends.

The Sub Committee noted the issue of noise had been raised but having heard from the Applicant felt that the variation would be unlikely to cause a significant or inappropriate increase in noise bearing in mind the village location of the premises and considered that the proposed variation to the conditions would not cause a significant increase in noise during the day between the hours of 1200 and 1900 on Saturdays and Sundays.

The Sub Committee considered the comments that had been made regarding the use and condition of the access road to the premises, but the use and condition of the road was not a licensing consideration and in any event the variation of the licence would not adversely impact on the traffic movement to and from the Waterhouse Hotel. The Applicant confirmed the Hotel undertook regular maintenance of the access road.

The granting of this licence is without prejudice to any other consents or approvals that may be required.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.15 - 11.05 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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