

## REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

<b>Date of Hearing</b>	<b>18 June 2010</b>
<b>Title of Report</b>	<b>Application for a Premises Licence, The Bear, 26 Silver Street, Bradford on Avon, BA15 1JY</b>
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.

### Summary of Report

An application for a Premises Licence has been made for which there are relevant representations.

Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations.

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are: - The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm.

Such steps are: - To modify the conditions of the licence, to reject the whole or part of the application, or not take any further action.

### Officer Recommendations

**None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.**

**There is no other background information from any other departments of the Wiltshire Council**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
<b>Contact Officer</b>	Mrs Maggie Jones Policy & Licensing 0300 4560100 ext 5536 Maggie.Jones@wiltshire.gov.uk			

## 1. Introduction

An application for a premises licence by the Lamb Brewery Ltd has been made for which there are relevant representations.

Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to these representations.

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

## 2. Options and Options Appraisal

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary.

## 3. Background Information

On the 26 April 2010, an application for a Premises Licence was received and accepted as a valid application. This application, if granted, is to replace the licence which already exists for the premises. The current licensable activities, timings and conditions are as per the copy of the licence attached to this report as Appendix 3. The premises are currently closed and extensive building works, mainly to the first and second floors, are being undertaken at the premises.

A copy of the plan which accompanied the application will be available at the Hearing.

This application relates to the existing licensable premises and is also to cover a separate building at the rear of the premises which the Applicant wishes to have incorporated into the licence. The application under consideration will also increase the hours for licensable activities throughout the week.

The application as applied for, is as follows:

Sale of Alcohol	10:00 to 01:00 daily	On & Off sales
Live Music	10:00 to 01:00 daily	In & outdoors
Recorded Music	10:00 to 01:00 daily	In & outdoors
Plays & Films	10:00 to 01:00 daily	In & outdoors
Performance of dance	10:00 to 01:00 daily	In & outdoors
Indoor Sporting Events	10:00 to 01.00 daily	
Anything of Similar Description	10:00 to 01:00 daily	In & outdoors
Provision of facilities for making music, dancing & entertainment of a similar description	10:00 to 01:00 daily	In & outdoors

Late Night  
Refreshment

23:00 to 05:00 daily

In & outdoors

The Applicant has confirmed, after consulting with the Wiltshire Council's Pollution Officer Richard Francis, his written agreement to the adding of the following conditions to his application in respect of the public nuisance objective:

- (i) Whilst live music is being played at the venue, a competent member of staff shall undertake noise observations in Silver Street. The following information shall be included in the noise log – the name of the person undertaking the observations, the time the observation was made, the location of the observation, the details of the observation and the details of the corrective action undertaken to reduce the music levels.
- (ii) The internal lobby doors shall remain closed during live music performances (save access and egress of patrons).
- (iii) Posters shall be displayed in the premises to ask patrons to leave quietly respecting the neighbours.

These conditions, if considered appropriate, will need to be approved at the Hearing by the Committee, if the licence application is granted.

#### 4. **Representations**

During the consultation period representations have been received from the following Interested Parties:

**Mr A Abel 7 Coppice Hill Bradford on Avon**  
**Mrs C Abel 7 Coppice Hill Bradford on Avon**  
**S G & P E Volk 9 Coppice Hill Bradford on Avon**  
**Ms A White 15 Coppice Hill Bradford on Avon**  
**Mr & Mrs B Howard The Old Sunday School 18 Coppice Hill Bradford on Avon**  
**Ms T Achilleos 19 Coppice Hill Bradford on Avon**  
**Mr N Taylor 22 Coppice Hill Bradford on Avon**  
**Ms L Jarvie 7 Silver Street Bradford on Avon**  
**Mr J Smith Maisonette 1, 7 Silver Street Bradford on Avon**  
**Miss C Pugh The Flat 11 Silver Street Bradford on Avon**  
**Ms M Gresson 13 Silver Street Bradford on Avon**  
**Mr K Barker Bunch of Grapes 14 Silver Street Bradford on Avon**  
**Ms D Pape 18 Silver Street Bradford on Avon**  
**Dr S Day The Old Cottage 19 Silver Street Bradford on Avon**  
**Mr & Mrs R Crabbe Hope Cottage 20 Silver Street Bradford on Avon**  
**Mr R Green 13 Whiteheads Lane Bradford on Avon**  
**Ms L Pyper The Barn Whitehill Bradford on Avon**  
**Mr R Senior 4 Whitehill Bradford on Avon**  
**C & J Dale 13 Whitehill Bradford on Avon**  
**Mr C Gillett 3 Woolley Street Bradford on Avon**  
**Ms B Humble 7 Woolley Street Bradford on Avon**  
**Mrs M Worlidge The Dower House 21 Woolley Street Bradford on Avon**  
**Malcolm Hewson Wiltshire Councillor Bradford on Avon South**

**A 39 signature petition – some of those who have signed have also submitted individual written representations and are included in the above list.**

<u>Representation</u>	<u>Licensing Objective</u>	<u>Accepted</u>	<u>Comments</u>
Noise from premises	Public Nuisance	Y	
Noise from customers leaving the premises	Public Nuisance	Y	
Antisocial Behaviour	Crime & Disorder	Y	

Copies of all representations are attached to this report as Appendix 2

The plan attached to this report as Appendix 4, includes the plotting of some of the locations where representations have been made.

## 5. Legal Implications

It should be noted that both the Applicant and the Interested Parties may appeal the decision made by the Licensing Sub Committee. The decision made by the Licensing Sub Committee, however, takes immediate effect.

The Applicant and all Interested Parties have been informed of the date, time and location of the Hearing and their right to be represented.

## 6. Risk Analysis

Not applicable.

<b>Appendices:</b>	<ul style="list-style-type: none"> <li>• 1. Application for a premises licence under the Licensing Act 2003</li> <li>• 2. Copies of relevant representations</li> <li>• 3. Current Premises Licence</li> <li>• 4. Location map</li> </ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"> <li>• The Licensing Act 2003</li> <li>• The Licensing Act (Hearings) Regulations 2005</li> <li>• Amended Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)</li> <li>• The Licensing Policy of the Wiltshire Council</li> </ul>

## Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		

Report prepared by Maggie Jones, Policy & Licensing Officer – Licensing Team, West Hub