

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 MAY 2014 AT COUNTY HALL, BYTHESAE ROAD, TROWBRIDGE, WILTSHIRE BA14 8JN IN RESPECT OF AN NEW PREMISES APPLICATION - MARSTNS PLC - LAND NORTH OF, CRANESBILL ROAD, MELKSHAM, WILTSHIRE.

Present:

Cllr Dennis Drewett, Cllr George Jeans and Cllr Pip Ridout

Also Present:

Teresa Bray (Licensing Officer), Hannah Hould (Licensing Officer), Asifa Ashraf (Solicitor), Michelle Hazlewood (Marston's PLC Solicitor), Laura Barnes (Applicant – Marston's PLC), Kieran Elliott (Senior Democratic Services officer), and Jessica Croman (Democratic Services Officer).

1 Election of Chairman

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

Resolved:

To elect Councillor Pip Ridout as Chairman for this meeting only.

2 Procedure for the Meeting

The Chairman welcomed all those present and introduced all officers and members of the public in attendance.

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 Marston's PLC for a Premises Licence at Land North of Cranesbill Road, Melksham, Wiltshire.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. She informed the members that Melksham Without Parish Council would withdraw their representations if conditions to incorporate external CCTV covering the terrace was applied.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. No persons who had made a relevant representation or Responsible Authorities were in attendance.

Key points raised by Michelle Hazlewood, Solicitor for Marston's PLC, on behalf of the Applicant were:

- No representations from Responsible Authorities had been received.
- The applicant had experience in the industry and worked closely with those who made representations to resolve any issues.
- The core element of the business was food and not alcohol.
- Recorded music would be used for the ambience only.
- The applicant was willing to stop playing music externally at 8pm.
- To tackle underage drinking the applicant has training in place and a price structure to deter under age drinking.
- To tackle rowdy departures the applicant has applied for extended hours to cover the holidays and bank holidays which will encourage a drift out approach rather than all being pushed out at the same time.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 11:10am.

The Hearing reconvened at 11:30.

The Solicitor for the Council, did not give any material legal advice.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

Resolved:

The Western Area Licensing Sub Committee has resolved to grant the application for a Premises Licence Marston's PLC at Land North of Cranesbill Road, Melksham, Wiltshire, be granted as detailed below

Licensable Activity	Timings	Days
Exhibition of films (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Indoor Sporting Events	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Live Music (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Recorded Music (indoors & outdoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00 subject to all outdoor music ceasing at 20.00 on all days	Monday - Thursday Friday – Saturday Sunday
Performance of Dance (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Late Night Refreshment (indoors and outdoors)	23.00 – 00:00 23.00 – 01.00 23.00 – 00.00	Monday – Thursday Friday – Saturday Sunday

Supply of Alcohol (on & off sales)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Hours premises are open to the public	07:00 – 00:30 07:00 – 01:30 07:00 – 00:30	Monday – Thursday Friday – Saturday Sunday

Along with the conditions proposed in the operating schedule and subject to the following additional or varied conditions:

- 1. CCTV also to be in operation in the exterior of the premises to cover the terrace area.**
- 2. That external recorded music will not be undertaken after 20:00 (8pm).**
- 3. To display a contact number in case of emergencies on the exterior of the building.**
- 4. Windows and doors to be a minimum of double glazed and shut after 20:00 (8pm), other than for access and egress, when live or recorded music was being played indoors, excepting indoor ancillary music.**

Reasons:

The Sub Committee took into account the written representations from the applicant and those making a relevant representation, in addition to oral arguments presented at the hearing by the applicants. The conditions suggested by the applicants following consultation with Melksham Without Parish Council were agreed to be appropriate to mitigate concerns regarding public nuisance. It was also considered that in addition it was appropriate to require doors and windows to be shut as well as the restriction of external recorded music, and that a contact number to be displayed was appropriate should there be an emergency event

In reaching its decision the Sub Committee has considered 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.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.

(Duration of meeting: 10.30 - 11.40 am)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262 , e-mail Jessica.croman@wiltshire.gov.uk

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