

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

9 March 2022

Application for a Premises Licence; Lower Park Farm, Whistley Road, Potterne, Devizes, Wiltshire, SN10 5TB

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB made by Adam Ford.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB has been made by Adam Ford 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 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 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 18th January 2022 an application for a new, time limited, premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Live music (outdoors)	18:00 – 23:00 14:00 – 23:00	Friday 29 th July 2022 Saturday 30 th July 2022
Recorded music (outdoors)	14:00 – 23:00 13:00 – 23:00	Friday 29 th July 2022 Saturday 30 th July 2022
Provision of late night refreshment	23:00 – 00:30 23:00 – 00:30	Friday 29 th July 2022 Saturday 30 th July 2022
Sale by retail of alcohol (on off sales)	12:00 – 00:00 12:00 – 00:00	Friday 29 th July 2022 Saturday 30 th July 2022
Hours premises open to the public	10:00 – 00:30 10:00 – 00:00 08:00 – 12:00	Friday 29 th July 2022 Saturday 30 th July 2022 Sunday 31 st July 2022

A copy of the application form is attached as **Appendix 1**. Attached as **Appendix 2** is the latest version of the Event Management Plan (EMP) for the event which was submitted with the application.

2.7 On 30th October 2020 an application for a new premises licence was received. The application was submitted by Mr Adam Ford for the same location. At the time six relevant representations were received but the applicant withdrew the application before the hearing took place.

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 one relevant representation has been received from Potterne Parish Council.

3.3 Representations Received

- Karon Van Den Bergh (Clerk) - Potterne Parish Council

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
Potterne Parish Council	Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder and Protection of Children from Harm

3.6 The relevant representation is attached as **Appendix 3**. Attached as **Appendix 4** is a detailed plan of the location. **Appendix 5** shows a map of the area and the closest residential accommodation.

3.7 Before the end of the consultation period the following was agreed to be added as a condition on the licence, if granted, between the applicant and Wiltshire Council's Environmental Health Officer.

- *The Music Noise Level (MNL) 15 min LAeq, should not exceed 100dB(A) at 3m from the stage or source of music*

The Email confirmation the additional condition is attached as **Appendix 6**.

3.8 Before the end of the consultation the applicant forwarded a report from an independent health and safety advisor regarding the suitability of the site. The report is attached as **Appendix 7**.

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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25 February 2022

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 Latest EMP**
- 3 Relevant representations**
- 4 Aerial view of location and site plan**
- 5 Map of location and closest residential houses**
- 6 Additional condition agreed with EHO and applicant**
- 7 Health & Safety Advisor location report**