

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 28 NOVEMBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE -CALNE TOWN COUNCIL, BANK HOUSE, THE STRAND, CALNE

Present:

Cllr Allison Bucknell, Cllr Bill Douglas and Cllr Trevor Carbin

Also Present:

Wiltshire Council

Lisa Pullin (Democratic Services Officer)
Jemma Price (Public Protection Officer – Licensing)
Paul Taylor (Senior Solicitor)

Made a Relevant Representation

Jon Jones

7 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Allison Bucknell as Chairman for this meeting only.

8 Apologies for Absence/Substitutions

Apologies were received from Councillors Simon Jacobs (Cllr Trevor Carbin substitute member) and from Councillor James Sheppard (Cllr Bill Douglas substitute member).

9 **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" (Pages 5 - 11 of the Agenda refers).

10 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

11 **Declarations of Interest**

There were no interests declared.

12 **Licensing Application**

Application by Calne Town Council for a variation of a Premises Licence in respect of Calne Winter and Summer Festivals.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. She highlighted the following:

- This was an application for a variation of a Premises Licence to increase the number of people permitted to attend to 9,999. The current Premises Licence permits a maximum of 4,999; and
- During the consultation process, one relevant representation was received citing concerns over anti-social behaviour and criminal damage causing public nuisance.

There were no representatives on behalf of the Applicant present at the hearing and in accordance with the procedure detailed in the agenda, the written submission from the Applicant was noted and the person who had made a Relevant Representation was given the opportunity to address the Sub Committee.

Key points raised by Jon Jones who made a relevant representation were:

- My property is on the high street and I experience a persistent level of anti-social behaviour from patrons who frequent the town, especially when they have been drinking alcohol;
- I have tried to work with the Police to minimise the anti-social behaviour aspects that I suffer and the problems increase when there are large events held in the Town;

- I am frustrated that following these events there appears to be no follow up to make improvements for future events. These events are well meaning for the town and I support them but there is no feedback loop and problems that are reported occur again as they have not been dealt with;
- I spend a lot of my time stuck in processes to report incidents and nothing seems to improve. Linda Holland, Licensing Manager for the Council has told me that she is conscious and aware that she is not getting all of the relevant information from Wiltshire Police, i.e. reported incidents that back up the problems that are being suffered;
- I feel there is a failure in the process and incidents are not being monitored accurately with the relevant information being passed along the chain. I had included an email from my local Police Officer, Benjamin Huggins and note that this was not included within the Agenda papers;
- When the Bike Fest event happened the employed security ended when the event did although the revellers were still in the Town Centre and using my gateway as a toilet;
- I am concerned about how Calne Town Council manages their events. I expect some inconvenience when these events are on, for example noise and not being able to get my car in and out, but not people urinating by my property;
- I can document that I have reported these incidents (as I have installed my own CCTV outside my property) and images of perpetrators have been passed on to the Police to try and identify the individuals so that they can be fined for the offence; and
- I spent time re-wording the conditions offered by Calne Town Council but these were not accepted and I am disappointed to note that they are not present at the hearing today.

The Sub Committee were then given the opportunity to ask questions of Mr Jones who had made a relevant representation:

Q We appreciate that you have experienced a whole raft of issues that are not related to this event for which the variation is applied for, have you involved your local Wiltshire and Town Councillor?

A I experience anti-social behaviour problems at Halloween with the noise from the funfair and youths throwing eggs and stones at my property. I have been into the Town Council offices and they say they cannot help as the funfair is not a licensable activity. I have installed shutters to block out the sound, but this also impedes my view of who is acting inappropriately

outside of my property. It has been suggested that I install £5k worth of gates onto the archway which is on my neighbour's property.

Q Do you understand that we cannot control and take action if the incidents are not related to licensable activities?

A Yes, but you have an application before you which over populates the town and there are not enough facilities provided and you are aware of the nature of the problems that arise from this. There is nothing in a management plan for the dispersal of people at the conclusion of the event and no method to evaluate the success of the event and prepare for future events. I feel that if you grant the application you will be subjecting me to a raft of problems that exacerbate the already unpleasant situation.

Mr Jones said he felt the process wasn't working, people should be made responsible for their actions and suitable outcomes should be achieved. Local residents should be respected and looked after and he was disappointed that the Town Council have not sent anyone here today to support their application. The Chairman clarified that the Licensing Authority had been informed that the Town Council had been unable to send any representatives today due to staff shortages over sickness. Mr Jones felt that the Town Council should have engaged with him prior to this meeting.

The Sub Committee assured Mr Jones that they would take into account all representations raised and the Licensing Team would work with him to help do what they could to minimise the impact of the anti-social behaviour, etc that he was suffering.

The Sub Committee then adjourned at 11.05 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 11.30.

Resolved:

That the Northern Area Licensing Sub Committee REFUSED the application for a Variation of a Premises Licence for Calne Town Council to increase the number of people permitted to attend to their events to 9,999.

Reasons

The Sub Committee heard oral representations from Mr J. Jones, in support of his written representation. The Applicant did not attend the hearing.

The Sub Committee noted the concerns that had been raised in the representation from Mr Jones regarding problems that had occurred

during previous licensed events that had taken place under the existing premises licence.

The proposed variation sought to double the maximum number of persons who could attend such events. The Sub Committee considered that the Applicants had failed to satisfactorily demonstrate how they would promote the Licensing Objectives, particularly in relation to the prevention of public nuisance, at events where such larger numbers of persons may be present.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.30 - 11.35 am)

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