

West Wiltshire District Council

Licensing Sub-Committee

for the application for Variation Premises License

of The Laverton Hall, Bratton Road, Westbury

Held on: Thursday 13 October 2005

Held in: Council Chamber, Bradley Road, Trowbridge

Present: Bob Brice – sub-chair (BB), Gerry Burnan (GB) and Andrew Davis (AD)

Helen McKinnon – Hall Manager (HM), Mike Hawkins – Town Councillor (MH), Gordon King – Town Councillor (GK) and Stephen Gower – Respondent (SG)

Officers: Policy & Licensing Officer – Maggie Jones (MJ), Lawyer – Nigel Musgrove (NM), Member Support Officer (Licensing) – Janette Massey (JM)

1. Declarations of Interest

There were no declarations of interest

2. Hearing Procedure

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

3. Application for determination

MJ read through the Summary Report outlining the application as follows:

The premises currently has the benefit of the following licences:

- Public Entertainment Licence
- Cinemas Licence issued under the Cinemas Act 1985

The premises is currently licensed for:

Public Entertainment (music and dancing)

- Monday to Saturday 1000 to 0000 hrs
- Sunday 1000 to 2230 hrs

- To include regulated entertainment
 - ◆ Films, plays, indoor sporting events Monday to Sunday 0900 to 0000 hrs.
 - ◆ Live music, recorded music, dancing etc Monday to Sunday 0800 to 0000 hrs and from New Years Eve 0900 – 0100 hrs on New Years Day
 - ◆ Provision of entertainment for making music, and dancing etc Monday to Sunday 0900 to 0000 and from New Years Eve 0900 – 0100 hrs on New Years Day
- To include Late Night Refreshment
 - ◆ Monday to Sunday 2300 to 0100 hrs (the following morning)
 - ◆ New Years Eve 2300 to 0200 hrs (the following morning)
- Hours open to the public Monday to Sunday 0600 to 0100 the following morning. New Years Eve 0800 to 0200 New Years Day. On an election day 0600 – 0500 (the following morning)

Representations were received from the following:

- ◆ Mr & Mrs C Kirk, Bereswell, 8 Bratton Road, Westbury. BA13 3EN
- ◆ Mr M J Garrett, 6 Bratton Road, Westbury, Wiltshire (supporting the above representation)
- ◆ Mr S Gower & Mrs S Rowe, Bozanti, Snappersnipes, Bratton Road, Westbury, Wiltshire. BA13 3EW

Main steps that the applicant proposes to take (the Operating Schedule) that will be applied as conditions that are relevant to the representation

- Have, at least, two trained members of staff on duty when alcohol sales occur. If the manager deems it necessary SIA licensed door supervisors may be required for certain types of functions.
- The manager, who will be the personal licence holder and the designated premises supervisor, and also holds a current SIA Door Supervisor licence, will nominate, in writing, a suitable person to take control of these responsibilities.
- Staff will closely monitor and record any incidents, at all functions, for public safety and antisocial behaviour inside, outside and surrounding area of the hall.
- Staff will monitor functions for drug activities, including taking and dealing.
- No alcohol will be supplied to anyone under the age of 18 yrs old, or who looks to be under the age of 18 yrs without suitable photo identification. A passport, a photo driving licence, or Proof of Age scheme card which carries the PASS logo.
- Those under the age of 18 yrs are not allowed to consume alcohol on the premises, even with a meal.
- Those under the age of 18 yrs will not be allowed in the bar area.
- Those under the age of 18 yrs must be under the care of a parent or responsible adult.
- If required those under the age of 18 yrs will be excluded from adult events.
- Close monitoring of noise pollution at functions.

MJ stated that a full list of measures can be seen in the operating schedule part of the application and the attached document “Section P Licensing Objectives, Part a – e of application form”

MJ asked that the Committee please note that the application is also seeking to redefine (this was clarified later in the hearing) the following conditions from the existing licence.

- Provide attendants for events on the premises:
 - 100 people – 2 attendants
 - 150 people – 3 attendants
 - 250 people – 4 attendants
 - 350 people – 5 attendantsIf the functions individual risk assessment requires more attendants these will be provided.

MJ summarised the representations stating the issues of concern included:

- Noise, including cleaning up after events, from both within and outside the premises
- Potential for under age drinking
- Safe access and egress for vehicles and road safety of pedestrians
- Anti-social behaviour

Concerns had also been raised in the representation regarding planning and conservation issues. However, these were issues that are not relevant to the licensing objectives and cannot be considered.

After requested to by BB, HM introduced herself and gave a brief history of the hall and the uses it is currently put to. HM also spoke of the pro-active role that all those involved with Hall take and the policies and procedures they implement.

SG asked for a point of clarification on the hours being applied for b the hall, referring to the notes submitted by Charlotte Melville-Kirk and taken at a meeting held at the hall in September.

HM confirmed that regulated entertainment would finish at Midnight, alcohol sales would end at 2330 hrs and late night refreshment at 0100 hrs.

SG raised the concern that with clearing up time this may go on for another 45 mins.

BB asked if most of the functions were private, if the bar was opened for meetings and who ran it.

HM replied that the meetings can include members of the public, that the bar was not opened for meetings but for functions a local landlord called Leigh Pickering ran it.

BB questioned whether there was a supervisor on the premises when a function was taking place.

HM replied that there was always at least one and often two.

BB also queried how they would prevent noise escaping if the doors and windows were open.

HM responded that a 'walk round' was conducted every 30 mins to check on this and action if necessary.

BB asked if these 'walk rounds' were logged and HM replied that they were.

BB then asked how long HM had been working at the hall and if they had ever been approached by the Environmental Health in that time.

HM stated that she had joined Westbury Town Council in 2003 and became Hall Manager in 2004 but had been working at the Hall since August 1999. HM went on to say that they had not been approached by the Environmental Health in that time.

SG stated that local residents has contacted Environmental Health on a couple of occasions but not in the last year but stated that during that time noise has reverberated through the building.

BB asked SG how often he had been troubled by noise in the last year.

SG replied that he had erected screening to mask the noise so things were better now but there was the occasional glass bottle thrown on the drive.

BB queried the sale of alcohol in bottles with HM and she responded that it was not club policy to sell drinks in bottles and that customers were always given glass glasses for their drinks, as they were promoting the fact that they were a superior venue and did not feel that plastic glasses created the right atmosphere.

BB then ask for SG to sum up his concerns, SG started by recognising the fact that the Hall needed to make money but had concerns about anti-social behaviour, stating that other local residents had tape recordings of the noise levels from The Laverton taken inside their homes. SG went on to acknowledge that since the meeting in September the situation had improved.

HM then spoke about the desire of those running the hall to have, and maintain, a good relationship with their neighbours and was shocked at the amount of bad feeling evident at the meeting on 6 September. HM told the Committee that as a result of this the complaints procedure was being reviewed but pointed out that the Laverton was on a busy road and some of the problems may well be a related to that.

BB asked if it was the intention of the Town Council to hold regular meetings with local residents to address any problems and request feedback, HM replied that it was in their best interests, that they currently inform Mr. & Mrs. Kirk of music events taking place and hope to get the telephone numbers of other local residents so that they could inform them too. HM went on to say that GK had volunteered to spend an evening with Mr & Mrs Kirk, in their home to gauge the impact of the noise from the Hall.

The committee then retired to consider their decision.

On returning NM advised those present that he had advised the committee that they must put appropriate weight on the written evidence but that it must also be taken into account that some respondents has not attended and reasons for their non-attendance. NM also informed the committee that if any conditions were imposed that these should be proportionate and relate to the evidence and the Prevention of Public Nuisance objective of the Licensing Act 2003.

SG asked if the Prevention of Public Nuisance objective referred to noise levels and people leaving the premises.

NM replied that it did.

BB then read the decision of the Committee to grant the licence with the extra conditions that notices to be displayed at all exits requiring people to consider their neighbours when outside of the premises and a notice to be displayed stating that fire escape should be kept closed during provision of entertainment save in an emergency