

# Minutes

**Meeting of** : Western Area Licensing Sub-Committee  
**Meeting held in** : The Alamein Suite, The City Hall, Salisbury  
**Date** : Thursday 26 April 2007  
**Commencing at** : 10.00am

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**Present:**

**District Councillors:**

Councillors Mrs E A Chettleburgh, T F Couper, E R Draper

**Officers:**

Ms A Davies (Democratic Services)  
Mr J Chamberlain (Democratic Services)  
Mr R Hodgkinson (Legal & Property Services)

**41. Election of Chairman:**

**Resolved** – that Councillor Draper be elected Chairman for the duration of the meeting.

**42. Minutes of Previous meeting:**

**Resolved** – that the minutes of the last ordinary meeting held on 13 March 2007 be approved as a correct record and signed by the Chairman.

**43. Explanation of Procedure:**

The Chairman explained the procedure for the hearing for all present.

**44. Declarations of Interest:**

There were none

**45. Pembroke Arms, Fovant:**

**Resolved** – that having taken into consideration the representations made in writing and at the hearing, and the licensing objectives stated in the Licensing Act 2003, with the guidance issued under section 182 (as of 22<sup>nd</sup> June 2006), along with the Council's Statement of Licensing Policy, the Sub-committee resolved to:

**Grant** the application

Subject to the following conditions:



**Awarded in:**  
Housing Services  
Waste and Recycling Services



1. That the hours for sale of alcohol conform to the specified hours in the Council's Licensing Policy;
2. That the premises remain open to the public until 12.30am Mondays to Thursdays, and 2.30am on Fridays, Saturdays and Sundays;
3. That the measures set out in the letter from Whitehead Vizard Solicitors (applicant's solicitor) dated 23 March 2007 and numbered 1-7, are made conditions on the licence.

**Reasons:**

The reasons for this decision are:

The Sub-Committee has heard evidence from the applicant's representative, David Ridley that the purpose of the extended opening hours was to provide flexibility in order for the premises to remain financially viable as a focal point for the community. Although the application would allow for the sale of alcohol until 2am every night of the week, this would not necessarily mean that the applicant would take advantage of this provision in the absence of demand. Mr Ridley stated that it was intended for the premises to remain a traditional public house, without attracting younger clientele or providing loud entertainment. In addition, there had been no representations received from responsible authorities, and the applicant had worked closely with Environmental Health Services to overcome their initial concerns. The applicant's representative stated that two Temporary Event Notices had been granted in the past six months, and that both events had been responsibly managed without incidents. Mr Ridley also drew the Sub-Committee's attention to the fact that letters had been submitted in support of the application.

**With regard to the sale and supply of alcohol**

The Sub-Committee heard a statement from the applicant to the effect that, in order for the premises to remain financially viable the extended hours were necessary. However the Sub-Committee heard no supporting evidence in respect of this contention. Such evidence as the Sub-Committee has heard related to occasions when a resident might return late or one or two customers wished to remain drinking late. The Sub-Committee was not persuaded that such occasions would be crucial to the financial viability of the premises. The Sub-Committee was not presented with any more detailed financial evidence, or evidence of an increase in custom, to justify the proposed departure from the Council's Licensing Policy. Therefore the application is granted in line with the licensing hours as specified in the Policy.

**With regard to noise nuisance**

In light of the concerns raised by Mr Davies regarding noise nuisance, the Sub-Committee found that noise intrusion had not in the past been excessive. However, the Sub-Committee was mindful of the nature of the village and the locality of the premises, and acknowledges that noise disturbance would have a greater impact in a village such as Fovant as compared with a large town. The Sub-Committee feels that the more appropriate means for dealing with noise nuisance should it occur is via Environmental Health Services, rather than relying on restrictions on the Premises Licence. The Sub-Committee also felt that the seven conditions set out in the letter from Whitehead Vizard Solicitors (the applicant's solicitor) dated 23 March 2007, would address issues associated with noise nuisance, and the same are accordingly made conditions on the licence.

During the consideration of this matter, the Sub-Committee had regard to:

The application and the letters of objection and support as attached to the agenda.

The additional correspondence from the objectors, dated 14 and 20 April 2007 (circulated at the meeting)

The representation made by Mr Davies at the hearing.

All parties have the right to appeal to the magistrate's court should they be dissatisfied with the decision.

*The meeting closed at 12:10pm*

*Members of the public: 7*