

West Wiltshire District Council

Licensing Sub-Committee

for the application for Variation Premises License

of The White Hart, 18 George 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 application 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

Public Entertainment Licence

- Monday to Friday 1000 – 0100
- Saturday 1000 – 0000
- Sunday 1200 to 1500 & 1900 to 2230

The variation applied for is, in summary:

- Extend the hours for the supply of alcohol
 - ◆ Monday – Sunday 1000 to 0100
 - ◆ New Years Eve 1000 to 2300 New Years Day
- To extend the existing hours under the Public Entertainment Licence 1000 to 0100 (the following morning) Monday to Sunday
- Remove the conditions and restrictions embedded in the Licensing Act 1964
- Hours open to the public
 - ◆ Monday to Sunday 1000 to 0130 the following morning
 - ◆ New Years Eve 1000 to 2330 New Years Day

Conditions from any transferred licence

- The embedded restrictions contained in the Justices On-licence (note that the applicant has applied to remove these restrictions)
- The conditions 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

MJ closed by outlining a relevant representation from a resident. The issues of concern include disturbance and anti social behaviour from customers leaving premises and noise disturbance from music

CG gave a brief history of the premises and stated that the function rooms were primarily used by the Rotary Club and for birthday and anniversary parties. CG stated that 10 years ago GB had received a complaint about noise from the function and, in consultation with the Environmental Protection Officer, now had a rule of thumb that if he can hear the music in the television room of the White Hart, with the window of that room open, then the function was too noisy.

CG went on to say the people who own the Chinese takeaway next door, and who live behind and above the property, had never complained about the noise. Also that there had been never been any complaints of noise from the guests in the rooms adjacent to the function room.

CG stated that GB accepts his responsibility to monitor noise pollution and pointed out that he has not received any objections in the last 10 years.

CG pointed out that there were numerous properties closer to the White Hart than the respondents property from which there had never been any complaints, also that the respondent had bought the premises knowing that there were numerous public houses in the immediate vicinity.

BB asked in the current conditions from GB's existing Public Entertainment Licence were being transferred over and if GB would be continuing with the noise monitoring.

GB replied that he would, and went to say that in future he would be declining holding an event where there may be a chance of underage drinking taking place, e.g. parties for 18, 19 and 20th birthdays.

BB asked GB if he would object to having extra conditions imposed to keep doors and windows closed during events with amplified music taking place.

GB replied that he would have no problem with this, further pointing out that the room was air-conditioned and had been sound proofed.

The Committee then retired to make their decision. On returning NM advised that his advice to the Committee had been that the Committee must be satisfied that the comments in the respondent's 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 then advised that the Committee had taken everything into consideration and that they did not accept that the noise nuisance was attributable to the premises, further that they would be granting the licence with the further condition that all doors and windows be kept closed when amplified music was being played.