

WILTSHIRE COUNCIL

SOUTH LICENSING SUB COMMITTEE

Thursday 6th July 2023

**Application for a Club Certificate: Chalke Valley Cricket Club, Cricket Pavilion,
Church Street, Bowerchalke, SP5 5BB**

1. Purpose of Report

- 1.1 To determine an application for a new Club Certificate in respect of Chalke Valley Cricket Club made by Mr Steven Warrack.

2. Background Information

- 2.1 An application for a Club Certificate in respect of Chalke Valley Cricket Club has been made by Mr Steven Warrack for which two relevant representations have 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 18 (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 appropriate 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 certificate subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

2.5 On 9th June 2023 Wiltshire Council Licensing Team received an application for a Club Premises Certificate was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Plays Films Indoor sporting events Boxing or wrestling entertainment Live music Recorded music Performance of dance Anything of a similar description		
<u>Provision of entertainment facilities</u> Making music Dancing Entertainment of a similar description		
Provision of late night refreshment		
Sale by retail of alcohol (ON and OFF sales)	1200 to 2100hrs	Monday to Sunday

A copy of the application from Chalke Valley Cricket Club is attached as **Appendix 1**.

2.7 This is a new application with no prior history with Wiltshire Council in terms of licensing or formal complaint/s etc. However, the accepted representations indicate an ongoing dispute between landlord and tenant, which in this case, are parties making representations and applicant respectively. The applicant was asked if he had permission of the landowner at point of application. This was answered in the positive and the dispute was not disclosed to the Licensing Officer at that early stage. It has subsequently been acknowledged by the applicant. The landlord makes representations in this matter under the licensing objective of public nuisance; however, it is anticipated that status of

landlord and tenant in dispute may be introduced by both parties. The landlord is opposed to the application.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition, the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period two relevant representations have been received from two local residents (of the same household) and none from Responsible Authorities.

3.3 Representations Received

- No.1 of Church Street Bowerchalke
- No.2 of the same address

3.4 Responsible Authorities

No Responsible Authority has made a representation in connection with this application

3.5 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
(1)	Public Nuisance	YES	Reps (1) & (2) similar in content
(2)	Public Nuisance	YES	

3.6 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the locations from where representations have been made. **Appendix 4** shows a detailed plan of the area.

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 persons 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 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 Applicant and those persons 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 any person 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 a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Date of report 26th June 2023

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 from Chalke Valley Cricket Club

(2) Maps A & B

(3) Photos

(4) Representations 1 & 2