

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

3 AUGUST 2022

Application for a Premises Licence West Barn Lodge, Fovant, Salisbury, Wiltshire, SP3 5LL

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of West Barn Lodge, Fovant, Salisbury, Wiltshire, SP3 5LL made by J Hitchings Partners

2. Background Information

2.1 An application for a Premises Licence in respect of West Barn Lodge, Fovant, has been made by J Hitchings Partners for which 2 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 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 13th June 2022 an application for a new premises licence was received and accepted as a valid application.

2.6 During consultation, the applicant reduced the hours applied for, a copy of this email is attached as **Appendix 1**.

2.7 The details of the licence applied for, are summarised below:

Licensable Activities	Hours
Live Music (indoors)	17.00 – 00.00 daily
Recorded Music (indoors)	17:000 – 00.00 daily
Late Night Refreshment (indoors)	23.00 – 00.00 daily
Sale of Alcohol (on sales)	08.00 – 00.00 daily

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

Attached as **Appendix 3** is a location plan of the premises.

Details of other licenced premises in the vicinity of the area are as follows:

Premises	Licensable Activity	Hours
The Greater Good Inn, Fovant, Salisbury, Wiltshire, SP3 5JH	Live Music (indoors) Recorded Music (indoors)	12:00 – 00:00 Monday - Sunday <u>Non-standard timings</u> When Christmas Eve & Christmas Day fall on a Thursday, Friday or Saturday, these hours are extended to 02.00 hrs next day. New Year's Eve until start of business on 1st January
	Late Night Refreshment (on the premises only)	23:00 – 00:30 Sunday – Wednesday 23:00 – 02:30 Thursday – Saturday <u>Non-standard timings</u> Until start of business on 1st January
	Sale of Alcohol (on and off sales)	08:00 – 00:00 Sunday – Wednesday 08:00 – 02:00 Thursday – Saturday <u>Non-standard timings</u> Until start of business on 1st January

The location of the two premises in relation to each other is attached as **Appendix 3a**.

It is important to note that The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015. The 2014 Order has deregulated regulated entertainment in certain situations. Further details on the 2014 Order are attached as **Appendix 4**. A summary of exemptions for live and recorded music is attached as **Appendix 4a**.

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 blue paper) to be posted on the premises.

3.2 During the consultation period 2 representations against the application were submitted and accepted as “valid”.

3.3 Responsible Authorities

During the consultation period Wiltshire Council’s Environmental Protection Officer requested that the following condition is added to the licence:

Provision of Regulated Entertainment (Live and Recorded music) is carried out strictly in accordance with the Noise Management Plan, which will be raised by the applicant and agreed by the local authority within a month of approval of the licence.

Along with adding conditions set out by the planning department

Noise levels from regulated entertainment or any amplified music shall not exceed LAeq25dB (5 mins), nor NR Curve 20 when measured at the boundary of any noise sensitive receptor.

Any openings (doors and windows) shall be closed when any amplified music takes place

The applicant has agreed to the conditions being added to the licence. Confirmation of which is attached as **Appendix 5**.

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

3.5 Interested Parties

- Mrs M Ferris, 4 West Farm Cottages, Fovant, Wiltshire, SP3 5LJ
- Ms C Vernon, 3 West Farm Cottages, Fovant, Wiltshire, SP3 5LJ

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

Representation	Licensing Objective	Comments
Mrs M Ferris	Public Nuisance	Noise from live and recorded music. Noise from vehicles at closing time
Ms C Vernon	Public Nuisance	Noise from live and recorded music. Noise from people and vehicles at closing time.

3.7 The relevant representations are attached as **Appendices 6a-b**. Attached as **Appendix 7** is a plan which shows the locations from where representations have been made.

3.8 The Applicant responded to both parties, this correspondence can be found in **Appendices 8a-b**

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.

Emma Hyde, Public Protection Officer - Licensing
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Date of report 22 July 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 Reduction in hours on application form**
- 2 Application form and plan**
- 3 Location plan of premises**
- 3a Location plan of licensed premises**
- 4 Legislative Reform (Entertainment Licensing) Order 2014**
- 4a Summary of exemptions for Live and Recorded Music**
- 5 Conditions agreed by applicant**
- 6a Objection from Mrs Ferris**
- 6b Objection from Ms Vernon**
- 7 Location plan of Objectors**
- 8a Applicant response to Mrs Ferris**
- 8b Applicant response to Ms Vernon**