

NORTHERN AREA LICENSING SUB-COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 12 JULY 2010 AT COUNCIL CHAMBER, COUNCIL OFFICERS, MONKTON PARK, CHIPPENHAM SN15 1ER.

Present:

Cllr Mark Griffiths, Cllr Trevor Carbin and Cllr Peggy Dow

17. 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.

18. 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.

19. Chairman's Announcements

There were none.

20. Members' Interests

There were no declarations of interest from Members.

21. Licensing Application

Application by Mrs B Pollard for a Premises License for Abbey House and Gardens, Market Cross, Malmesbury.

The Licensing Officer introduced her report to the Committee.

In accordance with the procedure detailed in the agenda the applicant and the objectors were given the opportunity to address the Sub Committee.

Key points raised by Mrs Pollard (applicant) were,

- Abbey Gardens is a private house and gardens which draws 60,000 visitors to the area who often stay in local accommodation, in the 7 month season. The Gardens employ 30 full and part time staff and sources its' supplies locally benefiting the local economy.
- Abbey Garden functions have never received any complaints regarding noise or nuisance behaviour.
- In order to sustain core and further develop the wedding aspect of the business it is necessary to apply for a licence rather than depend on the Temporary Event Notices, which only allows the maximum of 12 events a year. Also couples, due to the economic climate require a cash bar, which in turn provides greater control over alcohol consumption.

Key points made by objectors (Mr Lindrea, Mr and Mrs Lewis and Mrs Foster) were,

- Closing times after a wedding reception.
- Location of music and where dancing etc would take place.
- Post party revellers.
- General noise nuisance.

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 Officer.

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. The Sub Committee is required to consider the evidence before them and decide if, on that basis, there is a real possibility of any of the Licensing Objectives being undermined.
2. That a license may be limited in time but limits must support licensing objectives.
3. Conditions must be achievable i.e. within the extent of the licensee and enforceable.

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.

Decision

The Sub Committee (the Committee) has considered all of the submissions made to it today and the written representations together with the Licensing Act 2003, statutory Guidance and Regulations and the Licensing Policy of the Council and has

Resolved:

That the application by Mrs Pollard for the application of the premises licence under the Licensing Act 2003 in respect of Abbey House and Gardens, Market Cross, Malmesbury be granted subject to the following conditions:

1. The mandatory conditions contained in the Licensing Act 2003
2. Additional conditions, consistent with the Applicant's Operating Schedule
3. The further following conditions are attached by the Committee to the licence:
 - Live music (whether acoustic, amplified) and recorded music to cease at 2300hrs save for Friday and Saturday when live music may continue from 2300hrs to midnight indoors only.
 - Doors and windows to remain closed when live music is performed in doors after 2300hrs.
 - The sale or supply of alcohol to cease at 2300hrs but may continue in doors only until midnight on a Friday and Saturday.
 - The venue to close to the public, hirers and guests at midnight save for Friday and Saturday when the premises must close at 0100hrs.

Reasons:

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.

The evidence the Committee considered comprised the application, 6 letters of support from the local businesses and organisations and 11 letters of objections from local residents. In addition the Committee heard oral evidence from Mrs Pollard and Mr Hately (in support) and Mr Lindrea, Mr Lewis, Mrs Lewis and Mrs Foster (objecting).

Mrs Pollard emphasised the commercial benefit of her business operation to the general community of Malmesbury. Mrs Pollard however believed that if her business was to thrive and grow she needed the flexibility to conduct licensable activity as outlined in the application. The Committee recognise and acknowledge the importance businesses in maintaining a vibrant and resilient community. The evidence of Mr Hatley strongly supported the application and he in particular praised the applicant's integrity.

The representations opposing the application showed concern about the potential for noise nuisance from the licensable activities in particular Mr Lindrea referred to paragraph 3.18 of The Wiltshire Council Statement of Licensing Policy, in particular the statement to the effect that 'residents should not be prevented from sleeping between 2300hrs and 0700hrs other than on a very infrequent basis'.

Whilst on the one hand the applicant stated that music in the garden was usually acoustic and that events had only very rarely carried on after 2300hrs, Mr Lindrea and Mr and Mrs Lewis did complain of noise nuisance and from disturbance from the noise of guests. The Committee takes into account that this is a small Market Town. In particular the premises themselves include 5 acres of gardens which are bordered on two sides by residential properties. Given this expanse of open land the Committee recognise the tendency for noise to travel in such circumstances. The Committee therefore felt that there was a real possibility of noise nuisance from Licensable activity on the premises and in particular those conducted outside in the gardens. It is for this reason that the Committee has imposed the conditions and limitations stated above.

(Duration of meeting: 10.00 am - 1.15 pm)

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