

Draft Minutes of the Licensing Sub Committee (Hearing) held on Thursday 10th July 2008 at Monkton Park, Chippenham commencing at 3:00pm

Hearing Councillors Present: Councillors D.B. Allen, P. Doyle and I.J. Henderson

Officers Present: M. Doran (Environmental Health Manager) L. Holland (Licensing Officer), L. Pullin (Democratic Services Officer), P. Taylor (Assistant Solicitor) and C. Symes (Democratic Services Assistant)

Others Present: Mr J. Chi, Mr S. Hann and Mr R. Walters

LSC7. Election of Chairman for the Hearing

Resolved that Councillor D.B. Allen be elected as Chairman for the duration of the Hearing.

Councillor Allen in the Chair.

LSC8. Membership of the Licensing Sub Committee (Hearing)

The Sub Committee was notified of the following change of membership for this meeting only:

Councillor to be Replaced	Replacement
H. R. Plenty	I.J. Henderson

LSC9. Chairman's Announcements

The Chairman gave details of the exits to be used in the event of the fire alarm sounding.

LSC10. Minutes

The Minutes of the Licensing Sub Committee (Hearing) (circulated with the Agenda) held on 16th June 2008 were considered.

Resolved that the Minutes of the Licensing Sub Committee (Hearing) held on 16th June 2008 be confirmed and signed as a correct record.

LSC11. Declarations of Interest

There were no declarations of interest made in respect to the item contained in the Agenda.

LSC12. Application for a Premises Licence; The China Wok, Calne

The Chairman welcomed everyone to the Hearing, introduced the Councillors and asked Officers present to introduce themselves. The Chairman then referred to the Hearing Procedure, which had been circulated with the Agenda that outlined how the Hearing would be conducted.

Consideration was then given to Report No. 6 (circulated with the Agenda) which advised Members that relevant representations had been received in respect of an application by Mr J. Chi for a Premises Licence at The China Wok in Calne.

The Hearing was informed by the Licensing Officer that this was an application for a Premises Licence and that during the consultation period, two representations were received from local residents. These representations were concerned with noise from the premises and from patrons leaving the premises. Also any anti-social behaviour connected with the premises.

(Admin Note – The Environmental Health Manager informed those present that page 16 of the Agenda papers should be amended to read that the request of the hours that the restaurant is open to the public should read 12:00 to 23:30 daily)

Summary of Applicant's Submission

Mr Chi was given the opportunity to address the Hearing as the Applicant, but indicated that he did not have any additional points to raise.

In response to questions the Hearing was informed of the following points:

- The China Wok is a restaurant and that it would not be selling alcohol to passing trade but only to the patrons of the restaurant; and
- Alcohol had previously been sold on the premises when it was a Conservative Club.

Submissions from Interested Parties

Mr R. Walters (local resident) addressed the Hearing stating that he had concerns regarding the narrowness of Church Street and that there was only one pavement outside the premises in question. As many of the houses near the premises have the bedrooms at the front, looking out onto the premises, his concerns over late night noise should be taken into consideration. Mr Walters also requested that the Sub-Committee set any conditions of the licence tightly as to prevent any mis-interpretation.

Mr S. Hann (local resident) addressed the Hearing stating that he felt the application was inconsistent and therefore invalid. He reiterated that many of the houses opposite the premises had their bedrooms at the front and was concerned that as Church Street is already used as a short cut and “rat-run” that granting the licence would only add to the anti-social behaviours already experienced by local residents.

In response to questions from Interested Parties, the Licensing Officer clarified:

- That it was normal practice that applicants apply for every provision of regulated entertainment and that although the application was not perfect it was of an acceptable standard.

The Environmental Health Manager advised the interested parties that if noise levels become a problem then they could contact Environmental Health and the situation would be reviewed.

In response to questions from Councillors the Applicant clarified:

- That the recorded music being played would not be amplified and it would be background music;
- That during any live music the windows in the function room would be shut and that ventilation would be provided through an air conditioning system in place; and
- That the disposal of any empty glass bottles would occur during the next day.

The Applicants Summation

Mr Chi stated that he would display a notice in the restaurant to ask patrons to be considerate when leaving the premises as he did not wish to cause a disturbance to his neighbours.

Adjournment and Decision

The Hearing adjourned at 15:20.

The Members withdrew from the meeting together with the Meeting Administrator and Solicitor to deliberate in private.

In reaching their decision the Members of the Hearing took into account the Council’s Licensing Policy and Government guidance, including the licensing objectives. They also took into account the Applicant’s submission and the relevant representations received.

Resolved that:

The application for a Premises Licence at The China Wok, Calne be GRANTED with licensable activities to be permitted subject to the timings below:

Sale of Alcohol (on sales only)

Sun 12:00 – 23:00
Mon 12:00 – 23:00
Tue 12:00 – 23:00
Wed 12:00 – 23:00
Thur 12:00 – 23:00
Fri 12:00 – 23:00
Sat 12:00 – 23:00

Live Music (Indoors only)

Sun 17:00 – 23:00
Mon 17:00 – 23:00
Tue 17:00 – 23:00
Wed 17:00 – 23:00
Thur 17:00 – 23:00
Fri 17:00 – 23:00
Sat 17:00 – 23:00

Recorded Music (Indoors only)

Sun 17:00 – 23:00
Mon 17:00 – 23:00
Tue 17:00 – 23:00
Wed 17:00 – 23:00
Thur 17:00 – 23:00
Fri 17:00 – 23:00
Sat 17:00 – 23:00

Performance of Dance (Indoors only)

Sun 17:00 – 23:00
Mon 17:00 – 23:00
Tue 17:00 – 23:00
Wed 17:00 – 23:00
Thur 17:00 – 23:00
Fri 17:00 – 23:00
Sat 17:00 – 23:00

Anything of Similar Des (Indoors only)

Sun 17:00 – 23:00
Mon 17:00 – 23:00
Tue 17:00 – 23:00
Wed 17:00 – 23:00
Thur 17:00 – 23:00
Fri 17:00 – 23:00
Sat 17:00 – 23:00

Hours open to the Public

Sun	12:00 – 23:30
Mon	12:00 – 23:30
Tue	12:00 – 23:30
Wed	12:00 – 23:30
Thur	12:00 – 23:30
Fri	12:00 – 23:30
Sat	12:00 – 23:30

2) That the Premises Licence be also subject to the following additional conditions, along with those already set out in the application:

- That the disposal of empty glass bottles be carried out during the hours of 9am and 7pm; and
- For there to be a notice to patrons displayed clearly asking them to be considerate to neighbours when leaving the premises.

Reasons for Decision

The Sub-Committee are satisfied that, given the nature of the proposed business, it was appropriate to grant the application as requested and that it was not necessary, for the promotion of the licensing objectives, to impose any additional conditions, other than the two proposed. These were being proposed to reduce possible disturbance to residents in the vicinity of the premises.

Announcement of Decision

Members returned to the Hearing and the Chairman informed those present of the decision made and confirmed that written notification would be given in due course.

The Chairman reminded all parties that they could request a review of the Premises Licence if problems occur in the future.

The meeting started at 15:00 and finished at 15:45.

There were 3 members of the public present.