

## WESTERN AREA LICENSING SUB COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 APRIL 2019 AT THE ENTERPROSE NETWORK, (OLD FIRE STATION) SALT LANE, SALISBURY, SP1 IN RESPECT OF AN CONSERVATIVE CLUB WESTBURY

#### **Present:**

Cllr Jose Green, Cllr Mike Hewitt and Cllr Graham Wright (Chairman)

#### **Also Present:**

Lisa Moore, Democratic Services Officer  
Asifa Ashraf, Legal Officer  
Esther Bisgrove, Legal Officer (shadowing)  
Carla Adkins, Licensing Officer  
Heather Bates, Westbury Conservative Club Treasurer  
Tom Hunt, Westbury Conservative Club Secretary  
Jane Russ, Representation  
Ian Cunningham, Representation

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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 Graham Wright as Chairman for this meeting only.**

#### 2 **Apologies for Absence/Substitutions**

Apologies were received from:

- Cllr George Jeans – substitute.

#### 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 1 – 6 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 Tom Hunt (Secretary) of Westbury Conservative Club for a Variation to a Premises Club Certificate at Westbury Conservative Club, Alfred Street, Westbury, BA13 3DY.**

The Committee asked for the following points of clarification before the Officer gave her presentation:

- Mrs Russ and Mr Cunningham were in attendance as local residents, and not representing the Westbury Town Council, which they were both members of.
- Westbury TC had withdrawn its representation and it did not form part of the information for consideration.
- Mr Cunningham was asked by the Chairman whether he was expecting to speak, as he had not confirmed this ahead of the meeting with the Officers. He confirmed that he did not mind whether he spoke or not. The Chairman then confirmed that he would not allow him to speak.

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

The Licensing Officer, Carla Adkins introduced the purpose and scope of the application for a Variation to a Club Certificate, the premises to which it related and the key issues for consideration.

The premises had a Club Premises Certificate, which was a Members only arrangement.

The club already benefited from a Club Premises Certificate since it came in to effect on 24 November 2005.

There were other licensed premises' in the vicinity, the permitted hours of licensable activity was detailed within the report.

During the consultation period, two relevant representations had been received. These were on the grounds of noise disturbance.

Westbury TC had initially submitted a representation, however after considering advice provided by the Licensing Authority, it was then withdrawn.

No Responsible Authority had made a representation in connection with the application.

It was noted that following a decision, the Club Premises Certificate holder, the Responsible Authority and those that had made representations could lodge an appeal with the Magistrates Court.

Key points raised by Tom Hunt of Westbury Conservative Club were:

- The Club has a lot of sporting teams, like skittles, darts, crib, and pool. These games can go on until quite late into the evening, so we applied for the variation to give some leeway to these teams, so that they could continue until the end of their game rather than return the next day.
- The live music we have only usually takes place on Friday and Saturday. There were no plans to run live music in the evening on a Sunday, certainly not regularly. There were some occasions, when we did have music until 6pm on a Sunday, such as on St Patricks Day.
- We have been in Westbury for 100 years now and work closely with our neighbours.
- We are aware we are in a built up residential area.
- We felt it was important for us to be here today for you to ask any questions.

#### Questions from the Committee:

- There are a lot of pubs around you, which is the closest? Answer: We are just off the Market Place, The Ludlow is behind us. Their beer garden backs onto our beer garden. In the square there are others, The Trojan, The Crown and they all have live music. The Ludlow has a licence until 2am on Saturday, and until 12 midnight on Sunday.
- Have you ever received any complaints directly from residents? Answer: In my five years as Secretary, not yet. I live opposite and have a good relationship with the residents. Our Steward does go over to check with the residents opposite.
- You suggest that the main reason for the variation to the existing hours was because you have a lot of club members, have you considered keeping the club open but with the bar shut? Answer: We did consider it, but would like to be able to offer the customers the bar whilst they were there.

#### Questions/comments from those that made representations:

- Westbury TC did put in a representation against the application, are you sure this was withdrawn, as they have not told us that? Answer: Yes.

- Once a licence has been granted, any intent of the applicant is irrelevant. Answer: The Westbury Conservative Club has a Club Premises Certificate. Once granted they can use anything on that certificate.

Key points raised by those who made a Relevant Representation, Mrs Jane Russ were:

- On the Westbury Map in the agenda, it shows that I don't live in the very close environment, but because of the nature of Gibbs Close, its closer than you think. I have no problem with the extension on any other day but Sunday. Where the carpark is situated, it is very narrow, one cars width only. Kingfisher Drive there are houses backing on to the conservative carpark, is a very densely populated area. We live with the fact that the Ludlow Arms has constant problems with chucking out time and noise. I am sure that the Conservative Club would always do their best, but it is a big carpark and when they come out after a session it is loud.
- I would suggest the Sunday timing is taken back to earlier than 11.00pm. By the time you say goodbye to your friends and got in your car, revving it up it is very late.
- The music licence thing, on a summer evening you can hear the music. I only have a problem with it on a Sunday when it is late.

Questions from the Committee:

- The closing time on Sunday is currently at 12 midnight. They have applied to take that back to 11.00pm, but you are saying you would like it less than 11.00pm on Sunday? Answer: Yes.

Questions/comments from the Applicant:

- We are aware that Sunday night is a night for relaxation, we currently chose to close at 11.00pm, even though we could stay open until 12.00 midnight. We certainly do not have live music on a Sunday after 5 or 6 pm. It is a very rare occurrence, maybe on a bank holiday. It is usually the duke box and on rare occasion a band.

Objector – Summary

I have no objection to the licensing alterations apart from Sunday timings. I understand that they are taking one hour off, I think it should stop earlier than that.

Licensee – Summary

We are more than aware of our surroundings and willing to work with local residents.

Mr Ian Cunningham noted for clarity that he was the brother of Wiltshire Council Director, Alistair Cunningham. The Committee did not feel that this had any bearing on its consideration of the application.

The Sub Committee members then retired at 10.00am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 10.18am.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that no Legal Advice had been given.

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:**

**That the Application for a Variation of a Premises Club Certificate at Westbury Conservative Club be granted as applied for, and as listed below:**

**Opening hours, sale of alcohol and recorded music permitted:**

- Monday to Saturday, from 11.00am to 12 midnight finish.
- Sundays from 12.00 noon to 11.00pm

**Live Music permitted:**

- Friday – Saturday from 8.00pm until 12.00 midnight.
- Sunday 12.00 noon until 9.30pm

**Indoor Sporting Events permitted:**

- Monday to Friday from 5.00pm until 12.00 midnight
- Saturday from 11.00am until 12.00 midnight
- Sunday from 5.00pm until 10.30pm

**~Include non-standard timings**

**Reasons:**

**The Sub-Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18) and the guidance issued under Section 182 of the Act.**

**The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from the Applicant, and those that made relevant representations.**

The Committee noted that whilst some degree of noise disturbance may be present on occasion in the evenings, as was usual in areas where there were several licensed establishments open in the evening, it noted that it would be difficult to ascertain which of the establishments the people creating noise would have come from. Furthermore, the applicant had requested a reduction of one hour to the Sunday evening closing time, as part of the application, whilst other venues were permitted to open later. There was also no evidence of any disturbance caused by the Conservative Club in the past.

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local 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 a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

6 **Committee Report**

6 **Appendix 1 - Application - Westbury Conservative Club**

6 **Appendix 2 - Current club premises certificate and conditions**

6 **Appendix 3 - Location of Club in relation to other licensed premises in the vicinity**

6 **Appendix 4 - Relevant Representations**

6 **Appendix 4a- Map of Representations - Westbury Conservative Club**

(Duration of meeting: 9.30 - 10.25 am)

The Officer who has produced these minutes is Lisa Moore 01722434560, of Democratic Services, direct line , e-mail

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