

## DECISION NOTICE

### Eastern Area Licensing Sub Committee

Decision made on 8 March 2022

**Application for a Variation of a Premises Licence by Red Oak Taverns Limited in respect of The Crown Inn, Chandlers Lane, Bishops Cannings, Devizes, SN10 2JZ**

**Councillors;**

**Cllr Peter Hutton, Cllr Allison Bucknell and Cllr Trevor Carbin**

**Decision:**

**At its meeting held 8 March 2022, the Eastern Area Licensing Sub Committee resolved to GRANT the application for a variation of a Premises Licence in respect of The Crown Inn, Chandlers Lane, Bishops Cannings, Devizes, SN10 2JZ as applied for and to include the timings detailed below and subject to two conditions;**

Licensing Activities	Hours
Indoor Alcohol Sales (ON & OFF Sales)	08:00 – 00:00 Everyday Non standard timings and seasonal variations: New Year’s Eve: 08:00 – midnight January 1st
Outdoor Alcohol Sales (ON)	10:00 – 23:00 Everyday Non standard timings and seasonal variations: New Year’s Eve: 10:00 – midnight January 1st
Live Music Recorded Music Similar to any Music or Dance (indoors)	10:00 - 23:00 Everyday Non standard timings and seasonal variations: New Year's Eve: 10:00 - 02:00 January 1st
Late Night Refreshment (indoors)	23:00 – 00:00 Everyday Non Standard timings and seasonal variations:

	New Year's Eve: 23:00 - Midnight January 1st
Hours open to the public	08:00 – 01:00 Everyday Non Standard timings and seasonal variations: New Year's Eve: 08:00 – 01:00 January 2nd

**Conditions:**

1. **That Outdoor events for over 500 attendees be limited to 5 one day events per year and the applicant to provide an Event Management Plan to the Licensing Authority 28 days prior to the events.**
2. **That a dedicated telephone number is provided to the Parish Council and made publicly available during opening hours.**

**Reasons:**

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant and Parish Council and parties who made relevant representations at the hearing.

The Sub Committee noted the concerns raised by the Parish Council and those who had made representations relating to public nuisance with regards to noise arising from the use of the field and events attended by over 500 people, in particular given the premises was located in a small rural village and close to residential housing. The Sub Committee heard the Applicant was working hard to build their business after the hardships of the Covid pandemic during 2020/21 and was keen to engage with local residents and the community and they had confirmed to the Sub Committee they would ensure events would be managed in an appropriate manner. The Applicant had worked with the Church and would continue to ensure that planned events at the premises would not clash with church events.

Regarding the use of the field by the Applicant, the Sub Committee noted the definition of workplace as 'any premises or part of premises which are not domestic premises and are made available to any person as a place of work which includes any place within the premises to which such person has access while at work' as set out in the Workplace (Health, Safety and Welfare) Regulations 1992.

The applicant confirmed to the Sub Committee that they would prepare an Event Management Plan for future events. The Sub Committee stated that the applicant would need to be more pro-active in its noise monitoring.

The Sub Committee finally noted that they had not received evidence of crime and disorder and the Police and Environmental Health had not made a representation.

The Sub Committee having heard the representations took the view that the Applicant understood the impact of public nuisance on local residents and that the Application had confirmed to the Committee through its evidence that it would take steps to ensure the promotion of the licensing objectives in particular the prevention of public nuisance. The Sub Committee made clear to the Applicant the implications arising from any failure to promote the licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

It should be noted that the Premises Licence Holder, any 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. 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.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence in accordance with the provisions of section 51 of the Licensing Act 2003. 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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