

West Wiltshire District Council

Licensing Sub-Committee

for the application for Variation Premises License

of The Wiltshire Yeoman, Chilmark Road, Trowbridge

Held on: Tuesday 13 September 2005

Held in: Council Chamber, Bradley Road, Trowbridge

Present: Marion Clegg – sub-chair (MC), Chris March (CM), John Clegg (JC)

Rachael Scott – Lawyer; Jill Harding – Licensee, Roger James - Applicant; R Rawlings – Respondent, M Rawlings – Respondent

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

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

3. Application for determination

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

Current Licencable Activities

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 hrs on Christmas Day
- 1100 hrs New Years Eve to 2300 hrs New Years Day

Summary of Application

The variation applied for is, in summary:

- To include the provision for regulated entertainment, indoors and outdoors including:
 - Live Music
 - Monday to Sunday 1900 to 2300
 - Occasional lunchtime performances 1200 to 1500 hrs
- To extend the hours for the supply of alcohol:
 - Monday to Saturday 1000 to 0000 hrs
 - Sunday 1100 to 2300 hrs
 - Christmas Eve, Christmas Day, Boxing Day, Spring and August Bank Holidays, New Years Day, Good Friday, Easter Saturday, Sunday and Monday, plus any other bank holidays 1100 to 0030 hrs the following morning.
 - Sporting and non-sporting event of national, international and local importance shown live, e.g. world cup football – non standard timings (withdrawn following police representation)
- To permit the sale of late night refreshment:
 - Monday to Saturday from 2300 to 0030 hrs
 - Sunday to 0000 hrs
 - Sporting and non-sporting event of national, international and local importance shown live, e.g. world cup football – non standard timings (withdrawn following police representation)
- Hours open to the public
 - Monday to Saturday 0900 to 0030 hrs
 - Christmas Eve, Christmas Day, Boxing Day, Spring and August Bank Holidays, New Years Day, Good Friday, Easter Saturday, Sunday and Monday, plus any other Bank Holidays 1100 to 0030 hrs
 - Sporting and non-sporting event of national, international and local importance shown live, e.g. world cup football – non standard timings (withdrawn following police representation)

MJ went on to say that there were no representations by any of the Responsible Authorities but there had been representations received from local residents:

- P A Treanor, 17 Chilmark Road, Trowbridge
- R H & M E Rawlings, 47 Rosedale Gardens, Trowbridge
- Miss K Feeney, 19 Chilmark Road, Trowbridge
- Mrs S Moody, 8 Elliot Place, Trowbridge

MJ also read out the Mandatory Conditions:

- 1) No retail sale of alcohol may be made under the Premises Licence:
 - a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2) Every retail sale of alcohol under Premises Licence must be made or authorized by a person who holds a Personal Licence.

- 3) Any person carrying out any security activity required by the Premises Licence must be licensed by the Security Industry Authority. (Security Activity is defined in Schedule 2 of the Private Security Industry Act 2001).

Conditions from any transferred licence

- The embedded restrictions contained in the Justices On-Licence. (Note that the applicant has applied, as part of the variation, to remove all the embedded restrictions).

MJ then read the Summary of representations and relationship with the Licensing Objectives:

Relevant representations have been received from the occupiers of residences in the vicinity of the premises.

The issues of concern include:

- The extension of hours of operation of the premises resulting in late night disturbance to residents, particularly around closing time.
- Noise nuisance from entertainment
- Use of the garden for entertainment

MJ in closing brought to the attention of the committee the fact that there were no hours specified for the performance of dance and for the playing of recorded music.

MC asked for the applicant to address the Committee

RS stated that, after speaking to the applicant, they had a number of amendments, firstly that Morris Dancing was exempt in Section G of the application, so application for "Performance of Dance" was withdrawn. Also in Section L the finish times for Sundays should read 2300 hrs.

AH asked RS if they were proposing to delete all references to Morris Dancing from the application.

RS replied that they were and this was no longer required. RS went on to say that under Seasonal Variation opening times the application currently stated the finish time as 0030 hrs and they would like to amend this to 0100 hrs to allow for 30 minutes drinking up time.

Further in Section E of the application for Live Music were they requested "occasional Lunchtime performances 12.00 – 15.00" that this was rather vague but was to allow for the applicant to allow for a children's entertainer at a children's party to be held on one day of each Bank Holiday.

RS went on to say that the focus of the premises was on good food and that they currently enjoy the benefit of a supper licence and the applicant only sought to have the same hours but without a supper licence.

RS stated that the functions typically held at the premises were weddings, anniversary parties, birthdays and religious functions and that the applicant was prepared to have a limit set on the number of occasions when they could hold private parties if this would help the application.

RS referred to the respondent's claims of noise nuisance stating that Mr & Mrs Rawlings acknowledged that the premises had excellent management and also that there was no representation from the Environmental Health Officer and, so far, no problems. RS also referred to the one occasion cited by the respondents relating to the party on 13 August 2005 when a surprise party was held for Mr. James inviting customers and friends for the Hog Roast and party. She stated that the customers had organised the singer and that the music had stopped at 2330 hrs. She also stated that the pub had only had one phone call, at 2315 hrs, asking when the music would end, they were told it would finish at 2330 hrs and this was the case.

RS raised the point that people causing problems in the area could not be directly attributed to the premises and that the applicant could not be held responsible for the actions of customers once outside the licensee's control.

RS offered that additional conditions could be suggested but pointed out that they must be aspirational and not mandatory, she suggested that the number of live performances could be limited and that there could be liaison with taxi firms to leave quietly, RS also stated that the applicant did not want to upset any locals. RS went on to say that Mr. James had received a number of letters of support and requested that they be admitted.

AH gave the committee advice that it was at the Chair's discretion for these to be admitted.

MC allowed them to be presented.

RS requested that the committee draw their attention to the conditions agreed with the Environmental Health Officer, and offered to have a nominated person monitor noise at the boundary of the dwelling on at least 3 occasions, to keep a record of this for inspection at any time and to take all necessary steps to minimise noise.

RS stated that the applicant would be willing to meet these objectives by having double glazing and double doors fitted and to ensure that all doors and windows were kept closed during the playing of amplified music to minimise disturbance to neighbours.

MC asked if there were any questions for the applicant.

JC asked if the licence was being granted to Greene King or The Wiltshire Yeoman and also asked if the people writing in support of the applicant had received a copy of the application.

It was established that the licence was being granted to Greene King but was specific to the Wiltshire Yeoman and that people writing in support of the applicant had not received a copy of application but that it was on display.

MC asked if they knew what their maximum capacity figures were and had the fire brigade agreed this figure?

RJ replied that he was not sure but the figure was in the region of 100 – 120 but he had it in writing.

MC asked how they managed the dispersal of customers taking into consideration the fact that there was no public telephone.

JH replied that they were always happy to ring for a taxi on behalf of customers.

JC asked that in reference to live music how is the noise monitored and controlled, also why were they requesting it in the garden?

RJ informed the committee that the application for music in the garden was for the children's parties, a small brass band and to allow the playing of Christmas carols in the week between Christmas and New Year.

JC asked if it would be considered expedient to specify the limited use requested of live music in the garden.

RS replied that applicant was reluctant to do this but if the Committee could come up with a form of words to make allowance for the children's parties and the Christmas carols then the applicant would be happy with this.

MC asked how often functions were held at the premises.

RJ replied that they were not held often but that it would be nice to have the provision in the licence, he went on to say that in the past year they had probably had 3 wedding breakfasts and 3 christening parties and that this was the number that they envisaged for the coming year.

MR stated that the pub was well managed but at closing time there was some noise with the current closing time at 2300hrs but that he was concerned about the levels if the closing time was 0030 hrs and felt that they would be unacceptable. MR also stated that the pub was a food pub and questioned the need for a Public Entertainment Licence on such a wide basis, also that if the licence was granted to the Greene King what would happen once other licensees took over.

MC asked if there were any further questions and as there none invited MR to sum up.

MR responded that he felt the current laws were fine and that he did not see a need for this to change.

RS then summed up stating they wanted to allay any fears about the PEL and stated that they currently need a licence for any entertainment and also under the new laws, further that they would be happy to limit the number of events taking place.

RS reminded those present that once the licence was granted it could be reviewed at any time but that they wanted the chance to branch out and were not asking for an new, just to legalise what the applicant has done in the past.

RS apologised for requesting the extra time to allow for drinking up time during the hearing

The Committee then retired to make their decision.

On returning AH gave her advice to the Committee

AH advised on the amount of weight given to letters of support and advised that this should be low, as the people were not fully conversant with the application.

AH also advised that there was no facility to amend to the application at the hearing and the DPS should remain as Roger James as the police have not been given the opportunity to object.

MC read the Decision granting the application with the additional conditions that:

- additional conditions in respect of closure of doors and windows, fitting of double doors and double glazing, all as contained in the Hearing Report and in the submissions to the sub-committee.
- Section "O" on Page 10 of the application to amend application for seasonal times to ask for an extra 30 mins to allow customers drinking up time: this was not accepted by the committee and the closing time will remain as per the application at 0030 hours.
- Application at the hearing for Jill Harding to replace Roger James is refused as the Police may be prejudiced. The applicant can make application under the legislation to replace the Designated Premises Supervisor.