

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

DATE 2nd October 2023

Application for a Premises Licence;
Read Farming Ltd
Hole Farm, Brick Kiln Lane, Alderbury SP5 3EL

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of for Hole Farm, Brick Kiln Lane, Alderbury SP5 3EL made by the Read Farming Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Hole Farm, Brick Kiln Lane, Alderbury SP5 3EL has been made by Read Farming Ltd for which one relevant representations 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 9th August 2023 an application for a new premises licence 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> Recorded music and Live Music Similar to any music or dance <i>Indoors and outdoors</i>	12:00hrs – 22:00hrs 11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday Monday – Wednesday Thursday – Saturday
Sale by retail of alcohol <i>ON and OFF Sales</i>	11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday – Wednesday Thursday – Saturday News Year's Eve from 11:00hrs to 01:00hrs on New Year's Day
Late Night Refreshment <i>Indoors and outdoors</i>	23:00hrs – 00:00hrs	Thursday - Saturday

A copy of the application from Read Farming Ltd is attached as **Appendix 1**.

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

Licensable Activity	Timings	Days
<i>Licences at nearby Location</i>		
<i>Green Dragon</i>		
Old Road, Alderbury, SP5 3AR		
Recorded Music, Facilities for music and dance, Exhibition of Film, Indoor Sports <i>Indoors</i>	10:00hrs – 00:00hrs 10:00hrs – 01:00hrs	Sunday – Thursday Friday – Saturday New Year's Eve 10:00 - 02:00 hrs 2nd January
Alcohol <i>ON and OFF Sales</i>		
Late Night Refreshment <i>Indoors</i>	23:00hrs – 00:00hrs 23:00hrs – 01:00hrs	Sunday – Thursday Friday – Saturday New Year's Eve 23:00 - 05:00 hrs 1st January

<p>Alderbury Sports and Social Club Rectory Road, Alderbury, SP5 3AD Live and Recorded Music, Facilities for music and dance, Exhibition of Film, Indoor Sports, Performance of Play <i>Indoors</i></p> <p>Late Night Refreshment <i>Indoors</i></p> <p>Alcohol Sales <i>ON and OFF Sales</i></p>	<p>10:00hrs – 23:00hrs 10:00hrs – 23:30hrs</p> <p>23:00hrs – 00:00hrs 23:00hrs – 00:30hrs</p> <p>10:00hrs – 00:00hrs 10:00hrs – 00:30hrs</p>	<p>Sunday – Thursday Friday – Saturday <i>New Years Eve: 10:00am-01:00am</i></p> <p>Sunday – Wednesday Thursday – Saturday</p> <p>Sunday – Wednesday Thursday – Saturday <i>New Years Eve: Until the start of business on 1st January</i></p>
<p>Alderbury Village Hall Rectory Road, Alderbury, SP5 3AD Live and Recorded Music, Facilities for music and dance, Exhibition of Film, Indoor Sports, Performance of Play, Boxing and Wrestling, Performance of Dance <i>Indoors</i></p>	<p>08:00hrs – 22:30hrs 08:00hrs - 23:59hrs</p>	<p>Sunday Monday – Saturday</p>

2.7 This is a new application, so no relevant background information needs to be borne in mind.

2.8 The Live Music Act 2012 provides the following exemptions in relation to live music:

Live music: no licence permission is required for:

- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- A performance of amplified live music between 08.00 and 23.00 on any day provided that the audience does not exceed 500 on premises authorised to sell alcohol for consumption on those premises,

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- If the music is amplified, it takes place before an audience of no more than 500 people; and

– The music takes place between 08.00 and 23.00 on the same day.
The Live Music Act 2012 is attached as **Appendix 4**

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. The application was advertised, with the Blue notice and website advert as required.
- 3.2 During the consultation period one relevant representation was received from Alderbury Parish Council. None were received from Responsible Authorities. Additional conditions have been discussed and added to the application after a visit to the premises by Wiltshire Councils Environmental Control and Protection with the agreement of the applicant. These are –
- 1. After 11pm, any amplified music must take place inside the building and all doors and windows must be kept closed except for access and egress.
 - 2. Noise Management Plan to be raised and agreed by the licensing authority at least 28 days prior to hosting the first event with regulated entertainment. Noise from regulated entertainment shall be managed strictly in accordance with the agreed plan.

3.3 Representations Received

- Representation 1 Alderbury Parish Council

3.4 Responsible Authorities

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

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

Representation	Licensing Objective
Representation 1	The Prevention of a Public Nuisance

- 3.6 The relevant representation is attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the location of the premises.

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.

Report Author: Katherine Edge
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Date of report: 21st September 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 Premises Licence Application**
- 2 Representations 1**
- 3 Location Map**
- 4 Live Music Act 2012**