

## NORTHERN AREA LICENSING SUB COMMITTEE

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**MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 5 OCTOBER 2018 AT COMMITTEE ROOM D - WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM SN15 1ER.**

**Present:**

Cllr Trevor Carbin, Cllr Peter Evans and Cllr Ian Thorn

**Also Present:**

Cllr Sue Evans and Cllr Ben Anderson

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**19 Election of Chairman**

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

**Resolved:**

**To elect Councillor Ian Thorn as Chairman for this meeting only.**

**20 Apologies for Absence/Substitutions**

There were no apologies or substitutions.

**21 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" detailed in the agenda papers.

**22 Chairman's Announcements**

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

**23 Declarations of Interest**

There were no interests declared.

## 24 Licensing Application

### **Application by Whitehall Garden Centre Ltd for a variation of a Premises Licence at Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, SN15 2LZ.**

The Licensing Officer, Jemma Price, introduced the purpose and scope of the variation application, the premises to which it related and the key issues for consideration including the four licensing objectives and the representations received. The existing Premises Licence has been in place since 24 November 2005.

The initial application sought to amend the existing licence as follows:

- To amend the current ON Sales hours to mirror those of the OFF Sales, 08:00hrs to 23:00hrs Monday to Saturday, 12:00hrs to 22:30hrs Sunday.
- Include the Lavender Lodge for the sale of alcohol ON Sales.
- Include the Ice Rink Café for sale of alcohol ON Sales – October to January.
- To allow a pop up bar in the garden for ON Sales one weekend in April, May, June, July, August and September.
- To remove the current Non Standard Timings for ON Sales;
  - a) On Good Friday, 12:00hrs to 22:30hrs.
  - b) On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs.
  - c) On New Year's Eve, (except on a Sunday) 10:00hrs to 23:00hrs.
  - d) On New Year's Eve (on a Sunday) 12:00hrs to 22:00hrs.
  - e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
- For OFF Sales;
  - a) Good Friday 08:00hrs to 22:30hrs
  - b) Christmas Day 12:00hrs to 15:00hrs - 19:00hrs to 22:30hrs

The variation was subsequently amended by the applicant as follows:

- To withdraw the provision to allow a pop up bar.
- To reduce the proposed hours for the Ice-Rink sale hours to 0900-1930 Monday-Saturday, and 1030-1630 on Sunday.
- Acceptance of additional conditions as detailed in the agenda pack.

In accordance with the procedure detailed in the agenda, the Applicant and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Peter Self of Whitehall Garden Centre Ltd, including in response to questions raised by the Sub-Committee and questions from Cllr Ben Anderson on behalf of those making a relevant representation were:

- The variation was to cover two buildings on the site, the Lavender Lodge and the Ice-Rink, which was a season activity. The alcohol offering was intended to be glasses of wine, prosecco, mulled wine, liquored chocolate beverages and similar other options, not full-scale bars.
- Alcohol was already available from the main restaurant on the site, which could be carried to the other areas.
- The proposals were to add to the existing experiences on the site as a compliment to the existing offer, not attract a new clientele. The site was a family attraction in a rural location, not suitable for general drinking activity, and the proposals were about diversifying the offer for those already attending, particularly with retail offers struggling more than food and beverage sales.
- Traffic management on the site itself had been adjusted to mitigate traffic flow and parking concerns, and traffic light adjustments had been undertaken by Wiltshire Council Highways to assist that. Yellow lines had been included near the site to reduce the issues.
- People would not be able to consume alcohol and skate on the ice-rink. People booked slots of time to skate, and those watching could purchase a drink but would then leave after the skate slot was concluded.

Key points raised by the Cllr Ben Anderson, the local unitary member, on behalf of those making a relevant representation, and including responses to questions from the applicant and the Sub-Committee, were:

- Traffic management into and exiting the site was a concern on the small village roads and the A350 junction.
- Concerns had been raised about safety on the site with an increase in alcohol consumption on more areas of the site, and an increase in noise nuisance.
- Concerns were expressed that the changes to the licence could lead to more temporary events and unregulated events on the site
- The impact on younger, more vulnerable visitors from a change in the nature of the site if more alcohol purchasing was permitted was raised as a concern.

Both parties then had the opportunity to summarise their positions. Mrs Newbury (relevant representation) questioned why if the main clientele of the ice-rink were young teenagers alcohol needed to be served, and reiterated concerns regarding parking around the site which yellow lines had not resolved, and not all areas were covered by red lines. Cllr Anderson emphasised the concerns raised by local representations was not just about traffic management but also public nuisance.

Mr Self reiterated that the intention was not to attract a new and rowdier clientele but to expand the offer available on the site. Alcohol around the ice-rink was for parents and adults to enjoy a treat such as a liquored hot chocolate. He highlighted that alcohol could already be purchased on the site, and that traffic management off the site was not within his control

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

The Sub Committee retired to consider the application at 1100.

The Hearing reconvened at 1110.

**Resolved:**

**The Sub-committee has resolved to vary the Premises Licence for the Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, SN15 2LZ as follows:-**

- 1. To amend the current ON Sales hours to mirror those of the OFF Sales, being Monday to Saturday 08:00hrs to 23:00hrs, Sunday 12:00hrs to 22:30hrs.**
- 2. To Include the Lavender Lodge for the sale of alcohol ON Sales.**
- 3. Include the Ice Rink Café for sale of alcohol ON Sales – 1<sup>st</sup> October to 31<sup>st</sup> January, Monday to Saturday 09:00hrs to 19:30hrs and Sunday 10:30hrs to 16:30hrs.**
- 4. To amend the current Non Standard Timings for ON Sales as follows;**
  - a) Good Friday, 12:00hrs to 22:30hrs.**
  - b) Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs.**
  - c) New Year's Eve, (except on a Sunday) 10:00hrs to 23:00hrs.**
  - d) New Year's Eve (on a Sunday) 12:00hrs to 22:00hrs.**
  - e) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.**

**For OFF Sales;**

- a) Good Friday 08:00hrs to 22:30hrs**
- b) Christmas Day 12:00hrs to 15:00hrs - 19:00hrs to 22:30hrs**

**Reasons**

The Sub Committee took into account the written representations, along with verbal representations made at the hearing from the applicant and on behalf of those making a relevant representation.

The Sub Committee noted the residents' concerns that an extension of licensable activities at the Centre could lead to both additional vehicle movements and a potential increase in public nuisance, particularly from the sale of alcohol in the ice-rink area.

However, the Sub Committee did not consider that the proposed limited extension to the areas of the Centre in which alcohol could be sold, and the hours for such sales, would have any material impact on the numbers of visitors or vehicles to the Centre. They also accepted that the nature of the proposed alcohol would not lead to any increased risk of public nuisance, particularly with the addition of the conditions that had been agreed with the Applicant, which

they supported. Therefore, they did not believe that the proposed licence variation would have any material impact on the licensing objectives. If there were to be such an impact, then the option of a Review would be available to the residents.

The Sub-committee accepted that there remained traffic issues at the Centre, although the Applicant had sought to address these to some extent. However, those issues arose from the general operation of the Centre, not from the licensing activities, so could not be addressed through the licensing regime.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); 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 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 Kieran Elliott, tel 01225 718504 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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