

AGENDA SUPPLEMENT (1)

Meeting: Northern Area Licensing Sub Committee
Place: Pitman Room - County Hall, Trowbridge
Date: Monday 21 September 2015
Time: 2.00 pm

The Agenda for the above meeting was published on 11 September 2015. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Kieran Elliott, tel 01225 718504, email kieran.elliott@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5g **Appendix 7 - Applicant's Response to the Representations Received (Pages 3 - 8)**

DATE OF PUBLICATION: 16 September 2015
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The Royal Sports Bar
Ivy Road Industrial Estate Unit
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Tel 01249650017

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Wiltshire Council
Monkton Park
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09 September 2015

Re: Response to Representations

1. The Royal Sports Bar published and posted the required notices in accordance with law, to establish the granting of the variation of the music license without any representations against it, for the date to commence 25th August 2015.
2. However since the posting of the proposed extension as required by law, 3 representations have been by made by the general public against the application which now exist in the in the public domain.
3. In order to address the contents and concerns of the 3 representations submitted, this letter will detail the steps and procedures which the owners and management of the Royal Sports Bar have undertaken to elucidate, alleviate and rectify all of the points raised.
4. To accomplish this we believe that it is prudent to provide you with a brief history of the operation and management of The Royal Sports Bar since taking ownership on the 1st November 2014.

History

The Royal Sports Bar was purchased from Mr. Peter Beckenham and a lease was signed with Robert Iggulden (Landlord) on the 1st November 2014. The business is currently family owned and managed by Mr. Gordon Sean Smart who has previous extensive experience in the running, management and operation of social clubs.

The Royal Sports Bar is a fully licensed family orientated establishment, designed to cater to the general public as a community based business, we currently have 7 snooker tables and 6 pool tables which support 12 Snooker Teams and 23 Pool teams who play and practice on a weekly basis. We make a special effort to encourage, and coach young players who show an interest in both Snooker

and Pool, and have a regular clientele of 25 fathers and their sons and daughters who patronize the bar and play on a daily and weekly basis, to encourage their children's advancement of the sport.

Within the interior of the club we have a wall mounted juke box in the pool room which provides music choices to our patrons only in the pool room and bar area, the volume of this unit is under the strict control of the management and cannot be altered by the patrons. We always keep the volume at a moderate level to ensure that we do not create noise pollution within or outside the confines of the premises. We also have 4 TV's and a drop down large screen which are used for the legal presentation of live broadcast sporting events, the volumes and channel controls are all maintained and in the possession of management and staff behind the bar and are not available to the bars patrons.

To our knowledge, prior to the three representations against our variation of the premises license application, we have never received any verbal or written complaints regarding any activities of the business, the conduct of our patrons or any noise pollution created from the premises. We have had no negative interaction with the police or other regulatory bodies, as we make considerable efforts to ensure that the activities and patrons of our business do not cause any form of raucous or vociferous behavior to cause inharmony, distress or offend the sensibilities of our neighbors, or the general public in or around the local vicinity.

Any non regular customers who visit the Royal Sports Bar and who are viewed to be overtly raucous, boisterous, and rambunctious or are likely to cause inharmony, unease or discordance with or against our regular clientele, are dealt with in the following manner; management will immediately reign in and deal with such situations in a firm professional non aggressive manner. Management explains that their behavior is unacceptable and will not be tolerated; they are given the option to curtail their behavior and act in a responsible manner or leave the premises immediately.

The Royal Sports Bar is the lessee of Unit F in the Ivy Road Industrial Estate; the lease states very clearly the bars responsibilities with regard to maintenance and upkeep of the leased premises and its surrounding external car park area. These areas are clearly defined and the Royal Sports Bars responsibilities cease at the perimeter fence surrounding the Ivy Road Industrial Estate.

Representations.

In order to address the 3 representations made, I will answer them all jointly as each representation and the points raised are virtually identical. I will address all the objections raised in detail and the management's steps that have been undertaken to correct the issues which I am personally in a position to rectify and are under my control. I have contacted the management and their maintenance department to address the issues raised by the representations which are outside of my control.

Upon reading the representations as presented, it became blatantly obvious that the major bones of contention were with respect to the wrongly perceived lack of management control of the premises housing The Royal Sports Bar, due to three major factors. Firstly the missing fence panel resulting in the free access of any individual wishing to egress or ingress the parking lot of the entire Ivy Road Industrial Estate; which in turn, according to the representations has led to extraneous foot traffic onto an area reserved for the private use of Ivy Cottages and the Primary school and as a consequence

facilitating the dropping and discarding of litter in that area, and people wandering around their front doors and gardens at night, this is obviously totally unacceptable; Secondly the leaking of water or some substance onto the property fronting Ivy Cottages and thirdly, that the noise levels that will be created by the license extension would be unbearable for the residents of Ivy Cottages.

The aforementioned representations raise points of contention which while obviously distressing for the residents of Ivy Cottages, have been wrongfully directed towards the so called mismanagement of the Royal Sports Bar and adjacent car park. As previously stated the cause and effect of the concerns listed are not as a result of neglect or mismanagement on the behalf of the Royal Sports Bar, but rather issues directly related to the property management of the Ivy Road Industrial estate in total not the responsibility of the individual leaseholders.

On receiving the representations I personally contacted Mr. Robert Iggulden who manages the entire Ivy Road Industrial estate and informed him of the issues presented and in due fairness he was totally unaware of the two issues raised, but within 24 hours of being informed, the missing portion of the fencing was replaced and he informed me that he had contacted Wessex water who were aware of the underground leak running down the path, and are in the process of resolving the problem; he also informed me that the water leak is not coming from the Ivy Industrial estate properties.

The replacement of the missing fence panel bordering The Ivy Road Industrial Estate will stop all egress and ingress onto the lane leading too Ivy Cottages. I have made inquiries to ascertain if a police report was made with regard to the trespassing which took place at Ivy Cottages, and to my knowledge no such report was made. Also with regard to the certitude exhibited that the empty beer cans being found at the entrance of the Ivy Road cottages, along with empty capsules of nitrous oxide, are in fact the result of malpractice on behalf of the management of the Royal Sports Bar; we feel the need to refute these allegations. The Royal Sports Bar does not nor has ever sold beer in cans and also maintains a strict zero tolerance drug policy with regard to its patrons and customers, so I can only surmise that these trespassing individuals are coming from another location other than the Royal Sports Bar, by gaining access from the main road and bringing with them their own alcohol and illicit drugs. This being the case I can only strongly advise that for their own security and peace of mind, that the residents of Ivy Cottages call the police immediately if they witness antisocial behavior or find unknown individuals on their property during the night.

I would also state that I am personally present at the club from 12 midday to 12 at night 7 days a week, if the residents have any misgivings, concerns or observations regarding the management of the Royal Sports Bar, I would be more than happy to sit down and discuss it with them over a cup of tea or coffee..

The only reason that the Royal Sports Bar has applied to establish the granting of the variation of the music license without any representations against it, for the date to commence 25th August 2015 is because as of a recent change in licensing laws, entitled The Entertainment Legislative Reform Order 2014 which changed the applicable hours for the playing of music. The original Licensing Act of 2003 stated the following, (the points relevant to the application are underlined)

SCHEDULE 1 PROVISION OF REGULATED ENTERTAINMENT
PART 1 GENERAL DEFINITIONS

PART 2 EXEMPTIONS

Entertainment

2(1) The descriptions of entertainment are—

- (a) A performance of a play,
- (b) An exhibition of a film,
- (c) An indoor sporting event,
- (d) A boxing or wrestling entertainment,
- (e) A performance of live music,
- (f) Any playing of recorded music,
- (g) A performance of dance,
- (h) Entertainment of a similar description to that falling within paragraph (e), (f) or (g),

Where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

(2) Any reference in sub-paragraph (1) to an audience includes a reference to spectators.

(3) This paragraph is subject to Part 3 of this Schedule (interpretation).

PART 2 EXEMPTIONS

Music incidental to certain other activities

7 The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself—

- (a) A description of entertainment falling within paragraph 2, or
- (b) The provision of entertainment facilities.

Use of television or radio receivers

8 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

Part 9 Miscellaneous and supplementary

Small premises

(4) At any time between the hours of 8 a.m. and midnight when the premises—

- (a) Are being used for the provision of music entertainment which consists of—
 - (i) The performance of unamplified, live music, or
 - (ii) Facilities for enabling persons to take part in entertainment within sub-paragraph (i), but

(b) Are not being used for the provision of any other description of regulated entertainment,
any licensing authority imposed condition of the premises license which relates to the provision of the music entertainment does not have effect, in relation to the provision of that entertainment, unless it falls within subsection (6).

The Entertainment Legislative Reform Order 2014 has only one change from the aforementioned which directly affects the business model of the Royal Sports Bar which effectively shortens the time available to play recorded music by one hour, from the hours of 08:00 – 23:00 instead of the original Licensing Act of 2003 which allowed music from the hours of 08:00 – 24:00. The change to the revised act is listed below.

The Legislative Reform (Entertainment Licensing) Order 2014

Chapter 6: Recorded Music in relevant alcohol licensed premises

6.4 The draft Order proposes the removal of the licensing requirement for the playing of recorded music between 08:00-23:00, before audiences of no more than 500, on relevant premises authorised to be used for the supply of alcohol 45. There is a read across between live music performances and recorded music events, such as discos and DJ events (where a performance of live music and the playing of recorded music often meet) and so this measure is specifically for such recorded music events on relevant alcohol licensed premises. That the premises are licensed for alcohol purposes means that they remain subject to the licensing framework and it is the alcohol licence that provides the means by which any issues (should they arise) can be addressed. There are also other recorded music events, such as tea dances and discos for under 10s, which pose very little risk to the licensing objectives and could well be covered by other measures in the LRO.

6.5 The potential sanction of a licence review is fundamental to ensuring that this limited deregulatory relaxation of the playing of recorded music does not pose a significant risk to the licensing objectives. This sanction of a licence review has been bolstered by recent changes to the legislation so that, as well as local residents, businesses and the police, licensing authorities themselves can instigate a review. For a licensee, a licence review can be a very serious issue, and failure to comply with the law could lead to closure of the premises, as well as a fine and/or a prison sentence.

6.6 The Government considers that setting the audience threshold at 500 is appropriate and will not pose a significant risk to the licensing objectives (see Chapter 3). This audience limit of not more than 500 people is in line with the partial deregulation of plays and dance under the 2013 Order. Technical detail

6.7 The playing of recorded music on relevant alcohol licensed premises would not be licensable to the extent that the requirements of section 177A of the 2003 Act (as amended) are satisfied: (a) on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises; (b) at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises; (c) in the presence of an audience of no more than 500 persons; and (d) between 08:00-23:00 on the same day, or where

the Secretary of State makes an order relaxing opening hours for special occasions, between the hours specified in that order⁴⁶. Where recorded music takes place under these circumstances, the effect of section 177A of the 2003 Act is that all existing licence conditions that relate to the playing of recorded music are suspended. However, on a review of a premises licence or club⁴⁵ The exemption may apply where the supply of alcohol is for consumption on those premises, at times when those premises are open for the purposes of that supply of alcohol for consumption on the premises. ⁴⁶ See section 172 of the 2003 Act. Department for Culture, Media & Sport The Legislative Reform (Entertainment Licensing) Order 2014: Explanatory Document 33 premises certificate, any such conditions may be reactivated by a licensing authority, and new conditions relating to recorded music may also be added by a licensing authority on review as if any such playing of recorded music was licensable. Thereafter, an authorisation under the 2003 Act will be required for any playing of recorded music on those premises.

6.8 New Sub-section (4A) to section 177A makes it clear that the suspension of licence conditions does not apply to recorded music which is exempt by virtue of new paragraphs 12ZA and 12ZB – i.e. local authority, hospital and school premises (see Chapters 4 and 7).

Aside from the aforementioned The Royal Sports bar wishes to extend the hours it is permitted to play recorded music from 23:00 to 01:00 on Fridays and Saturdays. This will enable us to somewhat compete with the plethora of pubs and clubs with extended licenses up and down the high street.

The Environmental Health Agency officer visited the Royal Sports Bar to perform an onsite survey of the premises to establish the effectiveness of the soundproofing capabilities of the building with regard the containment of sound. After a thorough inspection he concluded that there existed no cause for concern, on the proviso that management strictly controlled the use of a fire door on the side of the building adjacent to the parking lot facing the primary school. The front entrance posed no risk as the front door opens unto a vestibule with its own inner door to enter the bar area. This survey should alleviate any concerns raised in the representations.

To conclude, I would like to state for the record that the Royal Sports Bar, management and license holder have at no time contravened any of their responsibilities under the Licensing act of 2003 as asserted in the representations.

As previously stated the Royal Sports Bar has had no negative interactions with the police or any other regulatory agency since we opened for business on 01-11-2014. Therefore we respectfully request that the board grant the variation of the music license for the Royal Sports Bar.

We thank you for your consideration.