

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

30 November 2021

Application for a Variation of a Premises Licence; The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED made by Venue Catering and Events Ltd.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED has been made by Venue Catering and Events Ltd. for which twenty relevant representations have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. 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. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder,
 - ii) Public Safety,
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On the 14 October 2021 an application for a variation to the premises licence was received and accepted as a valid application.

2.6 The variation applied for is summarised as follows:

- Addition of a Noise Management Plan (NMP) to be approved by the local authority to mitigate noise nuisance for local residents.
- Supply of alcohol for consumption ON and OFF the premises, Monday – Sunday inclusive.
- The supply of alcohol for residents and their bona-fide guests 24 hours daily, Monday to Sunday inclusive.
- The supply of alcohol within all areas inside and out as per the property boundaries, as per the attached site plan.
- Late night refreshment – 23:00hrs to 05:00hrs Monday to Sunday inclusive.
- Regulated Entertainment indoors (both live and recorded music) 10:00hrs to 01:00hrs, Monday to Sunday inclusive (but subject to reduced hours as detailed within their specific sections).
- Acoustic music outdoors until 19:00hrs.
- Removal of Annex 2A – Converted conditions.

Licensable Activity	Timings	Days
<p>Live music (Indoors and Outdoors)</p> <p>Recorded Music (Indoors and Outdoors)</p> <p>Non-Standard Timings New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.</p>	<p>10:00hrs to 01:00hrs (Indoors) 10:00hrs to 19:00hrs (Outdoors)</p> <p>10:00hrs to 01:00hrs (Indoors) 10:00hrs to 19:00hrs (Outdoors)</p>	<p>Monday to Sunday</p> <p>Monday to Sunday</p>
<p>Provision of late-night refreshment (Indoors and Outdoors)</p>	<p>23:00hrs to 05:00hrs</p>	<p>Monday to Sunday</p>
<p>Sale by retail of alcohol for consumption both ON and OFF the premises</p> <p>Non-Standard Timings New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.</p>	<p>10:00hrs to 01:00hrs</p>	<p>Monday to Sunday</p>

Live music (further details)

- Performance of amplified live music outdoors will be restricted to background volume levels.
- Performance of amplified live music indoors for the purposes of entertainment (excluding music at background volume level) will not take place in the area outlined in red in Appendix A – ground floor plan at more than 20 events per calendar year and only between 10:00hrs – 23:30hrs.
- All other performances of amplified live music indoors for the purposes of entertainment to take place in the area outlined in green and between 10:00hrs to 01:00hrs.

Recorded music (further details)

- All outdoor recorded music between 10:00hrs – 19:00hrs only.
- Playing of recorded music outdoors will be restricted to background volume level.
- Playing of recorded music indoors for the purposes of entertainment (excluding music at background volume level) will not take place in the area outlined in red in appendix A – ground floor plan at more than 20 events per calendar year and only between 10:00hrs to 23:30hrs.
- All other playing of recorded music indoors for the purposes of entertainment to take place in the area outlined in green and between 10:00hrs to 01:00hrs.

A copy of the application form is attached as **Appendix 1**. All plans submitted with the application are attached separately as **Appendix 1a**.

- 2.7 A further update was received on 1 November 2021 to clarify the application. A copy is attached as **Appendix 2**.
- 2.8 Further supporting information from the Applicant, after receiving all representations against the application, is attached as **Appendix 3**.
- 2.9 The Premises Licence for The Pear Tree, Purton, Swindon, SN5 4ED commenced on 24 November 2005 following an application for an existing licence to be converted to a premises licence under the Licensing Act 2003. No variations were applied for since the commencement date until receipt of this application. A copy of the current Premises Licence and Plan are attached as **Appendix 4**.
- 2.10 For reference, other premises licensed for ON Sales / ON and OFF Sales, Late Night Refreshment and Regulated Entertainment in the area, are detailed as follows.

	Premises	Activities	Timings
1	Purton House, Church End, Purton, SN5 4EB	Live Music and Recorded Music (Indoors and Outdoors)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs
		Late Night Refreshment (Indoors and Outdoors)	Thursday to Saturday 23:00hrs to 00:00hrs

		Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs
2	The Angel Hotel, High Street, Purton, SN5 4AB	Live Music and Recorded Music (Indoors) Late Night Refreshment (Indoors) Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs Sunday to Thursday 23:00hrs to 00:00hrs Friday and Saturday 23:00hrs to 02:00hrs Sunday to Thursday 10:00hrs to 00:00hrs Friday and Saturday 10:00hrs to 02:00hrs
3	The Royal George, Pavenhill, Purton, SN5 4BZ	Live Music and Recorded Music (Indoors) Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 23:00hrs Friday and Saturday 10:00hrs to 00:00hrs Sunday 11:00hrs to 00:00hrs Monday to Thursday 10:00hrs to 00:00hrs Friday and Saturday 10:00hrs to 01:00hrs
4	Purton Red House Ltd., Church Street, Purton, SN5 4AZ	Live Music (Indoors) Recorded Music (Indoors) Sale of Alcohol (for consumption ON and OFF the premises)	Friday and Saturday 19:00hrs to 23:00hrs Monday to Thursday 19:00hrs to 23:00hrs Friday to Sunday 19:00hrs to 00:00hrs Sunday to Thursday 12:00hrs to 23:00hrs Friday and Saturday 12:00hrs to 00:00hrs

5	Purton Village Hall, Station Road, Purton, SN5 4AJ	<p>Live Music and Recorded Music (Indoors)</p> <p>Late Night Refreshment (Indoors)</p> <p>Sale of Alcohol (for consumption ON the premises)</p>	<p>Sunday 08:30hrs to 23:00hrs</p> <p>Monday to Friday 08:30hrs to 01:00hrs</p> <p>Saturday 08:30hrs to 00:00hrs</p> <p>Monday to Friday 23:00hrs to 01:00hrs</p> <p>Saturday 23:00hrs to 00:00hrs</p> <p>Sunday 08:30hrs to 23:00hrs</p> <p>Monday to Friday 08:30hrs to 01:00hrs</p> <p>Saturday 08:30hrs to 00:00hrs</p>
6	Purton Working Men's Club, 9 Station Road, Purton, SN5 4AH (Club Premises Certificate)	<p>Live Music and Recorded Music (Indoors)</p> <p>Sale of Alcohol (for consumption ON and OFF the premises)</p>	<p>Sunday 12:00hrs to 22:20hrs</p> <p>Monday to Thursday 19:00hrs to 23:00hrs</p> <p>Friday 14:00hrs to 00:00hrs</p> <p>Saturday 11:00hrs to 00:00hrs</p> <p>Sunday 12:00hrs to 22:20hrs</p> <p>Monday to Thursday 19:00hrs to 23:00hrs</p> <p>Friday 14:00hrs to 00:00hrs</p> <p>Saturday 11:00hrs to 00:00hrs</p>
7	The Sun Inn, The Street, Lydiard Millicent, SN5 3LU	Live Music (Indoors)	<p>Sunday to Thursday 10:00hrs to 00:00hrs</p> <p>Friday and Saturday 10:00hrs to 01:00hrs</p>

		Late Night Refreshment (Indoors and Outdoors)	Sunday to Thursday 23:00hrs to 00:00hrs Friday and Saturday 23:00hrs to 01:00hrs
		Sale of Alcohol (for consumption ON and OFF the premises)	Sunday to Thursday 10:00hrs to 01:00hrs Friday and Saturday 10:00hrs to 01:00hrs

A plan showing the location of the above premises is attached as **Appendix 5 and 5a.**

- 2.11 The applicant obtained planning consent on 21 November 2017 for changes to the premises being the demolition of existing conservatories to the rear and erection of replacement extension together with extension to ceremonial room, internal reconfiguration to create additional guest rooms and other alterations, external sweeping staircase and associated hard and soft landscaping.
- 2.12 On 6 March 2018, following a conversation with Roy Bahadoor (Licensing Officer) where the intention to transfer the premises licence, refurbish the premises and potentially operate as a wedding venue was discussed, an email was sent to a representative of Galloping Gourmet (previous company name of Venue Catering and Events Ltd.) explaining the current licence, conditions and stated:
- “If there will be changes to the premises you may require amending the plans attached to the licence, either by way of a Variation or Minor Variation. You could also apply to vary any of the hours or activities on the licence. You may therefore wish to consider whether the current licence suits the prospective activities, and possibly whether a New Application at this time may suit you better than transferring, varying the DPS and then Varying the Licence.”*
- A copy of this email is attached as **Appendix 6.**
- 2.13 On 26 April 2018 a transfer application was received as a valid application, transferring the Premises Licence from Pear Tree at Purton Ltd. to Galloping Gourmet (Coulsdon) Ltd.
- 2.14 On 19 February 2020 the company changed its name from Galloping Gourmet (Coulsdon) Ltd. to Venue Catering and Events Ltd.
- 2.15 On 18 July 2021 a noise complaint was received from Councillor Lay on behalf of several local residents.
- 2.16 On 18 August 2021 Tessa Hares (Environmental Health Officer) and Jemma Price (Licensing Officer) visited The Pear Tree, Purton to meet with Scott Bradbury (Group Bar Manager, Venue Catering and Events Ltd.) and Sarah Sweeney (General Manager, The Pear Tree) to discuss the noise complaint and ascertain how the premises was currently operating.

- 2.17 On 2 September 2021 an application for a review of a premises licence under the Licensing Act 2003 was made by Sue Jenks and received as a valid application this was subsequently withdrawn on 8 September 2021.
- 2.18 On 10 and 11 September 2021 noise monitoring was undertaken by Tessa Hares (Environmental Health Officer) and Jemma Price (Licensing Officer) in the gardens of residents who had complained about the noise.
- 2.19 On 7 October 2021 Brett Warren (Senior Environmental Health Officer) and Jemma Price (Licensing Officer) met with Angus Hastie (Director, The Pear Tree), Scott Bradbury (Group Bar Manager, Venue Catering and Events Ltd.) and Sarah Sweeney (General Manager, The Pear Tree) at The Pear Tree, Purton to discuss the findings of the noise monitoring undertaken by Tessa Hares and Jemma Price and the non-compliance issues associated with the current Premises Licence.
- 2.20 A Warning Letter for non-compliance at the premises was sent on 17 November 2021. A copy is attached as **Appendix 7**.
- 2.21 Fifteen Temporary Event Notices (TENs) were submitted on 8 October 2021 to cover the following activities.
- Regulated entertainment – 23:00hrs to 23:30hrs inside the main building of the premises
 - Sale by Retail of Alcohol for consumption both ON and OFF the premises – 12:00hrs to 00:00hrs (to include, main building, orangery, and gardens)
 - Late Night Refreshment – 23:00hrs to 00:00hrs Indoors and Outdoors (to include main building, orangery, and patio area)

The dates for which they applied are as follows.

- Saturday 16th October 2021
 - Sunday 17th October 2021
 - Thursday 21st October 2021
 - Saturday 23rd October 2021
 - Sunday 24th October 2021
 - Monday 25th October 2021
 - Tuesday 26th October 2021
 - Thursday 28th October 2021
 - Saturday 30th October 2021
 - Monday 1st November 2021
 - Saturday 6th November 2021
 - Friday 12th November 2021
 - Saturday 13th November 2021
 - Saturday 20th November 2021
 - Thursday 25th November 2021
- 2.22 The Licensing Authority is aware that the Business and Planning Act 2020 which commenced Section 172F of the Licensing Act 2003 and the Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and

Deregulation Act 2015 which amended Schedule 1 Part 2 of the Licensing Act 2003, are also currently in effect where applicable for licensed premises.

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted in a local newspaper circulating in the local area. During the consultation period twenty relevant representations have been received from two Responsible Authorities and eighteen Interested Parties.

3.2 Responsible Authorities

1. Tessa Hares, Environmental Health Officer – Wiltshire Council, Monkton Park, Chippenham, SN15 1ER
2. Linda Holland, Licensing Manager – Wiltshire Council, County Hall, Trowbridge, BA14 8JN

3.3 Interested Parties

1. Representation 1 - Waite Meads Close, Purton, SN5 4ET
2. Representation 2 - The Hyde, Purton, SN5 4EA
3. Representation 3 - Church Path, Purton, SN5 4DR
4. Representation 4 - The Hyde, Purton, SN5 4DY
5. Representation 5 - Church End, Purton, SN5 4ED
6. Representation 6 - The Hyde, Purton, SN5 4EA
7. Representation 7 - Hoggs Lane, Purton, SN5 4BU
8. Representation 8 - Church End, Purton, SN5 4EB
9. Representation 9 - Church End, Purton, SN5 4EB
10. Representation 10 - Church End, Purton, SN5 4EB
11. Representation 11 - Purton Parish Council, Purton Village Hall, Station Road, Purton, SN5 4AJ
12. Representation 12 - Church End, Purton, SN5 4EB
13. Representation 13 - Church End, Purton, SN5 4EB
14. Representation 14 - Church End, Purton, SN5 4EB
15. Representation 15 - The Hyde, Purton, SN5 4EA
16. Representation 16 - The Hyde, Purton, SN5 4EA
17. Representation 17 - College Road, Purton, SN5 4AR
18. Representation 18 - College Road, Purton, SN5 4AR

3.4 All representations related to the licensing objective: Prevention of Public Nuisance.

3.5 The relevant representations are attached as **Appendix 8**. Attached as **Appendix 9** is a plan which shows the locations from where representations have been made.

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing

Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

- 4.2 The Applicant and all Responsible Authorities and Interested Parties who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.
- 4.3 At the hearing all those Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

- 5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Premises Licence Holder, the Responsible Authorities and Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author:

Jemma Price

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Wiltshire Council, Monkton Park, Chippenham, SN15 1ER

22 November 2021

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**

- **The Legislative Reform (Entertainment Licensing) Order 2014**
- **Live Music Act 2012**
- **Deregulation Act 2015**
- **Business and Planning Act 2020**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Variation Application**
- 1a Plans submitted with the Variation Application**
- 2 Update to Variation Application**
- 3 Further submissions from Venue Catering and Events Ltd.**
- 4 Current Premises Licence and Plan**
- 5 Plan showing the location of other Licensed Premises**
- 5a Plan showing the location of other Licensed Premises**
- 6 Email to Galloping Gourmet**
- 7 Warning Letter**
- 8 Representations against the Variation Application**
- 9 Plan of the Location of Representations**