

DECISION NOTICE

Northern Area Licensing Sub Committee

Meeting held 09 August 2011, to consider an application for a review of the premises license in respect of the Phoenix Bar, 4 High Street, Wootton Bassett, Wiltshire, SN4 7BS

Decision

The Sub Committee has resolved to vary the premises licence, by the addition of the following conditions:

1) That within 3 months, there be a minimum of 1 suitably qualified doorstaff (SIA-accredited) at the premises to monitor patrons leaving the premises and where necessary remind them of the need to disperse quietly. The above mentioned doorstaff to be employed on Fridays and Saturdays and additionally whenever there is regulated entertainment. The doorstaff to be present between 9pm until at least 15 minutes after the premises has closed.

Reason: For the prevention of public nuisance, prevention of crime and disorder and in the interests of public safety.

2) The premises may not open after 11pm for 3months, or until such time as additional condition 1 above, is fulfilled (if this is sooner than 3 months).

Reason: For the prevention of public nuisance, prevention of crime and disorder and in the interests of public safety.

3) A Noise Limiting device shall be fitted to the premises in an appropriate location to be installed within 3 months, and all live or recorded music shall be played through this device. The Noise limiter shall be connected to the main supply and prior to any live or recorded music being provided the limiter shall be set to a level agreed with the Environmental Protections Officers of Wiltshire Council. This level shall not be altered. Once agreed access to the limiter shall be restricted to senior members of staff only for resetting purposes.

Reason: For the prevention of public nuisance.

4) The applicant shall submit a noise management plan to the Licensing Authority within 3 months. The plan shall include a suitable monitoring regime when live music or recorded music is being provided; including exact locations, frequency and documentary evidence that monitoring is being undertaken. The plan shall be agreed by the Council's Environmental Protection Department of Wiltshire Council in writing before any regulated

entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council.

Reason: For the prevention of public nuisance.

5) No live or recorded music to be permitted after 11pm, for the next 3 months, or until such time as a limiter is fitted and a noise management plan agreed with the licensing authority, if this is sooner.

Reason: For the prevention of public nuisance.

Informative:

The licensing Sub Committee were mindful of the representation regard fly-posting and advertisements, but noted the license holder's promise to cease this activity and would like to remind the license holder that such activity may constitute an offense under planning legislation.

Reasons

The Sub Committee noted that there were three main grounds on which this review had been sought. These were:-

1. Noise emitted from the premises during music events
2. Noise and anti-social behaviour caused by patrons of the premises, especially when leaving the premises late in the evening
3. Fly-posting and other unlawful advertising of events at the premises

In relation to problems caused by noise emanating from the premises during music events, the Sub Committee took note of the comments of the local residents who had made representations that, during these music events, they found it difficult to sleep as the music was too loud, particularly when doors or windows of the premises were open. The Sub Committee also took into account the comments of the Environmental Protection Officer that, given the structure and layout of the building, with the installation of a double-door system at the front of the premises, there was no reason why there should be a noise nuisance caused to local residents during most music events, provided these events were properly managed. The Sub Committee therefore considered that the implementation of a suitable noise management plan would address this issue.

In relation to noise and anti-social behaviour caused by patrons of the premises, the Sub Committee accepted that this was a problem and that steps taken by the Licence holder to address this problem had not been sufficient. They considered, however, that the use of suitable qualified door-staff would help to reduce this problem in the immediate vicinity of the premises as well as helping to ensure that the doors to the premises were kept shut during music events.

The Sub Committee did not consider that any unlawful fly-posting was such as to require any additional licensing conditions to be imposed. If there were problems of this nature in the future, they would be better addressed through planning legislation

The Sub Committee was therefore satisfied that the existing licence conditions, together with the additional conditions proposed, would satisfy the licensing objectives.

In reaching their decision the Sub-Committee took into account the relevant provisions of the Licensing Act 2003, in particular sections 4 and 52, the Government's statutory guidance issued under s.182 of the Act and the council's own Licensing Policy, in particular paragraphs 3.8 and 3.18, to which they had been referred during the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of notification of this decision. The above additional conditions will not come into effect until the time for lodging an appeal has passed or, where an appeal is made, until that appeal has been finally disposed of.