

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

19 MARCH 2024

Application for a Premises Licence; Bishops Cannings Cricket Club, Coate, Wiltshire

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Bishops Cannings Cricket Club, Coate, Wiltshire made by Mr Hamish Quigley.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Bishops Cannings Cricket Club, Coate, Wiltshire, has been made by Mr Hamish Quigley, 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 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 licence 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 13 April 2023 an application for a New Premises Licence was received and accepted as a valid application.

- 2.6 The application was sent out to consultation at that time. However, after it transpired that the application was not correctly advertised the application process and consultation was placed on hold and the application was officially rejected by the Licensing Authority on 17 July 2023.
- 2.7 On 29 January 2024 the applicant resubmitted the application. The application was accepted as a valid application.
- 2.8 The application as applied for is as follows:

Licensable Activity	Timings	Days
Sale by retail of alcohol (ON sales only)	Midday – 22:00	Everyday
Hours open to the public	Midday – 22:30	Everyday

- 2.9 A copy of the application form is attached as **Appendix 1**.
- 2.10 Premises that have sale by retail of alcohol sales on their premises licence within the vicinity are:

Premises	Licensable Activity	Days and Timings
The New Inn, Coate, Devizes, Wiltshire, SN10 3LB	Sale by retail of alcohol (On & Off Sales)	Sun, Mon, Tues, Thurs 10:00 – 23:59 Wed, Fri & Sat 10:00 – 01:00
	Performance of plays (indoors and outdoors)	10:00 – 23:00 Everyday
	Live & Recorded Music (indoors)	10:00 – 23:00 Everyday
	Late Night Refreshment (Indoors)	23:00 – 23:59 Everyday

- 2.11 A map showing the proximity of the two premises is attached as **Appendix 2**.

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 The applicant advertised the application by way of a blue notice displayed on the premises and by hand delivering a circular to all properties in the village.

3.3 During the consultation period two relevant representations have been received from two local residents. No representations were received from any Responsible Authorities.

3.4 Representations Received

- Representation 1 – Spaniels Bridge Road, Coate
- Representation 2 – Spaniels Bridge Road, Coate

3.5 Responsible Authorities

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

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

Representation	Licensing Objective
Representation 1	Prevention of Public Nuisance
Representation 2	Prevention of Public Nuisance

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

3.8 Following receipt of the representations the applicant modified the times of the application to the following:

Licensable Activity	Timings	Days
Sale by retail of alcohol (ON sales only)	Midday – 20:00	Everyday
Hours open to the public	Midday – 20:30	Everyday

3.9 The applicant also offered the following condition to be added to the licence:

- The premises licence shall only be in use from 1 May to 30 September yearly.

3.10 The email confirmation detailing the modifications made to the applicant is attached as **Appendix 5**.

3.11 Following the consultation process, 3 representations were originally received and accepted as valid representations. However, following a meeting in which the applicant and the chairman of the cricket club arranged (taking place on Tuesday 27 February 2024) for all residents of the village of Coate; to personally address any concerns that the residents may have; one of the residents withdrew their representation.

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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8th March 2024

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 form**
- 2 Location map of licensed premises in the vicinity**
- 3 Relevant representations**
- 4 Location map of relevant representations**
- 5 Confirmation of modifications made to the application**