

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: The Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 26 July 2016
Time: 10.00 am
Matter: Application for a Variation of a Premises Licence - Foresters Arms,
Sandridge Road, Melksham

Please direct any enquiries on this Agenda to Jessica Croman, Tel 01225 718262 or email jessica.croman@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin
Cllr Ernie Clark

Cllr Peter Evans

Reserve Member

Cllr Sue Evans

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AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (*Pages 5 - 12*)

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Licensing Application** (*Pages 13 - 18*)

To consider and determine an Application for a Variation of a Premises Licence made by Star Pubs and Bars Limited in respect of The Foresters Arms, Sandridge Road, Melksham, SN12 7BN. The report of the Licensing Officer is attached.

6a **Appendix 1 - Variation Application** (*Pages 19 - 42*)

6b **Appendix 2 - Current Premises Licence** (*Pages 43 - 46*)

6c **Appendix 3 - Hearing Decision Notice** (*Pages 47 - 48*)

6d **Appendix 4 - Relevant Representation** (*Pages 49 - 50*)

6e **Appendix 5 - Location Map** (*Pages 51 - 52*)

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LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible

Authority or their Representative or any person who has made a Relevant Representation or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Person making a Relevant Representation” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;

- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
- 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
- 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
- A refuse to permit them to return;
 - B permit them to return only on such conditions as the Committee may specify;
 - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations .

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - A the options available to it;
 - B the considerations that are relevant in reaching its decision.
 - 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
 - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
 - A the grounds of the representation to the Application; and
 - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation . If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
- 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
- 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
13. Closing submissions by the Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits (5 working days).

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WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

26 July 2016

Application for a Variation of a Premises Licence; The Foresters Arms, Sandridge Road, Melksham, SN12 7BN

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Foresters Arms, Sandridge Road, Melksham, SN12 7BN made by Star Pubs & Bars Limited.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Foresters Arms, Sandridge Road, Melksham, SN12 7BN made by Star Pubs & Bars Limited 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 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 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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 27 May 2016 an application for a variation of the existing premises licence, was received and accepted as a valid application.
- 2.6 The variations applied for are summarised as follows:

Licensable Activity	Hours
Live Music (indoors only) Recorded Music (indoors only) Performance of dance (indoors only)	Sunday to Thursday 09.00 hrs – 23.00 hrs Friday & Saturday 09.00 hrs – 00.30 hrs (Next Day)
Late Night Refreshment (indoors only)	Friday & Saturday 23.00 hrs – 03.00 hrs (Next Day)
Supply of Alcohol (on and off the premises)	Sunday to Thursday 09.00 hrs – 23.00 hrs Friday & Saturday 09.00 hrs – 00.30 hrs (Next Day)
Hours premises are open to the public	Sunday to Thursday 09.00 hrs – 23.30 hrs Friday & Saturday 09.00 hrs – 01.00 hrs (Next Day)

- To remove those old conditions converted from the Public Entertainment Licence which are no longer necessary or appropriate given they are covered by existing primary legislation.

A copy of the application form is attached as **Appendix 1**.

2.7 Since 24 November 2005, the premises benefits from a Premises Licence issued under the Licensing Act 2003. The original licence allowed the following:-

Licensable Activity	Hours
Supply of Alcohol (on and off the premises)	Monday to Saturday 11.00 hrs – 23.00 hrs Sunday 12.00 hrs – 22.30 hrs
Live Music Recorded Music Performance of dance Facilities for dancing Anything similar to making music/dance	Monday to Saturday 11.00 hrs – 23.00 hrs Sunday 12.00 hrs – 22.30 hrs
Hours premises are open to the public	Monday to Saturday 11.00 hrs – 23.30 hrs Sunday 12.00 hrs – 23.00 hrs

The current Premises Licence is attached as **Appendix 2**

- 2.8 On 2 October 2007 a variation application was received by the Licensing Authority for which five relevant representations were received. The application was submitted to
- Extend the hours for sale of alcohol, live music, recorded music
 - To permit karaoke
 - Extend the hours on Easter weekend, Christmas Eve, boxing day, New years even and New Years Day
 - Remove restrictions on children being allowed into the premises.

A hearing was held on 19 November 2007. A copy of the decision notice for this hearing is attached as **Appendix 3**.

3. Consultation and Representations

- 3.1 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days together with a publication of notice in a local news paper within 10 working days, starting on the day the authority receives the application. During the consultation period one relevant representation was received from a local resident.

3.4 Responsible Authorities

No representations were received by any of the responsible authorities.

3.5 Other Representations

Mr Phillip Llewellyn – 65 Sandridge Road, Melksham, Wiltshire SN12 7BL.

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

Representation	Licensing Objective	Accepted	Comments
Noise	Public Nuisance	Yes	Concerns regarding noise from customers leaving the premises in the early hours of the morning.

- 3.7 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 5** is a map which shows the location of the relevant representations in relation to 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 Responsible Authority 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 The Applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other 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 and those who have made relevant 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 will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Teresa Bray

Teresa Bray, Public Protection Officer (Licensing)

Date of report 11 July 2016

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 Variation Application**
- 2 Current Premises Licence**
- 3 Hearing Decision Notice**
- 4 Representations**
- 5 Location Map**

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Agenda Item 6a

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

IWE Star Pubs & Bars Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number LN/000012186
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Foresters Arms Sandridge Road			
Post Town	Melksham	Postcode	SN12 7BN

Telephone number at premises	
Non-domestic rateable value of premises	£ 22,500.00

Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	3-4 Broadway Park South Gyle Broadway		
Post Town	Edinburgh	Postcode	EH12 9JZ

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes No

If not do you want the variation to take effect from

Day		Month		Year	
↓	↓	↓	↓	↓	↓

Please describe briefly the nature of the proposed variation (please read guidance note 1)

Application is made to :-

- permit Licensable activities from 09:00 to 23:00 Sunday to Thursday and from 09:00 to 00:30 Friday and Saturday.
- amend the opening hours to 09:00 to 23:30 Sunday to Thursday and from 09:00 to 01:00 Friday and Saturday
- add Late Night Refreshment from 23:00 to 00:30 Friday and Saturday.
- remove those old conditions converted from the Public Entertainment Licence which are no longer necessary or appropriate given they are covered by existing primary legislation. A copy of those conditions to be removed accompanies this application.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes K, L and M

A

Plays			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon	09:00	23:00						
Tue	09:00	23:00						
Wed	09:00	23:00				<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	09:00	23:00						
Fri	09:00	00:30	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)					
Sat	09:00	00:30						
Sun	09:00	23:00						

F

Recorded music			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon	09:00	23:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	09:00	23:00			
Wed	09:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	09:00	23:00			
Fri	09:00	00:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	09:00	00:30			
Sun	09:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	23:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	09:00	23:00			
Fri	09:00	00:30	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	00:30			
Sun	09:00	23:00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur					
Fri			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Sat					
Sun			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri	23:00	00:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	00:30			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption (Please tick box)</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	09:00	23:00			
Tue	09:00	23:00			
Wed	09:00	23:00			
Thur	09:00	23:00			
Fri	09:00	00:30			
Sat	09:00	00:30			
Sun	09:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	09:00	23:30	
Tue	09:00	23:30	
Wed	09:00	23:30	
Thur	09:00	23:30	
Fri	09:00	01:00	
Sat	09:00	01:00	
Sun	09:00	23:30	
<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please see attached copy Licence indicating the conditions we believe could be removed.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

We have not enclosed the Premises Licence this is currently with the Council in connection with a very recent application made to vary the DPS

M- Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

This application may be amended during the application period to reflect any agreements that may be reached with the responsible authorities and interested parties.

There are a number of conditions remaining on the Licence to ensure that the Licensing objectives are met. In addition to those conditions regarding monitoring noise it is proposed that doors and windows will remain closed whilst regulated entertainment takes place save for access and egress. Also, notices will be placed at all exists advising customers to be considerate of the neighbours and to leave quietly.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

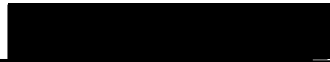
Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	26.5.16
Capacity	solicitor

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Karen Cochrane
 Flint Bishop LLP
 St. Michael's Court
 St. Michael's Lane
 Derby DE1 3HQ

Telephone number (if any)	01332 226148
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

karen.cochrane@flintbishop.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick 'on the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

ANNEX 2A – CONVERTED CONDITIONS

When Live Music, Performance of Dance or Facilities for Dancing are being provided:

The maximum number of persons, including staff, permitted to be present on the premises during licensed hours shall not exceed **200**

Supplies of free drinking water

When dancing takes place after 2300 hours in any premises, Licence Holders shall ensure ~~that there is an~~ adequately signed free potable water supply ~~within at least one~~ area of the premises, excluding the kitchen, ~~and that free drinking vessels are available when necessary.~~

Noise

Noise generated by the premises should be kept at such a level at the boundary of any occupied property that it would be unlikely to be a nuisance to the occupier.

The Licence Holder shall monitor noise at the boundary of dwellings likely to be affected on at least a minimum of three occasions during each event to prevent the condition being breached and shall maintain a written record of such monitoring, available for inspection at any reasonable time. When the venue is let to a second party then the Licence Holder shall ensure the second party enforces this provision.

The Licence holder shall take all necessary steps to prevent residents in the neighbourhood being unreasonably disturbed by noise made by patrons waiting to enter and when leaving the premises.

Electrical installation

At the distribution board the power supply to all electrical equipment which is ~~portable or of a temporary~~ nature shall be protected at source by ~~residual current devices of 30 mill-amps sensitivity conforming with BS 4293.~~

Production lighting

Where production lighting is suspended in the auditorium above the audience, ~~each light fitting must be attached to a separate securing device by means of a safety chain. Safety chains or lightweight spotlights and similar, may be linked by an appropriately strong chain or device.~~

Fire

~~All doors or openings used as fire exits shall be clearly indicated using exit signs.~~

~~All doors leading from exits into passageways or the outside of the premises shall be kept clear of obstruction at all times.~~

~~When required by West Wiltshire District Council before 24 November 2005, doors shall be kept open fastened back by means of a padlock or other device.~~

~~All means of escape shall be kept free from obstruction or combustible materials.~~

All doors used for the purposes of exit must, if fastened during the time the public are in the building, be secured during such time only by automatic panic bolts and latches complying with BS 5725 Part 1, or such fastenings as may be approved by the Licensing Authority.

~~Doors fitted with panic bolts shall have the appropriate PUSH-BAR TO OPEN sign.~~

~~The edges including nosing of treads or steps in gangways and on stairways shall be made conspicuous by means of a light coloured or reflective material.~~

All gangways, exit ways and stairways shall be maintained with a non-slip surface, and all gangways, passageways, staircases and exit ways must be left entirely free from items or any obstructions, whether permanent or temporary.

Any matting or other floor coverings shall be secured in such a manner as to prevent them creasing and be so maintained in a safe condition. Any mats shall be inset as to be flush with the floor, or provided with splayed fillets and secured in position.

All chains and padlocks used to secure doors that form any part of a means of escape must be removed and hung on a 'chain board' provided before the public are allowed on the premises.

~~Safety/Emergency lighting~~

~~All premises open to the public on more than one occasion each year shall be fitted with safety lighting to a minimum of one hour duration.~~

In the event of failure of the main lighting system the public should be instructed to leave the premises immediately if the safety lighting is only of one hour duration. If the safety lighting is available for a longer period then the entertainment may continue until there is one hour remaining of the safety lighting at which point the entertainment should be stopped and the public should be instructed to leave.

~~The premises shall be fitted with illuminated maintained exit signs, in accordance with British Standards 5266 Part 1 1999.~~

~~The safety/emergency lighting is to be properly maintained in effective working order. Maintained or sustained lighting is to be illuminated whenever the premises are in use.~~

The licence holder shall have in place a suitable system for dealing with emergencies.

Record keeping

A log book is to be provided in which to record details of:

- Tests of fire-fighting equipment.
- Tests of any safety/emergency lighting.
- Fire drills carried out.
- Incidents that involve the intervention of the door stewards (such as ejection's, injuries and disturbance).

The log book shall **not** be in loose-leaf form and shall have numbered pages. The person carrying out the test must record his/her name in the log book together with the time and date of the check or incident.

The log book is to be separate from the fire log book as requested by the Wiltshire Fire Brigade and available for inspection at all times.

Fire Alarm

Weekly tests, using different call points for each test, are to be carried out on any fire alarm installed at the premises.

Fire equipment

All fire equipment required by this licence must be kept in a working condition.

Seating

Any upholstered furniture or seating which is either purchased, provided, or replaced, during the period of this licence, shall be capable of satisfying Crib Ignition Source 5 of BS 5852 Part 2 1980. Seating shall be arranged to allow clear means of escape from the premises.

When the premises are being used by close-seated audiences (moveable seating) the arrangements are to accord with the following:-

- **Gangways** - at least 1.1m in width and sited to conform with the means of escape, are to be provided to intersect the seating so that the centre of any seat is not more than 3.66m from a gangway measured along the line of seating.
- Where more than 200 persons are to be accommodated, all seats are to be securely fixed to the floor or battened together in sections of between 4 and 12 seats.
- **Standing area** - standing will only be allowed in the standing area shown on the plan for consideration by the Licensing Authority.

Furnishings and scenery

All scenery, stage curtains and similar hangings, decorations, furnishings and fabrics, including costumes worn by performers, are to be of such material or so maintained that they will not readily catch fire.

Hanging curtains over exit doors or across gangways shall be made to part in the centre, to hang so as to be drawn aside and not to trail on the floor, and be arranged so as to not conceal notices.

Attendants and stewards

At all times when a function is in progress, there must be an adequate number of attendants/door stewards on duty to assist persons entering or leaving the premises. In the majority of cases an adequate number of attendants would be provided if the following criteria is used:-

- Not less than one for every two hundred and fifty or part of two hundred and fifty persons present. The minimum number of stewards shall not be less than the number of exits.
- If the number of persons present on any floor or tier does not exceed one hundred there shall be at least one additional attendant on duty on that floor or tier.
- Where the number of persons present on any floor or tier exceeds one hundred there shall be at least two additional attendants on duty on that floor or tier.

At entertainment or exhibitions organised wholly or mainly for **children under the age of sixteen** there must be at least:-

- One attendant for every one hundred children or part of one hundred children on the lowest floor.
 - One attendant for every fifty or part of fifty children on any floor above the lowest floor.
- And in any case the number of attendants on any floor where children are admitted shall not be less than the number of exits for use by the public in leaving the floor.

Fire Procedure Training

The licence holder must ensure that the person in charge, official attendants and himself are aware of the method of operating the fire extinguishers and the action to be taken in the event of a fire including evacuation of the premises, the method of calling the Fire Brigade and the location of the nearest available telephone.

Special Effects

Strobe lighting should not operate at more than 5 flashes per second.

Where either strobe lighting or smoke machines are in use warning signs must be clearly displayed. These signs must be displayed at a location outside of the room where the effects are being operated and in any case at a point prior to any payment being required for entry.

Naked flames and pyrotechnics

No naked flame or pyrotechnic devices shall be used in the premises without prior written consent of the Licensing Authority. All conditions attached to any consent shall be observed.

ANNEX 2B – OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- None

PUBLIC SAFETY

- None

PROTECTION OF CHILDREN FROM HARM

- None

PREVENTION OF CRIME AND DISORDER

- None

ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING

N/A

ANNEX 4 – PLANS

Attached Separately

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Licensing Act 2003
Premises Licence

LN/000012186

ISSUING LOCAL AUTHORITY



PART 1 – PREMISES & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Foresters Arms, Sandridge Road, Melksham, Wiltshire, SN12 7BN

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

Licensing Department
Star Pubs & Bars Ltd, 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9JZ
Tel: 0131 528 1000

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

Not Applicable

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Beverley Ann Dempsey
5 Christopher Drive, Chippenham, Wiltshire, SN15 3UT

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Wiltshire Council LN/11181

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

ON & OFF Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Alcohol Sales	ON and OFF Sales	Sunday	12:00	22:30		
		Monday	11:00	23:00		
		Tuesday	11:00	23:00		
		Wednesday	11:00	23:00		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non Standard Timings & Seasonal Variations	An additional hour into the morning for Easter weekend, Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day					
Recorded Music Live Music Perform Dance Facilities for dancing Similar to Making Music/Dance	Indoors	Sunday	12:00	22:30		
		Monday	11:00	23:00		
		Tuesday	11:00	23:00		
		Wednesday	11:00	23:00		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non Standard Timings & Seasonal Variations	An additional hour into the morning for Easter weekend, Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day					
Hrs premises open to public	-	Sunday	12:00	23:00		
		Monday	11:00	23:30		
		Tuesday	11:00	23:30		
		Wednesday	11:00	23:30		
		Thursday	11:00	23:30		
		Friday	11:00	23:30		
		Saturday	11:00	23:30		
Non Standard Timings & Seasonal Variations	An additional hour into the morning for Easter weekend, Christmas Eve and Boxing Day. From the start of permitted hours New Years Eve to the close of permitted hours New Years Day					

Licence Commencement Date

24 November 2005

Licensing Officer

Current Licence Date

1 June 2016

Licensing Officer

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File Ref:

**Property : Foresters Arms, 87 Sandridge Road, Melksham, Wiltshire
SN12 7BL**

Decision

The Sub Committee has considered all of the submissions made to it today and the written representations together with the Licensing Act 2003, statutory Guidance and Regulations and the Licensing Policy of the Council.

The Licensing Sub Committee concluded, after careful deliberations, that on the balance of probabilities to grant the application before it, for the variation of the Premises Licence in respect of the Foresters Arms, 87 Sandridge Road, Melksham SN12 7BL, would not satisfy the licensing objectives.

The Licensing Sub Committee resolved that the application in respect of :

- Extending the hours, as below, for the sale of alcohol, live music, recorded music, performance of dance and provision of facilities for dancing be refused

**0900 hours to 0000 - Sunday to Thursday
0900 hours to 0100 the following morning - Friday & Saturday**
- Permitting karaoke be granted subject to it terminating 30 minutes prior to the premises closing at the time specified in the Premises Licence
- An additional thirty minutes drinking up time on top of the last permitted sale of alcohol be granted
- An additional hour into the morning for Easter weekend, Christmas Eve and Boxing Day be granted
- To operate from the start of permitted hours New Years Eve to the close of permitted hours New Years Day be granted
- To remove the embedded restrictions in relation to the admission of children be granted
- To remove the restriction on hours for Christmas Day and Good Friday be granted

The elements of the approved application will also be subject to the mandatory conditions contained in the Licensing Act 2003

REASONS:

The Sub Committee considered the concerns of the Interested Parties in relation to the Prevention of Public Nuisance objective and on the balance of probabilities, the Licensing Sub Committee were satisfied that to grant the application in the terms detailed above would satisfy this licensing objective.

The Sub Committee considered each area of the application for variation individually and considered its impact on the relevant licensing objective.

The Sub Committee was satisfied with the evidence supplied by the Interested Parties and was able to uphold the concerns expressed by them in relation to the Prevention of Public Nuisance objective.

The Licensing Sub Committee concluded that its decision was proportionate and was directed at the cause of the representations made by the Interested Parties and would protect the amenity of residents in the vicinity of the premises.

The Chair of the Sub Committee noted that the Designated Premises Supervisor stated during the course of the hearing that football was not allowed to be played on the premises and that he would ensure that this was enforced.

19 November 2007

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

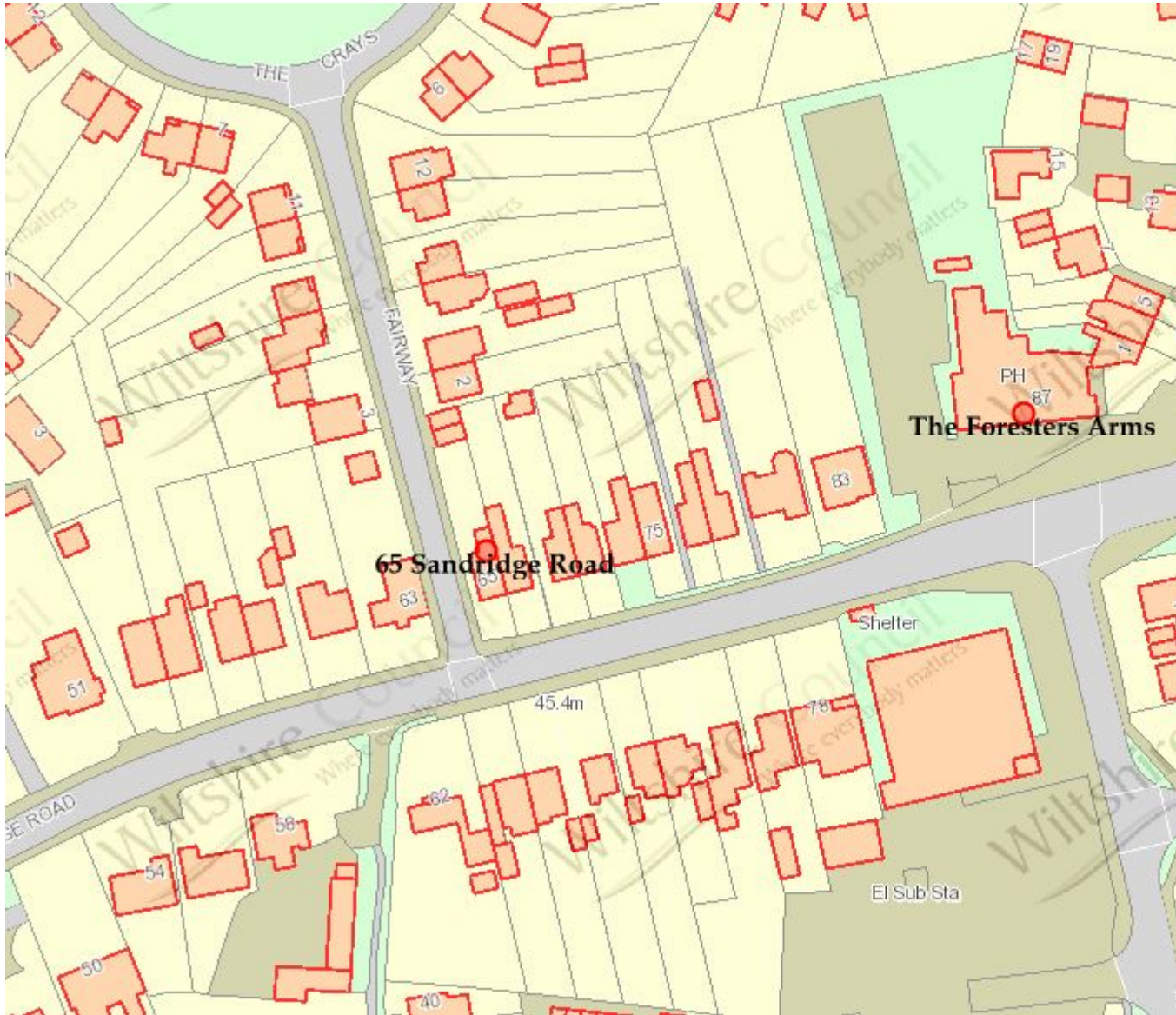
This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section to confirm this date.

In the Licensing Act 2003, the term `vicinity` is used with particular reference to those `interested parties` who may lodge representations to applications for Premises Licences and who may make representations concerning existing Premises Licences. Although the Act does not define the term `vicinity` it does define the term an `interested party` as `a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons`.

Premises about which representation is being made	The Forester's Arms, Sandridge Road, Melksham		
Your Name	Philip Llewellyn		
Postal Address	65 Sandridge Road, Melksham, Wiltshire, SN12 7BL		
Contact Telephone Number	██████████	██████████	██████████
Are you: <ul style="list-style-type: none"> • A person who lives in the vicinity? • A person who operates a business in the vicinity? • A person representing residents or businesses in the vicinity? 	Yes	No	
	X		
			X
			X
If you are representing residents or businesses in the vicinity please list those residents or businesses who have asked you to represent them			

Your representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your representation and the reason for your representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	
2. To prevent public nuisance	I live approximately 200 meters from these premises and I will be directly affected by the noise and general nuisance of departing parties in the early hours.



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