Wiltshire Council Where everybody matters

AGENDA

Meeting: Western Area Licensing Sub Committee

Place: Council Chamber - County Hall, Trowbridge BA14 8JN

Date: Tuesday 12 December 2017

Time: 10.00 am

Matter: Application for a Variation of a Premises Licence - Grange Farm, Bratton Road, West Ashton

Please direct any enquiries on this Agenda to Lisa Pullin, Tel 01225 713015 or email lisa.pullin@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at <u>www.wiltshire.gov.uk</u>

Membership:

Cllr Trevor Carbin Cllr Peter Hutton Cllr George Jeans

Substitutes:

Cllr Stewart Palmen

Recording and Broadcasting Information

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County Hall, Trowbridge Bourne Hill, Salisbury Monkton Park, Chippenham

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult <u>Part 4 of the council's constitution</u>.

The full constitution can be found at this link.

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 Election of Chairman

To elect a Chairman for the meeting of the Sub Committee.

2 Apologies for Absence/Substitutions

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (Pages 5 - 12)

The Chairman will explain the attached procedure for the members of the public present.

4 Chairman's Announcements

The Chairman will give details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 Licensing Application (Pages 13 - 16)

To consider and determine an Application for a Variation of a Premises Licence by Ten Gallon Events Limited in respect of Grange Farm, Bratton Road, West Ashton, Trowbridge, The report of the Licensing Officer is attached.

- 6a Appendix 1 Application to vary a premises licence from Ten Gallon Events Ltd (Pages 17 - 36)
- 6b Appendix 2 Current Premises Licence (Pages 37 40)
- 6c Appendix 3 Correspondence between Environmental Health Officer and Applicant confirming amendment to application (Pages 41 - 46)
- 6d Appendix 4 Relevant representation (Pages 47 50)

Appendix 5 - Map showing location of Representation (*Pages 51 - 52*)

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LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

2.1 The following definitions describe the participants at and the subject matter of a Hearing:

"Applicant" means the person who has submitted an Application for consideration by the Committee.

"Applicant's Premises" means premises subject to the Application.

"**Applicant's Representative**" means a person attending a Hearing to assist or represent an Applicant including a lawyer.

"**Application**" means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

"Chairperson" means the Member who is the Chairperson of the Committee for the particular Hearing.

"Committee" means the Council's Licensing Committee and includes any Sub Committee of the Licensing Committee.

"**Committee Lawyer**" means the Council's Lawyer (including an external Lawyer instructed by the Council's Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

"**Committee Manager**" means the Council's Officer who is present at a Hearing to take minutes.

"Committee Report" means the Licensing Officer's written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or any person who has made a Relevant Representation or their Representative.

"Hearing" means a meeting of the Committee at which an Application is considered.

"Licence" means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

"Licensing Officer" means the Council's Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

"Licensing Authority" the Council in whose geographical area the subject matter of the Application relates to, and includes the Council's Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

"**Member**" means a Member who is a Member of the Committee that is considering an Application.

"Person making a Relevant Representation" means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

"**Responsible Authority**" means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

3 Key Principles

- 3.1 The principles of 'natural justice', and Article 6 'Right to a Fair Trial', which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;

- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - A refuse to permit them to return;
 - B permit them to return only on such conditions as the Committee may specify;
 - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations .

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - A the options available to it;
 - B the considerations that are relevant in reaching its decision.
 - 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
 - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
 - A the grounds of the representation to the Application; and
 - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation . If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:

9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or

- 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

- 1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
- 2. The Chairperson welcomes all those present and introduces the Application.
- 3. The Chairperson introduces the members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
- 4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
- 5. The Licensing Officer is asked to present their Committee Report.
- 6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
- 7. Questions to the Applicant by Members of the Sub Committee.
- 8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
- 9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
- 10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
- 11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
- 12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
- 13. Closing submissions by the Applicant.
- 14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
- 15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
- 16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits (5 working days).

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Agenda Item 6

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

12 DECEMBER 2017

Application for a Variation of a Premises Licence; Grange Farm, Bratton Road, West Ashton, Trowbridge, BA14 6AX

1. Purpose of Report

1.1 To determine an application for a variation of a Premises Licence in respect of Grange Farm, Bratton Road, West Ashton, Trowbridge, BA14 6AX made by Ten Gallon Events Ltd, Fringe Office, 103 Walcot Street, Bath, BA1 5BW.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Grange Farm has been made by Ten Gallon Events Ltd for which one relevant representation has been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers necessary for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.3 The licensing objectives are:
 - i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
 - i) To grant the licence as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On 19 October 2017 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:

• To add Sunday to the running days of the festival

Licensable Activity	Proposed additional hours
Films, Plays, Performance of	
dance (indoors and outdoors)	Sun 11.00 – 00.30
Live Music (indoors)	Sun 11.00 – 01.00
Recorded Music (indoors)	Sun 11.00 – 01.30
Late Night Refreshment (indoors	Sun 23.00 – 02.00
and outdoors)	
Sale of Alcohol (on sales)	Sun 11.00 – 01.30
Hours open to the public	Sun 08.30 – 02.00

A copy of the original application is attached as Appendix 1.

2.7 Since 20 February 2016, the premises has benefited from a premises licence issued under the Licensing Act 2003. The current premises licence authorises the following:

Licensable Activity	Current Days	s and Timings
Films, Plays, Performance of dance (indoors and outdoors)	Thursday Friday - Saturday Sunday	18.00 – 00.00 11.00 – 03.00 10.00 – 15.00
Live Music (indoors)	Thursday Friday – Saturday	18:00 - 00:00 11:00 - 02:30
Recorded Music (indoors)	Thursday Friday - Saturday Sunday	18.00 – 00.00 11.00 – 02.30 10.00 – 15.00
Late Night Refreshment (indoors and outdoors)	Thursday Friday – Saturday	23.00 – 00.30 23.00 – 03.00
Sale of Alcohol (on sales)	Thursday Friday – Saturday	18.00 – 00.30 11.00 – 03.00
Hours open to the public	Thursday Friday – Saturday Sunday	18.00 - 00.30 08.30 - 03.00 08.30 - 15.30

- 2.8 The current Premises Licence is attached as Appendix 2.
- 2.9 During the consultation period, Damaris Broad, Environmental Health Officer raised the issue of the Noise Abatement Notice which is issued to the landowners of Grange Farm. The abatement notice restricts regulated entertainment to a three day event once per year at this site. Mr Henwood of Ten Gallon Events was not aware of this when applying for the variation and has since agreed to the licence, if granted, to be restricted to a 72 hour event.
- 2.10 Confirmation of this condition from the applicant is attached as Appendix 3.

2.11 The licensing authority had received a letter from a local resident who was unhappy with the event being increased from three days to four. As the applicant has agreed to limit the event to 72 hours this was not included in the report.

3. Consultation and Representations

- 3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice advertised in a newspaper circulating the area of the premises. During the consultation period one relevant representation has been received.
- 3.2 No Responsible Authority has made a representation in connection with this application.
- 3.3 <u>Representations received</u>
 - Mr P Brabner, 59 Lower Road, Bratton, BA13 4RQ
- 3.4 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Mr P Brabner	Public Nuisance	Yes	Live and Recorded
			Music after 11pm on
			a Sunday in open
			fields is a public
			nuisance

3.5 The relevant representation is attached as Appendix 4. Attached as Appendix 5 is a plan which shows the locations from where the representation has been made.

4. Legal Implications

- 4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
- 4.2 The Applicant and all Responsible Authorities and Interested Parties who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.
- 4.3 At the hearing all those Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Premises Licence Holder, the Responsible Authority(ies) and Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author:

Carla Adkins, Public Protection Officer (Licensing) Email : <u>carla.adkins@wiltshire.gov.uk</u> Tel: 01249 706 438

Date of report: 29 November 2017

Background Papers Used in the Preparation of this Report

- The Licensing Act 2003
- The Licensing Act (Hearings) Regulations 2005
- Guidance issued under Section 182 of the Licensing Act 2003
- Wiltshire Council Licensing Policy

Appendices

- 1 Application to vary a premises licence from Ten Gallon Events Ltd
- 2 Current licence
- 3 Correspondence between Environmental Health Officer and Applicant confirming amendment to application
- 4 Representation
- 5 Representation Map

Agenda Item 6a

Wiltshire Council

Where everybody matters

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Ten Gallon Events Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/000009913

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description OS Grid Reference is 884548. part of: Grange Farm, Bratton Road, West Ashton, Wiltshire Post town Trowbridge Postcode BA1/ 6AX				
Post town	Trowbridge	Postcode	BA14 6AX	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£n/a

Part 2 – Applicant details

Daytime con telephone nu		01225 446975		
E-mail addre	ss (optional)	steve@outwestfestival.co.uk		
Current posta different from address		Fringe Office 103 Walcot Street Bath Somerset		
Post town	Bath		Postcode	BA1 5BW

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

X
No

If not, from what date do you want the variation to take effect?

DD MM				YY	YY	7		
0	1	0	7	2	0	1	8	l

Yes

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To add Sunday to the running days of the Festival. Details as per Event Management Plan

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Pro	vision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	×
b)	films (if ticking yes, fill in box B)	X
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	×
f)	recorded music (if ticking yes, fill in box F)	×
g)	performances of dance (if ticking yes, fill in box G)	×
h)	anything of a similar description to that falling within (e), (f) or (g (if ticking yes, fill in box H)	g) X

Provision of late night refreshment (if ticking yes, fill in box I)	×
Supply of alcohol (if ticking yes, fill in box J)	×
In all cases complete boxes K, L and M	

A

Plays Standard days and timings (please read guidance note 8)		ead	<u>Will the performance of a play take place indoors</u> or outdoors or both – please tick (please read guidance note 4)	Indoors Outdoors	
Day	Start	Finish		Both	$\overline{\mathbf{X}}$
Mon			Please give further details here (please read guidan	ce note 5)	
Tue					
Wed	(Promotion of Provide the Provide t		please read		
			guidance note 6)		
Thur	18.00	00.00			
Fri	11.00	03.00	Non standard timings. Where you intend to use the		
			performance of plays at different times to those list on the left, please list (please read guidance note 7)		<u>nn</u>
Sat	11.00	03.00			
Sun	11.00	00.30			

В

Films Standard days and timings (please read			<u>Will the exhibition of films take place indoors or</u> <u>outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
guidan	ice note 8))		Outdoors	
Day	Start	Finish		Both	×
Mon			Please give further details here (please read guidan	ce note 5)	
Tue					
Wed			State any seasonal variations for the exhibition of f guidance note 6)	ilms (please rea	ıd
Thur	18.00	00.00			
Fri	11.00	03.00	Non standard timings. Where you intend to use the exhibition of films at different times to those listed the left, please list (please read guidance note 7)		
Sat	11.00	03.00			
Sun	11.00	00.30			

Indoor sporting events Standard days and timings (please read guidance note 8)		nd read	<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

С

D

Boxing or wrestling entertainments Standard days and timings (please read		nd	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
	s (please i ce note 8)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidant	ce note 5)	
Tue					
Wed			State any seasonal variations for boxing or wrestlin (please read guidance note 6)	g entertainmen	t
Thur					
Fri			Non standard timings. Where you intend to use the boxing or wrestling entertainment at different times the column on the left, please list (please read guidated and stated at the state	s to those listed	<u>in</u>
Sat					
Sun					

Standa	Live music Standard days and timings (please read		<u>Will the performance of live music take place</u> <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	×
	ce note 8)			Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidane All amplified music (apart from that incidental performance) and all performances after 12 n	to other form	
Tue			place inside structures. See Event Plan for breakdown of times, categ	U	
Wed			State any seasonal variations for the performance or read guidance note 6)	<u>f live music</u> (pl	ease
Thur	18.00	00.00			
Fri	11.00	02.30	Non standard timings. Where you intend to use the performance of live music at different times to thos column on the left, please list (please read guidance)	e listed in the	<u>he</u>
Sat	11.00	02.30			
Sun	11.00	01.00			

E

Standa	Recorded music Standard days and timings (please read		Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	×
	ce note 8)			Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidan All amplified music (apart from that incidental		ns of
Tue			performance) and all performances after 12 r place inside structures. See Event Plan for breakdown of times, cate	nidnight will ta	ake
Wed			State any seasonal variations for the playing of recorread guidance note 6)	orded music (pl	ease
Thur	18.00	00.00			
Fri	11.00	02.30	Non standard timings. Where you intend to use the playing of recorded music at different times to thos column on the left, please list (please read guidance	e listed in the	<u>he</u>
Sat	11.00	02.30			
Sun	11.00	01.30			

F

G

Standa	Performances of dance Standard days and timings (please read		Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
	ce note 8)		u c ,	Outdoors	
Day	Start	Finish		Both	×
Mon	Mon		<u>Please give further details here</u> (please read guida Incidental entertainment	ance note 5)	
Tue					
Wed			State any seasonal variations for the performance read guidance note 6)	<mark>ce of dance</mark> (pl	ease
Thur	18.00	00.00			
Fri	11.00	03.00	Non standard timings. Where you intend to use the performance of dance at different times to th column on the left, please list (please read guidance)	lose listed in t	
Sat	11.00	03.00			
Sun	11.00	00.30			

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)		nat), (f) or .d ead	Please give a description of the type of entertainmer providing Children's entertainment, wandering, spo interactive performers, immersive arts, vi using amplification, it will fall within the ge levels agreed for the site.	ntaneous ar sual arts. If	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read	Indoors	
Mon			guidance note 4)	Outdoors	
				Both	×
Tue			Please give further details here (please read guida	ance note 5)	
			Various Childrens activites, Incidental Performance, Wandering Musicians, Walkabout Theatre &		
Wed	;d		entertainment.	εα	
Thur	18.00	00.00	State any seasonal variations for entertainment description to that falling within (e), (f) or (g) (p guidance note 6)		
Fri	11.00	00.00			
Sat	11.00	00.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun	11.00	00.30			

Late night refreshment Standard days and timings (please read		ıd	Will the provision of late night refreshment Indoors take place indoors or outdoors or both – Indoors please tick (please read guidance note 4) Indoors		
	ice note 8)			Outdoors	
Day	Start	Finish		Both	×
Mon			<u>Please give further details here</u> (please read guida From stalls & trailers in the festival arena		
Tue			arranged as refreshment serveries.		
Wed			State any seasonal variations for the provision o refreshment (please read guidance note 6)	<u>f late night</u>	
Thur	18.00	00.30			
Fri	08.30	03.00	Non standard timings. Where you intend to use the provision of late night refreshment at differe listed in the column on the left, please list (please	nt times, to th	ose
Sat	08.30	03.00	note 7)		
Sun	08.30	02.00			

I

2

Standa	Supply of alcohol Standard days and timings (please read		Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	×
	ice note 8)			Off the premises	
Day	Start	Finish		Both	
Mon			State any seasonal variations for the supply of a guidance note 6)	<mark>lcohol</mark> (please	read
Tue					
Wed					
Thur	18.00	00.30	<u>Non-standard timings. Where you intend to use</u> <u>the supply of alcohol at different times to those l</u> <u>column on the left, please list</u> (please read guidan	isted in the	<u>for</u>
Fri	11.00	03.00			
Sat	11.00	03.00			
Sun	11.00	01.30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

In general, we do not feel we are programming entertainment that we would consider unsuitable for children.

We are however aware that some performers may include language or behaviour that might cause offence to some people: in those cases we would have a notice at the entrance to the tent in question with an appropriate warning.

Т

open t Standa timing	Hours premises are open to the public Standard days and timings (please read guidance note 8)		State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			Non standard timings. Where you intend the premises to be open
Thur	18.00	00.30	to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	08.30	03.00	
Sat	08.30	03.00	
Sun	08.30	02.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

n/a

Please tick as ap	propriate
-------------------	-----------

• I have enclosed the premises licence

х

• I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 11)

All Licensing Conditions are addressed in our annual Event Management Plan and annually assessed by the Relevant Authorities and Wiltshire Council Licensing Dept.

b) The prevention of crime and disorder

c) Public safety

We are discussing with the police and traffic authorities whether we can redirect traffic leaving on the Monday so as to reduce impact on West Ashton School

d) The prevention of public nuisance

We are discussing with the police and traffic authorities whether we can redirect traffic leaving on the Monday so as to reduce impact on West Ashton School

e) The protection of children from harm

Checklist:

	Please tick to indicate agreen	icate agreement	
•	I have made or enclosed payment of the fee; or	X	
•	I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.	X	
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	×	
•	I understand that I must now advertise my application.	x	
•	I have enclosed the premises licence or relevant part of it or explanation.	x	
•	I understand that if I do not comply with the above requirements my application will be rejected.	X	

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	on behalf of and as a Director of Ten Gallon Events Ltd.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)									
Mr S J Henwood c/o Fringe Office									
103 Walcot Street									
Bath									
Somerset									
Post town Bath			Post code	BA1 5BW					
Telephone number (if any)		01225 446975							

If you would prefer us to correspond with you by e-mail, your e-mail address (optional) steve@outwestfestival.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

- 1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
- 2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
- 3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 11. Please list here steps you will take to promote all four licensing objectives together.

- 12. The application form must be signed.
- 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 15. This is the address which we shall use to correspond with you about this application.

Agenda Item 6b LN/000011117

ISSUING LOCAL AUTHORITY

Wiltshire Council

PART 1 – PREMISES & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Grange Farm, Bratton Road, West Ashton, Trowbridge, Wiltshire, BA14 6AX

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

Ten Gallon Events Ltd Fringe Office, 103 Walcot Street, Bath, Somerset, BA1 5BW Tel: 07921236809 Email: info@outwestfestival.co.uk

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

08757855

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Stephen Henwood 5 Cleveland Row, Bath, BA2 6QR

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

BANES 09/04293/LAPER

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

ON Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Perform Play	Indoors and	Sunday	10:00	15:00		
Exhibit Film Perform Dance	Outdoors	Monday				
		Tuesday				
		Wednesday				
		Thursday	18:00	00:00		
		Friday	11:00	03:00		
		Saturday	11:00	03:00		
Non Standard Timings						
& Seasonal Variations						
Live Music	Indoors	Sunday				
		Monday				
		Tuesday				
		Wednesday				
		Thursday	18:00	00:00		
		Friday	11:00	02:30		
		Saturday	11:00	02:30		
Non Standard Timings & Seasonal Variations	Any Live Music on S	Sunday will be	unamplified			
Recorded Music	Indoors	Sunday	10:00	15:00		
		Monday				
		Tuesday				
		Wednesday				
		Thursday	18:00	00:00		
		Friday	11:00	02:30		
		-				
		Saturday	11:00	02:30		
Non Standard Timings & Seasonal Variations					· · ·	

Similar to any Music or	Indoors and	Sunday	10:00	15:00	
Dance	Outdoors				
		Monday			
		Tuesday			
		Wednesday			
		Thursday	18:00	00:00	
		Friday	11:00	00:00	
		Saturday	11:00	00:00	
		,			
Non Standard Timings					
& Seasonal Variations					
Late Night Refresh	Indoors and	Sunday			
Late Night Refresh	Outdoors				
		Monday			
		Tuesday			
		Wednesday			
		Thursday	23:00	00:30	
		Friday	23:00	03:00	
		Saturday	23:00	03:00	
Non Standard Timings & Seasonal Variations					
Alcohol Sales	On Sales	Sunday			
Alconor Gales	On Gales				
		Monday			
		Tuesday			
		Wednesday			
		Thursday	18:00	00:30	
		Friday	11:00	03:00	
		Saturday	11:00	03:00	
	1		1	I	 1
Non Standard Timings & Seasonal Variations					

Hrs premises open to public	n/a	Sunday	08:30	15:30	
		Monday			
		Tuesday			
		Wednesday			
		Thursday	18:00	00:30	
		Friday	08:30	03:00	
		Saturday	08:30	03:00	
Non Standard Timings & Seasonal Variations			1		

Licence Commencement Date

20 February 2016

Licensing Officer

Agenda Item 6c

Adkins, Carla

From: Sent: To: Cc: Subject: steve henwood <steve@outwestfestival.co.uk> 07 November 2017 10:54 Adkins, Carla Broad, Damaris Re: Variation of Premises Licence

I am very happy with that as a solution, Carla Steve 10 Gallon Events

On 7 November 2017 at 08:55, Adkins, Carla <carla.adkins@wiltshire.gov.uk> wrote:

Good Morning,

I think the most sensible option would be to condition the licence so that the event is restricted to 72 hours. This then gives the flexibility to choose in the future whether you would like Thurs/Fri/Sat or Fri/Sat/Sun.

We have received a representation against the application to add an additional day to the event, however If you confirm that you are happy to have the licence restricted to 72hours, I can go back to the person and ask them to withdraw their representation and negate the need for a hearing.

Kind Regards,

Carla

Carla Adkins

Public Protection Officer (Licensing)

DDI: 01249 706438

Internal: 21438

From: Broad, Damaris Sent: 06 November 2017 12:50 To: steve henwood; Adkins, Carla Subject: RE: Variation of Premises Licence

Hi Steve,

Thanks for getting back to me.

It was included in the abatement notice from April this year, which I have since revisited with Mrs Baker.

I can see why you would want to leave both days on the license in case you want to switch back in later years.

I don't think Carla is in today but will have a chat with her about this when she is next in to see what is possible to do.

Kind regards

Damaris Broad

Environmental Health Officer

Public Protection

Wiltshire Council

Bythesea Road

Trowbridge

Wiltshire

BA14 8JN

From: steve henwood [mailto:steve@outwestfestival.co.uk] Sent: 06 November 2017 11:49 To: Broad, Damaris Subject: Re: Variation of Premises Licence

Hi Damaris

I wasn't aware of that agreement with the Bakers

(though it may have come past me at a busy time and not been noted)

- and it doesn't altogether surprise me, either.

I had left Thursday in so we had the option of moving back to a Thursday start if we wanted to without varying the licence again

But if that's not possible, indeed the plan is what you read described on the website

So I'd be perfectly happy if you either

[a] expressed the 72 hour condition in the licence or conditions

or

[b] removed reference to Thursday and switched it to Friday

thanks for drawing that to my attention

steve

steve henwood, 10 Gallon Events

On 6 November 2017 at 10:47, Broad, Damaris < Damaris.Broad@wiltshire.gov.uk > wrote:

Hi both,

Carla, I believe you are covering West Ashton while Teresa is on maternity leave?

Page₃43

There is an agreement with Mr and Mrs Baker at Grange Farm that there is to be no more than three consecutive days of festival each year.

The variation application is for regulated entertainment to begin 18:00 Thursday with the final entertainment ending 00:30 on Monday.

I was concerned that this is would lead to a festival of longer than 72 hours or 3 days, but the Once Upon a Time in the West website implies that Thursday evening is to be scrapped, and

the festival continue longer on the Sunday instead, which I would have no objections to. Steve, please can you confirm the times that there will be no regulated entertainment on the

Thursday night?

Kind regards

Damaris Broad

Environmental Health Officer

Public Protection

Wiltshire Council

Bythesea Road

Trowbridge

Wiltshire

BA14 8JN

Tel: 01225 716686

From: steve henwood [mailto:steve@outwestfestival.co.uk]
Sent: 19 October 2017 14:47
To: PublicprotectionNorth
Subject: Variation of Premises Licence

Variation Form attached

I gather I can get one of your officers to call me regarding payment:

the most straightforward way of doing it as far as I am concerned is with the company debit card, I can give you the numbers over the phone 07810 628577

afternoons best

Stephen J Henwood

[DPS]

on behalf of 10 Gallon Events Ltd.

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will not request the disclosure of personal financial information by means of e-mail any such request should be confirmed in writing by contacting Wiltshire Council.

Agenda Item 6d Wiltshire Council Where everybody matters

REPRESENTATION FORM

The prevention of crime at

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	Grange Farm, West As	Nites safety 12ton, BA146AX
Your Name	Mr. P. Brabner	Å
Postal Address	59 LOWER ROAD, BRA WESTBURY, BA13 4	
Contact Telephone Number and Email address		
 A person who operates A person representing 	and leaf upy tent enoited betaep s a business? residents or businesses? vant Licensing Authority (ie, electe	address your concerns:
If you are representing residents or businesses who have asked you to represent them?		

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

The prevention of public nuisance	The playing of live or recorded music at the specified premises, which are intended to be in the open fields between West Ashta and Bratton after 11pm constitutes a public nuisance. Music in the open air travels a long distance in the quiretness of nighttime in the country side.
The prevention of crime and disorder	
Public safety	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.



Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to <u>publicprotectionnorth@wiltshire.gov.uk</u>:

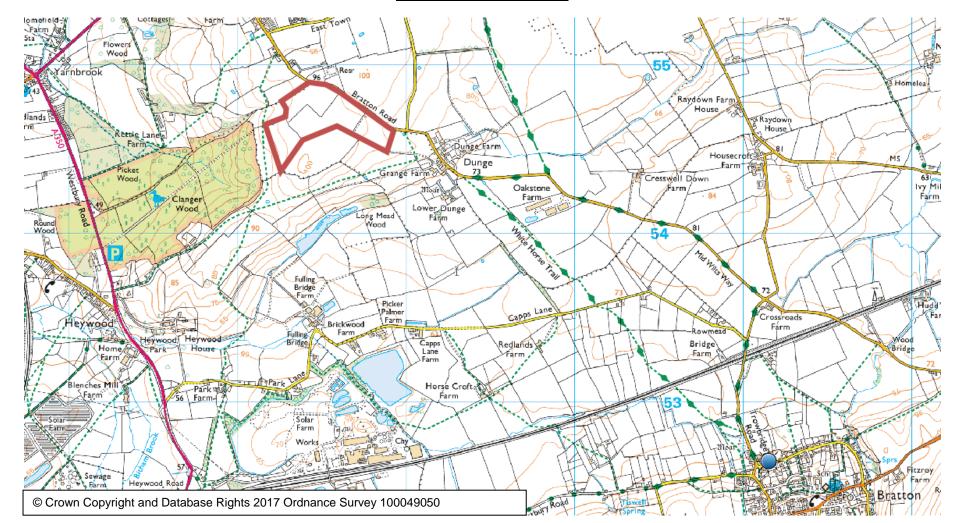
<u>Salisbury Area</u> – (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

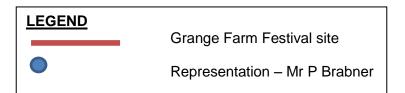
The Licensing Officer Wiltshire Council Public Protection Services and Licensing Bourne Hill Salisbury Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer Wiltshire Council Public Protection Services and Licensing Monkton Park Chippenham Wiltshire, SN15 1ER This page is intentionally left blank

REPRESENTATION MAP





Agenda Item 6e

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