

West Wiltshire District Council

Licensing Sub-Committee Hearing

for the Application for Variation Premises Licence

of The Hollies, 55 Westbury Leigh, Westbury

Held on: Tuesday 6 September 2005

Held in: Council Chamber, Bradley Road Trowbridge

Present: Bob Brice- sub-chair (BB), Trevor Carbin (TC), Janet Repton (JR)

Malcolm Wick – Solicitor, Pinniger Finch & Co (MW),
Stephen Brewer – Licensee (SB), Lin Young– Respondent (LY),
Pamela Cox-Maidment – Respondent (PCM)

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

Supper Hours Certificate

- Monday to Saturday extension of licensing hours to midnight, Sunday to 2330, when alcohol is served with a meal

Public Entertainment Licence

- Monday to Friday 1200 – 1400 and 1700 – 2300
- Saturday 1200 - 2300

The variation applied for is, in summary:

- Extend the hours for the supply of alcohol
 - ◆ Monday – Saturday 1100 to 0000 without the requirement for meals to be provided.
 - ◆ Sunday 1200 to 2330 without the requirement for meals to be provided.
 - ◆ To extend the existing hours on Sundays and Mondays of Bank Holidays and Christmas and New Year as follows:
 - To 0000 on Sundays and Mondays of each Bank Holiday, the Sunday prior to Christmas, Christmas Eve, Boxing Day and New Years Day.
 - From 1100 to 1200 on Christmas Day.
 - To 0100 on the morning of New Years Day.
- To extend the existing facilities under the Public Entertainment Licence to 0000 Monday to Saturday.
- Late night refreshment from 2300 to 0000
 - ◆ For Bank Holidays, Christmas and New Year hours as requested for alcohol as above,
- Remove the requirement to provide meals under the Supper Hour Certificate.
- Hours open to the public
 - ◆ Monday to Saturday 1100 to 0020 the following morning
 - ◆ Sunday 0800 to 2350
 - ◆ Bank Holidays, Christmas and New Year as for the sale of alcohol plus a further 20 minutes

MJ further stated that representations had been received from:

Mr L A Young Upland House 55A Westbury Leigh BA13 3SF
Mrs P Cox-Maidment 50 Westbury Leigh BA13 3SQ
A & E Bass Weavers Cottage 78 Westbury Leigh BA13 3SQ
Mrs J Varah 82 Westbury Leigh
Mr G A M Maidment 77 Wolverdene Road Andover SP10 2AU

BB asked for the statement on behalf of the applicant be made.

MW drew the committee's attention to Pages 17 & 33 of the agenda (pages 8 and 24, respectively, of the application) as it set out what the applicant was seeking and was no more than the applicant currently had but seeking to remove the requirement to serve meals until Midnight. MW also stated that the application took into consideration the location. MW went on to say that in general terms police visits had only been at the request of client to deal with people outside the

premises. He also said that specific points about nuisance and the police visits were denied by his client and pointed out that the police had not made any objection.

MW offered 3 letters of support from local residents stating that they had not had any problems and were content to let things continue.

BB pointed out that the letters could not be received unless the respondents agreed.

L:Y & PCM did not agree to accepting the letters.

BB invited questions from the respondents

LY was interested to hear if there were any plans to install air conditioning and what measures were being taken for noise abatement.

SB stated that there was no air conditioning and did not consider that there were any noise problems.

PCM pointed out that the windows were open all through the summer months.

LY went on to say that although windows and doors were shut around 2300 hrs but that there were still people outside and people arriving.

BB asked the applicant how long The Hollies had been a pub.

SB replied that it has been a pub for 22 years.

BB asked if the applicant knew what conditions were in his Public Entertainment Licence.

SB replied that he was to keep the noise down.

BB read from the Public Entertainment Licence "Noise generated by the premises should be kept to such a level at the boundary of any occupied property that it would be unlikely to be a nuisance to the occupier" and asked if the applicant kept a record of noise checks.

SB replied that they did not keep a record of checks made.

BB went on to read the rest of the Public Entertainment Licence relating to noise abatement. He expressed the hope that SB would adhere to these conditions and asked if the applicant accepted them.

SB replied that he would put his partner in charge of this and that he accepted the conditions and would install air conditioning.

BB asked if the applicant would monitor and steward the car park.

SB replied that this would not be a problem.

BB asked for comment from the respondents.

LY stated that several residents felt that the current licensing conditions were being ignored and people were not having a meal, also that large numbers of 18 – 25 year olds were drinking there beyond 2300 and 0000 hrs. He also stated that he had observed youths in the back garden until 0030 hrs and 0100 hrs using bad language, urinating, and being noisy and disruptive. He had also observed, on one occasion, four people in the car park two of who were trying to ride their bikes the other two were walking up and down shouting.

LY also informed the committee of an occasion when a quiz night had started at 2130 hrs and went on to 2320 hrs whilst using the PA system at maximum volume. He stated that Mr & Mrs Bass could clearly hear the quiz and pointed out that they lived 200 yds down the road from the premises. After the quiz customers stayed in the premises watching t.v. with the doors and windows still open. LY observed a young lad park his bike at 2330 hrs, enter the pub and then leave with a drink.

LY pointed out that the current conditions were not being adhered to, that people left at 0130 and 0200 hrs. On New Year's Eve the license was until 0100 hrs. the police were called at 0230 hrs because of a brawl in the car park, afterwards people went back in to the pub. LY stated that he felt the pub was turning in to a nightclub and, further, that he was concerned that SB was not a member of Pub Watch.

LY reported that he had felt it necessary to call the Police three times this year but was told, by them, that if it was a couple causing the disturbance then this was a 'low level' nuisance. LY ventured the thought that if it were any higher someone would end up dead. He also pointed out that other people had phoned the police on other occasions and that this did not want to stop SB's business or close it down just get the noise levels down. LY also pointed out that there would regularly be fights between groups of youths and did not think that this was acceptable.

PCM stated that she endorsed all that LY had said and said that she had been living there for 20 years when the pub was originally a Bed and Breakfast and there had been no objects to any changes of use since then. She said that in 2003 she had complained to Environmental Health and made a log two pages long but that Environmental Health could not attend for 12 weeks. PCM reported that she had called the Police on three occasions and that in hot weather it was not possible for her to keep her windows open due to the noise. PCM also reported that the residents at number 50, 300 yards away, could not hear their t.v. due to the noise from the pub.

BB asked if there were any questions.

MW pointed out that the village had 100 houses and only 5 of these had made representation, whilst 3 had written in support.

LY replied that his next door neighbour had objected and that he was now considering moving because of the problems.

BB then asked the respondents to sum up.

LY replied that as current conditions were not being adhered to he thought that a lessening of conditions would only attract a worse clientele, making the situation worse.

BB asked SB if they had a drinking up period

SB replied that it was 20 mins.

MW pointed out that in the application, on page 23, it allows for a 20 minute drinking up time.

BB asked the applicant to sum up.

MW replied that his client was taking into account the needs of the village and that on balance most nights there were no problems and that any further problems can be addressed and if he does not comply then further steps can be taken and that there was no real reason for his client to be refused a variation given the limited nature of the request.

The committee then retired to make their decision.

On returning BB asked NM to advise those present of his legal advice to the committee.

NM stated that the advice he had given

Also that the commend made by LY in reference to the 0230 hrs on New Years Eve was not relevant as under current legislation 36 hrs licensing was granted.

NM advised that the letter from LY was admissible as this was presented prior to the hearing but that the letters of support were not as they were only presented that day and the respondents were not prepared to accept them.

NM also drew the committee's attention to the Model Conditions in Annex G.

BB asked for clarification of MW's comment earlier that his client was only seeking to get rid of the Supper License conditions.

MW replied that his client was, also, seeking an extra hour.

BB responded that this was taken into consideration by the committee in reaching their decision and that their decision was to grant the licence subject to the mandatory conditions contained in the Licensing Act 2003 and the relevant conditions from the transferred licence and the following additional conditions:

1. To keep front and rear windows closed and front and rear doors, except for entrance and egress, when regulated entertainment is taking place.

2. To install noise limitation on all amplification equipment used on the premises, the limit of which is set in consultation with and on the recommendations of the Environmental Protection Office
3. Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and leave the premises and the area quietly
4. To steward the Car Park from the end of all licensable activities for a period of 30 minutes.