

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 9 JULY 2018 AT THE SALISBURY ROOM - COUNTY HALL, TROWBRIDGE IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - THE TOAST OFFICE, 116 TOP LANE, WHITLEY, MELKSHAM

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Ian Thorn

Also Present:

Emma Batchelor (Public Protection Officer – Licensing), Lisa Grant (Public Protection Officer – Licensing), Cllr Jim Lynch, Sarah Marshall (Senior Solicitor), and Lisa Pullin (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 Allison Bucknell as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies or substitutions.

3 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 5 – 12 of the Agenda refers).

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by The Toast Office Limited, for a Variation of a Premises Licence at The Toast Office, 116 Top Lane, Whitley, Melksham

Emma Batchelor (Public Protection Officer – Licensing) introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. Emma highlighted the following:

- This was an application for a variation to the Premises Licence which was granted on 8 July 2017 in respect of The Toast Office, 116 Top Lane, Whitley, Melksham;
- The application sought to:
 - i) Add live music (indoors and outdoors) Monday to Sunday from 09:00 to 24:00 (Christmas Eve and New Year's Eve until 02:00),
 - ii) Add late night refreshment (indoors and outdoors) Monday to Sunday from 23:00 to 24:00 (Christmas Eve and New Year's Eve until 02:00),
 - iii) Add ON sales for the sale of alcohol and amend the current hours to Monday to Sunday – 06:00 – 24:00 (Christmas Eve and New Year's Eve until 02:00)
 - iv) Amend opening hours to Monday to Sunday (Christmas Eve and New Year's Eve until 02:30
 - v) Update the plan attached to the premises licence;
- One relevant representation was received from Melksham Without Parish Council in objection to the application. Their representations were made over concerns about public nuisance.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. (No representatives from Melksham Without Parish Council attended in order to speak at the meeting).

Key points raised by Mr Luke Johnson, Director of The Toast Office Whitley Limited (Applicant) were:

- The premises were re-opened in July 2017 following a complete refurbishment as a shop, tea rooms and Post Office. The aim was to

provide a community hub for Whitley and the business has been continuing to grow over the last year;

- Following market research and feedback from customers, the variation application was made for on sales of alcohol, so that customers could enjoy a drink with their meals. A couple of successful events had been held under a Temporary Events Notice and it was hoped that if the licence were to be granted this would give the flexibility to hold further events to include music, etc for the patrons to enjoy;
- The Applicant stated he understood the concerns raised by the Parish Council and he wants what is best for the village and does not want to disrupt the locals or give them anything to be concerned about. There was another person who initially made a representation, but after contacting her to discuss this and explaining the plans, this representation was withdrawn. The Applicant was disheartened that he was not able to discuss this with the Parish Council to attempt to address their concerns;
- The Applicant agreed with the suggestion that there should be no music outdoors after 23:00 and was happy to accept this amendment to the application. He would like the flexibility to remain open later if needed for Christmas Eve and New Year's Eve;
- The Applicant stated that if a live music event took place which went on past 23:00 indoors that there should be limited sound travel as windows/doors would be shut because of the air conditioning system. The Applicant confirmed the premises also has double glazing and he would also carry out appropriate sound monitoring and because there are no neighbours opposite there would be limited impact.
- The Applicant would like to be able to provide hot drinks after 23:00 to support designated drivers especially at events;
- The Applicant is aware of his responsibilities to ensure safe consumption of alcohol and would ensure that it was served appropriately to customers; and
- The Applicant is aware of concerns over traffic and parking, and although he cannot not control this, he actively encourages customers to consider those vehicles that need to pass along the road and park appropriately.

The Sub Committee Members then asked the following questions of the Applicant:

Q (Sub Committee) You say that you will monitor sound levels – how do you intend to do this?

A (Applicant) When we are having a music event both myself and staff will monitor noise levels from our neighbours properties. We are not intending to have music which has a lot of bass so this should limit sound travel. Adjustments would be made to sound levels if required. We would be sensible as we don't want to cause disturbance to our neighbours.

Q Have you managed premises before?

A No. I bought and refurbished a flooded bungalow in the village and saw the derelict shop and decided to take on and turn around the premises and re-open it as a shop for the village.

Q You are intending to go from off sales of alcohol to on sales – have you done any licensing training?

A Yes, I paid to obtain my own Personal Licence and I have used the training pack from Licensing Solutions (company) for training my staff. We have already set up a refusals register but have not had to use it as yet.

Q You have brought the Post Office back to the village?

A Yes there was one previously, but I had to go through a rigorous process to get it back (as if was never there in the first place). It was a huge application process and a 3 ½ hour interview.

Q You are bringing a service to your community – do your customers walk to the shop?

A I encourage walkers to use the facilities and attend my events, but accept that there will be those who drive to the premises. I have looked into there being a dropped kerb outside and I give my customers guidance/advice on where/how to park. I find that communicating with my customers works well.

Q You have asked to be open to 00:00 on a Sunday – generally events wouldn't need to go on that late on a Sunday would they?

A I would only anticipate staying open later on a Sunday when it was a bank holiday weekend, so I would like to have this flexibility to be able to do this on bank holiday weekends. I listen to my customer's requests and would like to put these in place. I would also like to have the same opportunities as the Pear Tree.

Melksham Without Parish Council had made a relevant representation but were not present to speak at the meeting.

Luke Johnson (Applicant) did not have any further points to make in summation.

The Sub Committee then adjourned at 10:50 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 11:10.

Following the deliberations of the Sub Committee Members, it was

Resolved:

The Western Area Licensing Sub Committee resolved to GRANT the application for a Variation of a Premises Licence to further include the activities and timings detailed below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Add - Live music (indoors) Live music (outdoors)	09:00 – 00:00 09:00 – 23:00 09:00 – 02:00	Mon – Sun Mon – Sun Christmas Eve & New Year’s Eve
Add - Provision of late night refreshment (indoors and outdoors)	23.00 – 00.00 23:00 – 02:00	Mon - Sun Christmas Eve & New Year’s Eve
Add - Sale by retail of alcohol to include on sales as well as off sales and <u>amend</u> hours to be	06.00 – 00.00 06:00 – 02:00	Mon – Sun Christmas Eve & New Year’s Eve
Amend – Opening hours	06:00 00:00 06:00 – 02:30	Mon – Sun Christmas Eve & New Year’s Eve

Reasons

After taking into account the written representations from all parties and the oral submissions received from the Applicant at the hearing, the Sub Committee considered the concerns raised in writing by Melksham Without Parish Council regarding the application and the merits of the application. Those concerns related to the perceived public nuisance arising from noise from late night music on the premises after 23:00 if the hours were extended to midnight. Concerns were also raised about the potential noise arising from the provision of on sale alcohol to 00:00. The issues raised by the Parish Council concerning parking and traffic do not address the Licensing Objectives.

The Sub Committee noted that the Applicant wished to have flexibility while he built up the business. The Applicant had completed his personal licence holder training and had carried out further training with a licensing training company. The Sub Committee further noted that the Applicant would undertake noise monitoring during live events.

The Sub Committee considered it was appropriate to restrict the live music outdoors until 2300 Monday to Sundays and as offered by the Applicant.

In reaching its decision the Sub Committee also 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 the written decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.15 - 11.15 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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