

## WESTERN AREA LICENSING SUB-COMMITTEE

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**DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 4 OCTOBER 2010 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.**

**APPLICATION BY PUNCH TAVERNS PLC FOR A PREMISES LICENCE AT THE ROSE AND CROWN. 57 EAST STREET, WARMINSTER, WILTS**

**Present:**

Cllr Desna Allen, Cllr Trevor Carbin (Chair) and Cllr Jonathon Seed

**Also Present:**

Cllr Andrew Davis, Kate Golledge (Licensing Manager North and West), Roger Hodgkinson (Solicitor), Maggie Jones (Policy and Licensing Officer), Chris Marsh (Democratic Services Officer) and Lisa Pullin (Democratic Services Officer)

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**6. Election of Chairman**

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

**Resolved**

**To elect Councillor Trevor Carbin as Chairman for this meeting only.**

**7. 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 refer).

All those present at the meeting introduced themselves.

**8. Chairman's Announcements**

There were none.

9. **Members' Interests**

There were none.

10. **Licensing Application**

**Application by Punch Taverns Plc for a Premises Licence at The Rose & Crown, 57 East Street, Warminster, BA12 9BZ**

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 Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by Mr Wormald of Punch Taverns Plc on behalf of the Applicant were:

- That the Rose & Crown pub had previously received no complaints regarding noise or disturbance resultant from its activities and events;
- Events have recently been hosted under Temporary Events Notices, and that the premises had now used their quota of these;
- That the area subject to the application – the Function Room – had been used under licence until 2000, and has since been used to a minimal extent; and
- That the Applicants have agreed with the Environmental Health Officer's recommendations and would be willing to meet his suggested conditions to mitigate negative impacts if application approval were subject to these.

Key points raised by the Responsible Authority (Mr Sharp, Environmental Health Officer, Wiltshire Council) were:

- That he had tried to contact the Solicitors for the Applicant to raise his concerns, but had not been able to do so and so had submitted his representation to the application;
- On hearing that the Applicant's were willing to accept his suggested conditions (that there should be no live or recorded music provided externally at the premises and that all windows and doors shall remain closed save for access and egress during the provision of regulated entertainment) he was satisfied that the public nuisance licensing objective would be met; and

- That there had been no noise complaints to the Environmental Health Team in relation to these premises.

Key points raised by the Interested Parties (Mr Pulford, Mrs Abbott, Lady Newson-Smith and Councillor A Davis) were:

- That the pub was in a residential area and any amplified music that was played in the function room would be too loud for the residents;
- The noise created by the band practicing in the function room could be heard by residents;
- The noise from live music playing under the existing licence;
- There was no allocated parking for the pub and often side streets surrounding the area were used by patrons of the pub;
- The patrons leaving the pub are often noisy cause disturbance to the residents; and
- Residents are being affected by anti social behaviour.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Wiltshire Council officers. A debate ensued in which the Sub-Committee discussed the current use of the premises, impact of noise nuisance on local residents, antisocial behaviour associated with the premises, public relations policy of the landlord and planned future use of the premises.

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

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

1. Conditions must be achievable i.e. within the extent of the licensee, and enforceable.
2. Paragraphs 2.38 and 2.39 (Page 22) of Section 182 of the Licensing Act 2003 Summary.

**Resolved:**

**That the Premises Licence application for the Rose & Crown, 57 East Street, Warminster, be granted as detailed below:**

### Recorded Music

Monday – Sunday                      12.00 to 02.00                      Indoors only

### Live Music

Thursday and Friday                      20.00 to 23.30                      Indoors only

Saturday and Sunday                      12.00 to 23.30                      Indoors only

### Provision of facilities for entertainment of a similar description

Wednesday – Friday                      20.00 – 23.30                      Indoors

Saturday – Sunday                      12.00 – 23.30                      Indoors

### Late Night Refreshment

Monday – Sunday                      23.00 – 02.00                      Indoors

### **And subject to the following conditions:**

1. The area identified as a function room on page 35 shall not be used for the performance of live music or karaoke.
2. A suitable noise limiter to be installed in the function room after consultation with the Councils noise pollution team to be used when recorded music is played.
3. All windows and doors shall remain closed (save access and egress) during the provision of regulated entertainment.
4. A suitably competent member of staff should monitor noise levels when live or recorded music events are taking place and record whether or not the noise is audible from adjacent premises.
5. It shall be clearly stated within the pub to whom complaints can be made about noise and a log of any complaints received and the remedial action taken should be available for inspection by Wiltshire Council Licensing Officers.
6. The fire exit stairway, leading from the first floor function room, shall not be used for access or egress except for in the event of an emergency.
7. Posters shall be displayed in the premises to ask patrons to leave quietly respecting the neighbours.

(Duration of meeting: 10.00 am - 12.10 pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic & Members' Services, direct line 01225 713015, e-mail [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115