

WESTERN AREA LICENSING SUB-COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 18 JUNE 2010 AT COMMITTEE ROOM III, COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Peggy Dow and Cllr Mark Griffiths

Also Present:

Mr R Hodkinson – Solicitor, Wiltshire Council
Mrs M Jones – Policy and Licensing Officer
Miss M Gondlach – Democratic Services Officer
Ms Pam Denton – Senior Democratic Services Officer

Mr Edney – Applicant
Mr J Gillbody – Applicant's witness
Mr John Carter – Interested Party
Prof Medland – Interested Party
Mr R Carroll – Interested Party
Ms D Pirrie – Observer
Ms J Cowley - Observer

1. **Election of Chairman**

Nominations for a chairman were sought and it was

Resolved:

To elect Councillor Desna Allen 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 to 6 of the agenda refer).

3. **Chairman's Announcements**

There were no Chairman's Announcements.

4. **Members' Interests**

There were no Declaration of Interest.

5. **Licensing Application**

Application for a Premises License for the Bear, 26 Silver Street, Bradford on Avon, BA15 1JY.

The Licensing Officer introduced her report.

In accordance with the procedures detailed in the agenda the applicant, his witness, and the interested parties were given the opportunity to address the Sub-Committee and, through the Chairman, to question one another about the details of the application and representations. Sub-Committee members had the opportunity to question all parties.

The applicant and one representative for the interested parties were given the opportunity to summarise their views. The Sub-Committee then retired to consider application.

During their deliberation the Sub-Committee members were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

Following the deliberations of the Sub-Committee the Solicitor for the Council made a statement of the material advice given in closed session as follows:

1. Paragraphs referred to in particular 2.3.2 / 2.3.8 and 2.3.9 section 1.8.2 of Licensing Act summary
2. Times in the week with particular sensibilities 2.3.6
3. Exemptions in respect of late night refreshments which does not need to be licensed between 11.00 pm and 5.00 am.

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:

To grant the application for a Premises License for the Bear, 26 Silver Street, Bradford on Avon, BA15 1JY, as follows:

Sale of Alcohol

On Sales 10:00 to 01:00 Monday-Saturday

	10:00 to 23:30	Sunday
Off Sales	10:00 to 00:00 10:00 to 23:30	Monday-Saturday Sunday

Live Music

No amplified music indoors or outdoors after 23:30 daily.

Indoors	10:00 to 01:00 10:00 to 23:30	Monday-Saturday Sunday
Outdoors	10:00 to 23:30	daily

Recorded Music

Indoors	10:00 to 01:00 10:00 to 23:30	Monday-Saturday Sunday
Outdoors	10:00 to 23:30	daily

Performance of dance 10:00 to 01:00 daily

Indoor Sporting event 10:00 to 01:00 daily

Anything of Similar description 10:00 to 01:00 daily

Provision of facilities for Making music, dancing & Entertainment of a Similar description 10:00 to 01:00 daily

Late Night Refreshment 23:00 to 01:30 daily

Subject to the following conditions:

- the mandatory conditions contained in the Licensing Act 2003
- additional conditions previously agreed by the Applicant following consultation with a Wiltshire Council's Pollution Officer in respect of the public nuisance objective:
 1. Whilst live music is being played at the venue, a competent member of staff shall undertake noise observations in Silver Street. The following information shall be included in the noise log

- the name of the person undertaking the observations, the time the observation was made, the location of the observation, the details of the observation and the details of the corrective action undertaken to reduce the music levels.
- 2. The internal lobby doors shall remain closed during live music performances (save access and egress of patrons).
- 3. Posters shall be displayed in the premises to ask patrons to leave quietly respecting the neighbours

For the following reasons:

The Sub-Committee felt on this occasion that they were presented with the task of achieving a very difficult balance. Bradford on Avon is a small Market Town with a very large number of listed buildings creating its own particular character.

There were a large number of written representations objecting to this application, in addition to a petition carrying 39 signatures. Quite clearly there was a very strong and sincere desire to preserve and protect the character of the town and the quality of the lives of the residents.

The Bear is a pub offering bed and breakfast upstairs. The premises had been closed for approximately two years but the Sub-Committee accepts that prior to its closure there was considerable nuisance from noise and anti-social behaviour from persons that the Committee considers most likely to have come from the Bear public house. However the Sub-Committee have to take into account that this is a new application from a new owner who would in any event be entitled to trade under the existing license which appears as agenda item 5c.

The applicant Mr Edney gave what the Sub-Committee considered to be credible evidence. He appeared anxious to promote a responsible business and good relations with neighbouring residents. In addition Mr Edney also owns and operates the Lamb in Frome. Mr Gilbody, a License Enforcement Officer from Mendip District Council, gave supporting evidence for Mr Edney's application. Mr Gilbody emphasised the very responsible approach Mr Edney takes to the operation of his existing premises and praised the success that Mr Edney has had in transforming the Lamb into an attractive and trouble free venue.

The Sub-Committee accepts the evidence of Mr Gilbody and consider the applicant to be a responsible licensee who has a detailed involvement with the premises he runs and is concerned to ensure that they do not create problems. In answer to questions Mr Edney confirmed that he had consulted with an Environmental Health Officer, which resulted in the applicant volunteering additional conditions as part of his application.

The Sub-Committee formally approves and accepts these conditions.

In summary the Sub-Committee were satisfied that Mr Edney was a responsible and concerned licensee who was committed to developing a business which would be an asset, as opposed to a problem, to the town.

However the Sub-Committee take note of the very strong feelings expressed by the objectors against this application. In the opinion of the Sub-Committee a large part of these objections has been heavily influenced by the admitted problems that the Bear had given rise before its closure and there was understandable anxiety that the same scenario should not be repeated.

The Sub-Committee found that many of the objections were largely speculative, born out of this anxiety. For example paragraph 1 of the petition states the application "if granted would cause an unremitted noise nuisance". The Sub-Committee neither heard nor read any evidence to support such a bleak outlook.

The Sub-Committee however accepts that Bradford on Avon has a special character and this is a factor which the Sub-Committee felt appropriate to take into consideration. Additionally, the Sub-Committee felt that there was a risk of customers from the other two public houses at either ends of Silver Street gravitating to the Bear after the former premises had closed. The Sub-Committee had particular concerns about these customers having access to off sales and therefore continuing to drink beyond the responsible control of the licensee and / or his staff. For this reason the Sub-Committee limited off sales as indicated above.

The second concern the Sub-Committee had was with regard to noise nuisance from the premises, the Sub-Committee accept and endorse the steps Mr Edney had said he would take to sound proof the premises but Silver Street is a narrow street with two other public houses and a large number of residential properties. The Sub-Committee felt that there was a real possibility of noise nuisance from amplified music and other activities carried outside and have therefore imposed the limitations referred to above.

Finally the Sub-Committee have taken into account that other premises in the area have alcohol sales limited to 23:30 on a Sunday. The Sub-Committee have imposed the same limitations in respect of the Bear because they felt that there was a real possibility of drinkers gravitating to the Bear on a night at the end of the week when residents might reasonably expect a lower level of noise and activity than throughout the rest of the week.

With regard to the late night refreshment license the Sub-Committee did not consider that this was likely to present a problem in itself, however the Sub-Committee notes that a late night refreshment license is not required for the service to residents of a hotel, hostel or bed and breakfast and their guests. The Sub-Committee therefore questioned whether a late night refreshment license is needed for what Mr Edney proposes. As Mr Edney stated that the premises would be closed to the public at 01:30 the Sub-Committee can see no grounds to extend the license beyond those hours.

All parties have the right to appeal to the Magistrates Court within 21 days.

An interested party or responsible authority may apply to the Licensing Authority for a review of a premises license, whether or not a review hearing takes place is in the discretion of the Licensing Authority but will not normally be granted within the first 12 months except for the most compelling circumstances.

(Duration of meeting: 10.30 am - 2.35 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic & Members' Services, direct line 01225 713 597, e-mail marie.gondlach@wiltshire.gov.uk

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