

NORTHERN AREA LICENSING SUB-COMMITTEE

MINUTES of a MEETING of the NORTHERN AREA LICENSING SUB-COMMITTEE held at MONKTON PARK, CHIPPENHAM on TUESDAY 8 DECEMBER 2009.

PRESENT:

Cllr Desna Allen
Cllr Bill Douglas
Cllr Jacqui Lay.

Mrs K Golledge – Principal Environmental Health Officer, Licensing, Wiltshire Council

Mrs L Holland – Licensing Officer, Wiltshire Council

Ms A Higgins – Solicitor, Wiltshire Council

Mr R Bishton – Democratic Services Officer, Wiltshire Council

Ms J Lloyd – Licensing Officer, Wiltshire Council (Observer)

Ms J Quartley – Licensing Officer, Wiltshire Council (Observer)

Ms A Hart – Westlea Housing Association

Ms C Scratchley – Westlea Housing Association

Mr N Connor – Applicant

Mr K Dungey – Applicant

Ms G Roberts – Applicant

Mr N Stokes – Applicant

Mr P Spiller – Interested Party

Miss H Smith – Interested Party

1. Election of Chairman

Resolved: To elect Cllr Desna Allen Chairman for the meeting.

Cllr Desna Allen in the Chair

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".

3. **Chairman's Announcements**

There were none.

4. **Members' Interests**

There were none.

5. **Application for a Variation of Premises Licence in respect of The Bridge House, Borough Parade, Chippenham, SN15 3LW for JD Wetherspoon**

The Licensing Officer introduced her report.

In accordance with the procedure detailed in the Agenda the applicant and the interested parties present were given the opportunity to address the Sub-Committee and through the Chairman, to question one another about the detail of the application and representations. Sub-Committee members had the opportunity to question all parties.

Following summaries made by both the applicant and the interested parties, the Sub-Committee retired to consider the application.

During their deliberations the Sub-Committee was accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

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

"The Sub-Committee must decide if there is a real possibility that one or more of the licensing objectives will be undermined, based on the evidence presented to it. If it is concluded that any of the licensing objectives will be undermined, Section 18(4) of the Licensing Act 2003 enables the Sub-Committee to impose conditions, exclude certain parts of the application or reject the application in full."

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: To grant the application by J D Wetherspoon for the variation of the premises licence under the Licensing Act 2003 in respect of The Bridge House, Borough Parade, Chippenham SN15 3WL, subject to:

- the mandatory conditions contained in the Licensing Act 2003
- the following conditions from the transferred licence:-
 - (a) Noise generated on the premises shall be kept at such a level at the boundary of any occupied property that it shall not be a nuisance to the occupier of that property.
 - (b) Notices are to be prominently displayed at all exits from the premises requesting that patrons respect the needs of people living in the area and to leave the area quietly.
- additional conditions, consistent with the Applicant's Operating Schedule as follows:
 1. There shall be no use of the outside area immediately adjacent to the main doors of the premises for the consumption of food or drink after 21:00
 2. There shall be no use of the 'pontoon' outside area for the consumption of food or drink after 21:00

Both areas are shown for the purpose of identification marked 'A' and 'B' respectively on the application plan
 3. The premises management will endeavour to ensure that customers wishing to smoke outside the premises after 21:00 will be directed to areas away from River Parade
 4. The premises licence holder shall arrange quarterly residents meeting with the residents of River Parade unless it is agreed by all parties that such meetings are not required
 5. On closing, the premises management will actively encourage customers to quickly disperse away from the premises in order to minimize disturbance to residents
 6. The applicants shall submit a Dispersal Plan in writing to the Council for its approval within three (3) months of today's date.
 7. At all times to ensure that a contact name and number is supplied to a representative of local residents living in River Parade

REASONS:

Evidence

The Committee carefully considered all aspects of written and oral submissions at the hearing. The Committee noted that the applicant agreed to take further actions in response to submissions made by the Interested Parties.

The Committee took note of the fact that you had engaged with Responsible Authorities prior to the hearing and had agreed conditions to address their concerns. The Committee also took note that there had been no representations made by the Responsible Authorities.

The Committee carefully considered the evidence from Interested Parties, present at the hearing, whose basis of objections spanned all four licensing objectives.

They felt that to grant the Premises Licence as applied for would interfere with their peaceful enjoyment of their premises particularly late at night.

The Committee concluded that there was not sufficient evidence by the Interested Parties that the grant of the application as applied for would interfere with the licensing objectives to such an extent to justify the refusal of this licence. In making this determination the Committee also took into account its authority to impose additional conditions on the licence.

Summary of Decision

The Committee was satisfied that on the balance of probability and that in all of the circumstances, including the conditions to be imposed, that the licence be granted subject to conditions as detailed above.

The conditions attached to the premises licence are proportionate and necessary and address the Licensing Objectives

All parties are reminded that they are entitled to request a review of the license at any time if the Licensing Objectives are compromised.

There is a right of appeal to the Magistrates Court within 21 days of the hearing.

Informative

The applicant should liaise with Westlea Housing Association to address the issue of Public Nuisance e.g. urination, on behalf of the residents of River Parade.

(Duration of meeting: 10.00am – 11.50am)

The Officer who has produced these minutes is Roger Bishton,
Democratic &

Members' Services, direct line (01225) 713035 or e-mail

roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/71311.