

# WILTSHIRE COUNCIL

## EASTERN AREA LICENSING SUB COMMITTEE

21 June 2021

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### **Application for a Variation of a Premises Licence; The Marlborough, 90 High Street, Marlborough, Wiltshire, SN8 1HF**

#### **1. Purpose of Report**

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Marlborough, 90 High Street, Marlborough, Wiltshire, SN8 1HF made by Food Drink Rooms Ltd.

#### **2. Background Information**

- 2.1 An application for a variation of a Premises Licence in respect of The Marlborough has been made by Food Drink Rooms 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 the 21<sup>st</sup> April 2021 an application for a variation to the premises licence was received and accepted as a valid application. On the 5<sup>th</sup> May 2021 the consultation was extended until 26<sup>th</sup> May 2021 due to the application not being advertised correctly.

2.6 The variation applied for is to extend the area for consumption at the premises outside as per the amended plan, summarised as follows:

- Permit the Sale of Alcohol for consumption ON the premises in the outside bar
  - Sunday to Thursday 11:00hrs to 23:30hrs
  - Friday and Saturday 11:00hrs to 00:00hrs

A copy of the application form is attached as **Appendix 1** and the plan as **Appendix 2**.

2.7 Current premises licence and plan are attached as **Appendix 3**.

2.8 Licensed premises in the vicinity that accommodate outdoor areas

<b>Premises Name and Address</b>	<b>Licensable activities and hours</b>
Bow Belles, 84 High Street, Marlborough, SN8 1HF	<p>Sale of Alcohol ON and OFF – Sun to Sat 08:00 hrs – 23:00 hrs</p> <p>Live Music Indoors and Outdoors – Sun to Sat 08:00 hrs – 23:00 hrs</p> <p>Recorded Music Indoors and Outdoors – Sun to Sat 08:30 hrs – 18:00 hrs</p>

### **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. During the consultation period one relevant representation has been received from an Interested Party.

#### **3.2 Responsible Authorities**

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

#### **3.3 Interested Parties**

- Mr and Mrs Harvey-Evers, 77 High Street, Marlborough, Wiltshire, SN8 1HF

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

<b>Representation</b>	<b>Licensing Objective</b>
Mr and Mrs Harvey-Evers	Prevention of Public Nuisance / Prevention of Crime and Disorder

3.5 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 5** is a plan which shows the locations from where representations have 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.

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4 June 2021

## **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 Variation application form**
- 2 Amended Plan – The Marlborough**
- 3 Existing Premises Licence and Plan**
- 4 Representation**
- 5 Location Plan**