

# **West Wiltshire District Council**

## **Licensing Sub-Committee**

**for the application for Variation Premises License**

**of The Farmers Hotel, Silver Street, Warminster**

**Held on:** Friday 16 September 2005

**Held in:** Council Chamber, Bradley Road, Trowbridge

**Present:** Bob Brice – sub-chair (BB), Eli Mannasseh (EM), Bill Viles (BV)

Giovanni Brandani (GB) – Applicant; Charles Goodbody – Lawyer (CG)

**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 report as follows:

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:

- Extend the hours for the supply of alcohol
  - ◆ Monday – Sunday 1000 to 0000

- ◆ Friday, Saturday, Sunday and Monday of each public holiday weekend and Christmas Eve and Boxing Day 1000 to 0100, New Years Eve 1000 to 2300 New Years Day
- To remove the conditions and restrictions embedded in the Licensing Act 1964 (note that the applicant is seeking to remove these restrictions)
- Hours open to the public
  - ◆ Monday to Sunday 1000 to 0030 the following morning
  - ◆ Friday, Saturday, Sunday and Monday of each public holiday weekend and Christmas Eve & Boxing Day 1000 to 0130, New Years Eve 1000 to 2330 New Years Day

### **Conditions from any transferred licence**

- The embedded restrictions contained in the Justices On-licence
- The embedded restrictions contained in the Public Entertainment Licence

### **Steps that the applicant proposes to take (the Operating Schedule) that will be applied as conditions**

- Management of the premises will include a Personal Licence Holder being present in the licensed area of the premises most of the time when the premises are open to the public

### **Summary of representations and relationship with the Licensing Objectives**

A relevant representation has been received from a resident. The issues of concern include:

- Disturbance and anti social behaviour from customers leaving premises
- Early morning noise disturbance by the landlord and staff following deliveries of beer barrels to the tradesman entrance of the premises

CG informed the Committee that The Farmers Hotel had been purchased by the Bandani's in 1978 with the benefit of a full Justices On Licence and Supper Licence. He informed the committee that GB would, occasionally, cater for an outside bar until 0100 or 0200 hrs and would, on returning, unload his van that night. On receiving a complaint about 4 years ago referring to this noise GB now left the van loaded outside the The Farmers Hotel and then unload in the morning. CG felt that the letter from Mrs. Jenkins was referring to this issue, and not dray deliveries, and had been addressed.

CG also pointed out that only about 5% of GB's trade came from alcohol-only sales and the rest was attributable to trade in the restaurant and from hotel guests.

CG said that the hours sought were to enable the restaurant to operate efficiently, and that the Brandani's always endeavoured to be good neighbours

CG acknowledged that whilst there was noise from teenagers this was because they would congregate in the Park and walk through on their way there. CG pointed out

that GB has, in the past, asked them to move on but had only been met with abuse, he also pointed out that the teenagers do not use the off-licence facility at the hotel as the Brandani's cannot compete with the prices of the local supermarket.

CG went on to say that GB understands the respondent's concerns but points out that problems do not come from his premises but from other pubs within Warminster.

CG closed by stating that he felt there was no reason to oppose the application as it was within the spirit of the Licensing Act 2003 and should be granted.

BB stated that the Committee had received a letter of complaint but stated that this would not be given too much weight as the respondent had not attended the hearing, he then stated that the Committee would retire to consider their decision.

On returning BB asked NM to give details of any advice that NM had given to the Committee.

NM stated that his legal advice had been that the Committee must be satisfied that the comments in the respondents letter were relevant to this premises and relevant to the variation application. NM also advised that the Committee should place less weight on the evidence of the respondent as the respondent was not there to be questioned on it.

NM further advised that nuisance of noise was not shown to be relevant to the extended licence application.

BB informed those present that the Committee did not accept that the representation made was relevant to this establishment but that he was pleased that GB had reduced the number of occasions when noise might disturb people in the area and hoped that GB would continue to do this. BB then went on to say that the licence would be granted with no extra conditions.