

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 22 OCTOBER 2013 AT CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE, BA14 8AH IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - WATERHOUSE, 5 WATERHOUSE LANE, MONKTON COMBE, BATH

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr George Jeans

Also Present:

Wiltshire Council

Linda Holland (Senior Licensing Officer)
Jo Hulbert (Licensing Officer)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant/Representatives

Simon Wilsher (Applicant)
Sue Wilsher (Applicant)
Johnny Wrench (Representative)
Katie Watson (Representative)
Jayne Holloway (Representative)
Mike Sotirakos (Representative)

Those who made relevant representations/Representatives

Martin Boden
Patrick Donovan
Gavin Douglas
Katie Plumbly
Mr Wighton
Mrs Wighton
Mr Oakley
Mrs Moore
Mr Moore

1 **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2 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 1 – 6 of the Agenda refers).

3 Chairman's Announcements

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

4 Declarations of Interest

There were no interests declared.

5 Licensing Application

Application by Simon and Sue Wilsher for a Premises Licence in respect of Waterhouse, 5 Waterhouse Lane, Monkton Combe, Bath

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

In accordance with the procedure detailed in the agenda, the Applicants and their representatives and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Simon Wilsher, (Applicant) were:

- That they had bought the Grade II Listed Waterhouse in 2009 and began restoration works in June 2010;
- There were 5 parts to their business – providing a venue for team building/strategy meetings, letting out office space to other businesses, a bed and breakfast business, providing a venue for meetings/conferences and the provision of food and beverages;
- They believe they have a value to the community having created 15 jobs;
- Their guests that attend conferences/stay overnight in the accommodation have given positive feedback on internet rating sites, but refer to the fact that they are unable to purchase alcohol or eat at Waterhouse. The

applicants would wish to be able to sell alcohol and food to their guests/residents so that they do not have to travel off site for this service;

- That the application was for the supply of alcohol every day until 23.59 hours. An offer was made to pull the timings back to non residential guests to 23:00 hours and extend to 01:00 for residents. (After Legal advice it was clarified that the application for the sale of alcohol was for 23:59 and could not be extended to 01:00 at this hearing). The applicant then amended the offer so that alcohol could be supplied to guests until 23:00 and residents until 23:59;
- That noise from the local school, agricultural use, RAF, and children and families could be heard at Waterhouse and this is accepted and in turn some noise coming from Waterhouse should be accepted by local residents;
- Access to Waterhouse via the narrow lane was not ideal but they had spent money on trying to improve in and increase the number of passing points;
- If the alcohol licence were to be granted it was felt that there would be less traffic using the lane as residents/guests would not need to leave the premises for food and drinks; and
- The applicants were looking to support their neighbours and run a successful business which would benefit the community.

Key points raised by Katie Watson (General Manager of Waterhouse) on behalf of the Applicant were:

- That with the ability to provide food and alcohol to their guests/residents they would be adding to the guest experience who have present have to leave the premises for this service; and
- They are focused on community engagement and although she had not yet met all of the local neighbours they would be proposing quarterly meetings with them to open their facilities out to them and iron out any concerns.

The following questions were asked of the Applicants:

Is the lane leading to Waterhouse privately owned?

We have possessionary title and are responsible for the maintenance of the lane.

Are you proposing that alcohol be consumed outside at the premises?

Yes on the terrace. Please refer to page 41 of the Agenda which shows the 3 defined areas in which we would like for our guests to be able to consume alcohol.

If a licence was granted and you had full occupancy – what sort of numbers of people might be at Waterhouse at one time?

Sometimes there could be up to 80 guests. There is the potential for 26 to 30 guests to be resident if there was full occupancy in the bed and breakfast service.

Why do you assume that the community want to engage with you – is this just for your benefit?

No it is to benefit residents and Waterhouse and to develop the area – we wish for there to be a two way dialogue.

You mentioned that you would wish for parity with the Wheelwrights pub and be able to serve alcohol as they can – why should you have parity with them – they are a pub?

Why shouldn't we have parity with the Wheelwrights? We don't want to be a pub but wish to be able to offer our guests food and alcohol.

If you were to be granted a licence and if the property was then sold then is it correct that the licence would pass over to new owners?

Yes.

I am personally not opposed to the granting of an alcohol licence to residents but would like clarity on who will be able to buy and consume alcohol at Waterhouse.

Legal clarification was sought on this issue. The Solicitor confirmed that the Sub Committee could restrict who alcohol was sold to and asked the applicants as to who they intended to supply alcohol to.

We would like to supply alcohol to our guests - those who come to use Waterhouse. Residents and their guests and those who are attending events at Waterhouse.

Our concerns are with the numbers in attendance and where they are drinking because of the potential noise disturbance to local residents. We would prefer that there is a restriction to outside drinking to 21:00 hours.

Why should we be restricted on the times that our guests/residents can drink outside – these restrictions are not in place at the Wheelwrights pub?

If there is more usage of the lane then more accidents are likely to occur – 3 out of the 6 residents on the lane have young children.

We have done quite a lot to limit the traffic on the lane and no representations have been received from the Police/Fire or Environmental Health. We have had traffic marshals in place when needed for larger events.

Can you confirm that you are not intending to be a public bar or restaurant?

No that is not our intention.

Key points raised by Mr Martin Boden (who made a Relevant Representation and was the appointed representative of other residents) were:

- That the premises were in a quiet valley setting and residents had chosen to live in the area because of its tranquillity;
- Was this application a gateway for a louder and grander application to be coming forward in the future;
- We are concerned about noise – at a wedding held at the premises we could hear the speeches on the microphones. I don't want my children to be affected by noise disturbance from the premises;
- All of the objectors are local residents and the supporters don't live here so are not affected by the noise; and
- If a licence was to be granted we would wish for controls and restrictions to be put in place to reduce the noise nuisance.

Key points raised by Mr Gavin Douglas (Chairman of Monkton Combe Parish Council and the appointed representative of other residents) were:

- There was a lot of public feeling on the issue and there were fears that an unrestrictive alcohol licence would cause noise disturbance to local residents as the Waterhouse setting could be likened to a Roman Amphitheatre; and
- The Parish Council did not object to the granting of an alcohol licence but had concerns about the timings and the potential disturbance of the outside drinking.

Key points raised by Mr Patrick Donovan (who made a Relevant Representation and was the appointed representative of other residents) were:

- That he felt the building was unsuitable as a drinking destination due to the noise and access issues and this application will open the door to more events which would mean HGV deliveries;
- There was no dedicated loading bay at Waterhouse;
- The issue of the safety of the children living on the lane is pertinent; and
- If the licence was to be granted they would propose that alcohol is only supplied to residents of Waterhouse. That a time limit of 21:00 is applied for the consumption of alcohol in outside areas and that all windows and doors are closed when a regulated activity is taking place.

Key points raised by Mrs Katie Plumbly (who made a Relevant Representation and was the appointed representative of other residents) were:

- That she lives 200 metres opposite Waterhouse and that the Applicants do not live at Waterhouse and neither do their supporters;
- That she likes to enjoy peace and quiet during the evenings and weekends as she works and needs suitable resting times;
- That an alcohol licence for residents only would be OK but not for the general public to turn up for a drink;
- That she was concerned about noise disturbance from those drinking outside as the sound would travel freely over the valley and would wish for there to be a restriction until 21:00 hours; and
- That a condition was needed to ensure that no noise escaped from the boundary as she did not wish to be disturbed by Waterhouse.

The following questions were asked of those who had made a relevant representation:

Is the lane a public right of way?

There is a public footpath which is closed at present due to a landslide, but it is an unadopted road.

Is what might happen in the future at Waterhouse a valid representation?

The Chairman responded that the Sub Committee were aware that they were only considering the application before them today – namely the supply of alcohol to 23:59 hours every day.

45 out of the 50 representations received contained the same information – do these all count as separate objections?

Everyone who submitted a signed representation is deemed to have made a separate representation.

The Applicants wished to clarify that they were only proposing that the consumption of alcohol be permitted outside in the 3 marked areas on the map in the Agenda and would not be over the whole boundary of Waterhouse.

If you were disturbed by the wedding that took place at Waterhouse, why did not tell us about it?

We were disturbed by the wedding, but as it was a family occasion we did not wish to complain. We accepted that it was occurring but it is a fear of what might happen in the future if wedding/event bookings increase.

We do not see why we should be saddled with more stringent conditions than that of Combe Grove Manor Hotel as that would be unreasonable. In the time that we have been operating have you complained to us about noise disturbance?

No never. I was not around when the wedding was on. Our issue is the traffic use on the lane and noise issues in the future if this licence was to be granted. Please give us some comfort and accept the conditions.

Mr Donovan spoke on behalf of all those who made a relevant representation in his summing up and the key points were:

- We are a community and we accept that Waterhouse is a business looking to make money; and
- A licence should be granted with residents in mind so that they are not given any cause to complain and consideration should be given to the modifications they had previously suggested.

Mr Wilsher and Mr Wrench made the following key points on their summing up on the applicant's behalf:

- We are part of the community but we need to fulfil our Business Plan. We are only here to deal with what we are applying for now;
- Any conditions imposed on us would make it less attractive for us – we don't need to be contained but we would of course honour any licence granted;
- We accept that noise crosses over into our boundary and would ask residents to accept that noise passes out from us;

- We are only able to have a certain number of people on the premises due to Fire Regulations; and
- The public footpath should be reopened soon and we are working on lane improvements and we would make plans to limit the exit and egress on the lane if there were larger events being held at Waterhouse.

The Chairman indicated that they would be now retiring to make their determination and would not anticipate returning before 2.30pm. All parties were welcome to return at that time, but contact telephone numbers could be taken for those not returning and they would be information of the determination later today.

The Sub Committee members retired at 12.45pm and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 2.40pm.

Resolved:

The Western Area Licensing Sub Committee has resolved to GRANT the Premises Licence for the following licensable activities:

Licensable Activity	Timings	Days
Supply of Alcohol (On the premises)	11:00 – 23:59	Every day of the week
Hours premises are open to the public	07:00 – 23:59	Every day of the week

Subject to the following additional conditions:

1. **That the sale of alcohol shall only be made to persons:**
 - a. **residing at Waterhouse and their bona fide guests;**
 - b. **attending pre booked conference/training events at the premises,**
or
 - c. **who are members of any other pre booked groups attending the premises.**

2. **No alcoholic beverages sold at the premises are to be taken to, or consumed in, any of the outside areas after 21:30 hours.**
3. **The windows and external doors to all public areas are to be closed and remain closed after 21:30 except for access and egress.**
4. **Clear and legible notices are to be prominently displayed at all exits from the premises requesting that all persons respect the needs of people living in the area and to leave the area quietly.**

In reaching their decision, the Sub Committee considered the written evidence presented in the agenda together with the oral evidence given at the hearing, noting in particular the concerns in respect of noise disturbance.

The Sub Committee also took into account the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Reasons

The Sub Committee considered the concerns expressed in the representations that it would not be appropriate for the premises to be able effectively to operate as a public house, given its location and the narrowness of the access road. The Sub Committee noted the applicant's comments that he only wanted to be able to sell alcohol to persons residing at the premises or who were part of pre-booked events or groups. The Sub Committee therefore felt it appropriate not to allow the sale of alcohol other than to those detailed in condition 1 in order to prevent public nuisance to local residents that could occur if there were no such restrictions.

Given the setting of the premises within the valley, and the risks of noise from the premises causing a nuisance to nearby residents, the Sub Committee felt it was appropriate to restrict the use of the outside areas after 21:30 and to limit the escape of noise from the premises by requiring doors and windows to be closed to all public areas by 21:30.

The Sub Committee considered the comments that had been made regarding the use of the access road to the premises, but felt that the granting of the licence would not adversely impact on the traffic movement to and from Waterhouse.

The granting of this licence is without prejudice to any other consents or approvals that may be required.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision.

(Duration of meeting: 10.30am to 2.45pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015 , e-mail lisa.pullin@wiltshire.gov.uk

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