

West Wiltshire District Council

Licensing Sub-Committee Hearing

for the Application for Variation Premises Licence

of The Bunch of Grapes, Silver Street, Bradford on Avon

Held on: Friday 26 August 2005

Held in: Council Chamber, Bradley Road Trowbridge

Present: Marion Clegg - sub-chair (MC), Eli Manasseh (EM), Judith Cunliffe-Jones (JCJ)

Dan McNamara (DM) – Youngs Brewery, Mark Vicary Williams (MVW) - Licensee, Martin Davis (MD) – Respondent, Robin Cowell (RC) – Respondent, Peter Willis (PW) – Respondent, Tony Cooper (TC) – Respondent,

Officers: Policy & Licensing Officer (MJ), Lawyer (NM), Member Support Officer (JM)

1. Declarations of Interest

There were no declarations of interest.

2. Hearing Procedure

MC read through the hearing procedure, this was understood by all present.

3. Application for Determination

MJ read through the summary of the licensee's current license and summarised the requested variation.

The premises is currently licensed for:

Sale of Alcohol (on and off sales)

- Monday to Saturday 1100 to 2300
- Sundays and Good Friday 1200 to 2230
- 1200 to 1500 and 1900 to 2230 on Christmas Day
- 1100 New Years Eve to 2300 New Years Day

The variation applied for is, in summary:

- To include the provision for regulated entertainment including:
 - ◆ Films Monday – Sunday 1000 to 0200 the following morning.
 - ◆ Live (acoustic/ amplified/amplified voice)
 - Recorded (including juke box, disco or karaoke with or without a DJ
 - Performance of Dance (throughout the premises)
 - Anything of a similar description i.e. compere for quiz or similar events, comedians and similar performances

Monday – Friday 1900 to 0130 the following morning
Saturday – Sunday 1200 to 0130 the following morning
When hours for the supply of alcohol are extended on
Bank Holidays and event days these hours are also extended
 - To extend the hours for the supply of alcohol Monday to Sunday 1000 to 0200 the following morning except for Thursday where the hours requested are 1000 to 0100.
Christmas Eve, Christmas Day, 27 to 30 December inclusive. Thursday before Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patricks Day, St Georges Day, All Bank Holidays, Sundays before Bank Holiday
Mondays – 0300 finish
0300 extension on up to 12 other ‘events’ days per annum at applicants discretion .
 - To permit the sale of late night refreshment Monday to Sunday 2300 to 0200 the following morning. When hours for the supply of alcohol are extended on Bank Holidays and ‘events’ days these hours are also extended.
 - To remain open for 30 mins after the end of alcohol hours.
- To remove all embedded restrictions inherent in the Licensing Act 1964 and the Cinematograph (Safety) Regulations 1955.

MJ brought to the attention of all present that there was one omission in the summary and that Good Friday should be added to the above variations.

DM stated that he would like to amend the application to:

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| Monday – Thursday | 1000 – 0000 hrs |
| Friday – Saturday | 1000 – 0100 hrs |
| Sunday | 1000 – 2330 hrs |
| All other days | 1000 – 0100 hrs |

All timings will include a 30 winding down time. DM went on to say that if there were live music that it would end 30 mins before the sale of alcohol is stopped. He further said that under the current legislation it was possible for MVW to hold musical events without permission but that this has only happened on a handful of occasions over the past 8 years also MVW has no intention of changing the type of trade and is interested in have a local clientele. MVW lives above the premises and is interested in being a good neighbour and that if he was not the council could impose changes.

MC asked if there were any questions for the applicant and there were none.

MC then invited comments from interest parties.

MD stated that he was not clear on the result of change in hours and days and what would be likely to happen.

DM reiterated the proposed changes.

MD also voiced his concerns about what would happen if there were a change in tenant.

DM reminded the respondents that there was always the right to review and if there were any problems caused by a new tenant then the Council could be approached at that time.

RC also voiced concerns that if MVW moved on although they would have the right to object the residents, in the meantime, would suffer. RC asked what was meant by a winding down period.

DM replied that the idea was to let people have 30 minutes to drink up, use the facilities and leave the premises, thus minimising the risk of clients being "caught short" and urinating in the street.

RC replied that he was further concerned that clients would order more than one drink to cover this period.

DM agreed that this was a fair concern but stated that MVW's policy was not to let clients stock pile drinks.

RC raised another concern that MVW was not always present.

DM said that although MVW was not always present they were applying for a second personal licence for Jenna Simons (aged 21) and that she would be unwilling to put her licence at risk.

Residents were also concerned that with longer opening hours people would use it as a last stop and they were concerned about the number of people that may do this.

DM accepted that risk but stated that it was outside the control of the licensee but went on to say that it was not MVW's intention to become a late night drinking place and that he did not want to risk attracting the "wrong sort".

PW told the committee that they had held a meeting with MVW, after his application was submitted, expressing their concerns. PW said that MVW understood their concerns and would address them as far as was possible.

TC spoke on behalf of Barbara Fraser and said that the amendments were welcomed but wanted to raise the point that there are problems at closing time with noise and that he had been woken in the early hours by people in the street.

TC asked if it was the responsibility of the licensee not to sell alcohol to clients who were already inebriated.

DM said that it was MVW's responsibility under current licensing laws and under the Licensing Act 2003, he went on to say that it was good business sense to adhere to these as the reputation of the public house could be damaged by not applying these regulations.

EC asked if there had been any problems when public entertainment had been provided in the past.

DM replied that there had been no problems in the last year.

EC asked if there was any air-conditioning in the establishment.

DM replied that there was not any but that there were air filters to get rid of smoke.

MC asked if the doors and windows were opened in hot weather and questioned how MVW managed the problem of serving drink to inebriated clients when he was not there.

DM said that there was no noise restriction in that sense and also that MVW's staff knew what behaviour MVW would tolerate from his clients, that he would not tolerate underage and/or binge drinking.

MC asked if MVW could guarantee that the doors would remain closed apart from entrance and egress.

DM replied that MVW would guarantee this.

MC asked if there were any further questions and there were none.

In summing up DM felt that they had come some way from the original license submission to the current one after discussion with interested parties. DM reiterated his point that the business would be under threat if MVW did not comply with the licence, he went on to say that just because these hours had been applied for it would not, necessarily, stay open.

The Committee then retired to consider their decision.

On returning NM stated that he had advised the committee that their decision should be based on fact not fear and that there must be specific evidence of public nuisance in terms of dates, times and the exact nature of the nuisance and also proof that the alleged nuisance was directly attributable to the use of the premises.

NM went on to say that conditions could only be imposed if they are relevant to the representations and on the licensing objective of prevention of public nuisance and are proportionate given the evidence presented before the committee.

There was no comment from either the applicant or respondent.

MC informed those present that the Committee had considered all representation and that the licence would be granted on the provision that external doors be kept closed, apart from entrance and egress, after 2200 hours and the applicant not being open after amended times

MC reminded the applicant and respondent that the licence may be reviewed at any time given just and appropriate cause.