

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 11 AUGUST 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, IN RESPECT OF AN APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT THE BLACK HORSE PUBLIC HOUSE, 62 NEW ROAD, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Bill Douglas

Also Present:

Linda Holland (Licensing Officer), Paul Taylor (Solicitor) and Chris Marsh (Democratic Services Officer)

33. **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

34. **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 – 8 of the Agenda refers).

35. **Chairman's Announcements**

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

36. **Declarations of Interest**

There were no interests declared.

37. **Licensing Application - Review of a Premises Licence in respect of The Black Horse Public House, 62 New Road, Chippenham**

Application for a review of a Premises Licence at The Black Horse Pub, 62 New Road, Chippenham.

The Sub-Committee noted that neither the person who had applied for the review, nor any other persons who had made representations in respect of the review, were present and that, in accordance with regulation 20 of the Licensing Act (Hearings) Regulations 2005, the hearing would proceed in their absence.

The Chairman confirmed with the Premises Licence holder that he had seen the additional comments from Cllr. Caswill that had been circulated.

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 Licence Holder was given the opportunity to address the Sub Committee.

Key points raised by Mr Jeffery John Olsen, the licence holder, were:

- That complaints had only been received over the weekend of the last Chippenham Folk Festival, and only in relation to late night music;
- That the premises had compromised on live music hours on 2 of 3 nights, finishing by 11:30 pm rather than the permitted 12.30 am, to reduce nuisance to neighbours;
- Chippenham Folk Festival weekend is integral to the viability of the pub as a business;
- A marquee is erected in the pub car park over the festival weekend for music events, the costs of which are split equally between the festival organisers and the pub;
- Licence holder works closely with organisers of Chippenham Folk Festival when staging live music over the weekend;
- Has not received any other complaints in 21 years as a licence holder and is well regarded as such by Wiltshire Police, and therefore,
- Requested that the Sub-Committee consider their decision in the context of the above evidence and do not in their decision increase pressure on the premises' viability.

The licence holder was given the opportunity to ask questions of Wiltshire Council Officers. A debate ensued in which the Sub Committee discussed:

- The nature of the complaints against The Black Horse Pub;
- The frequency of nuisance caused by the premises' operation;
- The licence holder's co-operation with the licensing authority, police and local residents to date;

- Measures available to reduce the nuisance caused by outside music at the premises, including stage orientation, marquee enclosure, amplification, etc;
- The licence holder's plan to host only 2 nights of music over the Folk Festival weekend in 2012; and
- The degree of compromise within which the business would remain viable.

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

The Sub Committee then retired to consider the application at 10.55 am.

The Hearing reconvened at 11.40 am.

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

That the Sub-Committee should base their decision on the evidence presented to them in the written submissions and at the hearing , and that any measures taken in respect of the licence in question must be necessary and proportionate to meet the licensing objectives.

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 vary the premises licence of the Black Horse Pub by the addition of the following condition:

- 1) That a noise management plan is submitted to, and agreed in writing by, the licensing authority's Environmental Protection Team prior to any outdoor music event being held on the premises, and that once approved this plan is adhered to by the premises licence holder.

The Sub Committee also advised the Premises Licence holder, by way of an informative, of their expectation that he continues to work closely with the licensing authority to ensure that responsible management of the premises in terms of noise control is maintained.

Reasons:

The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing. In reaching their decision, the Sub-Committee considered:

- That there were no substantiated complaints of noise nuisance caused by the premises outside the weekend of the Chippenham Folk Festival;
- That the premises licence holder has actively attempted to negotiate with residents to mitigate nuisance and had discussed the issues with the Environmental Protection Team;
- That any potential noise problems that might arise from the external music events at the premises could be adequately addressed by a noise management plan, approved by the Environmental Protection Team

Right of Appeal

The Chairman advised that all parties have the right to appeal to the Magistrates Court within 21 days of this decision. Any additional conditions imposed on the licence will not come into effect until this period has expired, or until any appeal, if made, has been finally disposed of.

(Duration of meeting: 10.30 - 11.40 am)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line 01225 713 597, e-mail chris.marsh@wiltshire.gov.uk

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