

# AGENDA

**Meeting:** Western Area Licensing Sub Committee  
**Place:** Click here to watch the online meeting - Recording available for six months  
**Date:** Tuesday 8 June 2021  
**Time:** 11.00 am  
**Matter:** Application for a Variation of a Premises Licence - Woolley Grange Hotel, Woolley Green Bradford on Avon

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Please direct any enquiries on this Agenda to Kevin Fielding, Tel 01249 706612 email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email

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](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Ernie Clark  
Cllr Peter Hutton

Cllr Stewart Palmen

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## Substitutes:

Cllr Robert Yuill

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## **Recording and Broadcasting Information**

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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 Premises Licence in respect of Woolley Grange Hotel, Wooley Green, Bradford on Avon made by LFH (Woolley Grange) Ltd. The report of the Public Protection Officer – Licensing is attached.

6a       **Appendix 1 - Application form and plan** (*Pages 19 - 32*)

6b       **Appendix 2 - Current licence and plan** (*Pages 33 - 38*)

6c       **Appendix 3 - Amendment to application** (*Pages 39 - 40*)

6d       **Appendix 4 - Location plans** (*Pages 41 - 44*)

6e       **Appendix 5 - Guidance on Late Night Refreshment** (*Pages 45 - 50*)

6f       **Appendix 6 - Relevant Representations** (*Pages 51 - 54*)

6g       **Appendix 6a - Location of Representations** (*Pages 55 - 56*)

6h       **Appendix 7 - Further correspondence between Applicant and Objectors** (*Pages 57 - 74*)

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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 and includes virtual hearings.

“**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 as a virtual hearing via Microsoft Teams. Those who are a party to the hearing will be invited to attend the virtual hearing by an email link and members of the public will be able to watch the hearing as it takes place being streamed to the internet or watch the hearing at a later date.

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 or taking part in the virtual Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:

- A refuse to permit them to return to the virtual Hearing;
- B permit them to return to take part in the virtual Hearing 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 by email 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 this by email at the direction of the Chairperson.

## **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 take part 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 from the public meeting so that the decision may be considered in private, and to consider any legal issues raised by the Members. At this point the Chairperson will give an indication of the time that the meeting will resume for the announcement of the decision and all parties to the hearing will be asked to indicate if they intend to return for the announcement of the decision.

- 11.2 The decision, of the Committee shall be communicated orally by the Chairperson to the parties present at the virtual hearing after the Committee has deliberated in private on the Application.
- 11.3 The full decision notice shall be published on the Council's website within 5 working days of the hearing.

## 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

9 June 2021

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#### Application for a Variation of a Premises Licence; Woolley Grange Hotel, Woolley Green, Bradford On Avon, Wiltshire, BA15 1TX

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Woolley grange Hotel made by LFH (Woolley Grange) Ltd

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Woolley Grange Hotel has been made by LFH (Woolley Grange) Ltd for which 2 relevant representation 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 9<sup>th</sup> April 2021 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The details of the variation applied for, are summarised below:

Licensable Activities	Hours
Increase the licenced area to include the Glamping Field and Outdoor Pool where a Restaurant/ Bar will be sited	As current Licence

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

2.8 Since November 2005 the premises has benefited from a premises licence issued under the Licensing Act 2003. The current licence authorises the following:

Licensing Activities	Hours
Supply of Alcohol (ON and OFF Sales)	Monday – Sunday 09:00 – 01:00 24 Hours to residents and Bona fide guests
Late Night Refreshment (Indoors and Outdoors)	Monday – Sunday 23:00 – 01:00
Performance of Plays, Live Music, Performance of Dance (ON and OFF the premises)	Monday – Sunday 09:00 – 01:00
Exhibition of Film, Recorded Music (Indoors)	Monday – Sunday 09:00 – 01:00
Recorded Music (OFF Premise – The Spa)	Monday – Sunday 07:00 – 21:00
Hours Open To The Public (The Spa)	Monday – Friday 07:00 – 21:00 Saturday – Sunday 08:00 – 20:00

2.9 The Current premises licence including the plans and current conditions are attached as **Appendix 2**.

2.10 An amendment was made after the consultation period to reduce the hours permitted in the Restaurant/Bar for the sale of alcohol to; Monday – Sunday 09:00 – 23:00 this email is attached as **Appendix 3**

2.11 Attached as **Appendix 4** is a location plan of the premises.

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

Premises	Licensable Activity	Hours
The George Woolley Street, Bradford-On-Avon Wiltshire, BA15 1AQ	Alcohol Sales (ON and OFF sales)	Monday – Saturday 11:00 – 23:00 Sunday 12:00 – 22:30 On Good Friday and Sundays other than Christmas Day 12:00hrs to 22:30 On Christmas day 12:00hrs until 15:00hrs and again 19:00hrs until 22:30hrs On New Years Eve from the end of permitted hours until the start of permitted hours the following day
	Recorded Music (Indoors)	Monday – Sunday 00:00 – 00:00
	Live Music Performance of Dance	Monday – Saturday 11:00 – 23:00 Sunday 12:00 – 22:30 On Good Friday and Sundays other than Christmas Day 12:00hrs to 22:30 On Christmas day 12:00hrs until 15:00hrs and again 19:00hrs until 22:30hrs On New Years Eve from the end of permitted hours until the start of permitted hours the following day

2.13 The location of the two premises in relation to each other is attached as **Appendix 4a.**

2.14 It is important to note that Late Night Refreshment from 11.00pm are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to: persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation; and therefore this was removed from the variation. Guidance on late night refreshment is attached as **Appendix 5**

### 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. 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 2 relevant representations against the application were received from local residents

#### 3.4 Responsible Authorities

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

#### 3.5 Interested Parties

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

<b>Representation</b>	<b>Licensing Objective</b>
Mr Tim Darsley 7 Grange View, Bradford On Avon, BA15 1BQ	Public Nuisance
Mrs Caroline Watson 3 Grange View, Bradford On Avon, BA15 1BQ	Public Nuisance

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

3.8 Further correspondence between the Applicant and Objectors can be found in **Appendix 7 – 7a**

### 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.

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Report Author:

Emma Batchelor, Public Protection Officer – Licensing 01249 706414

Date of report: 25<sup>th</sup> May 2018

### **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 and plan**
- 2 Current Licence and plan**
- 3 Amendment to application**
- 4 Location plan**
- 4a Location of premise in vicinity**
- 5 Late Night Refreshment exemption**
- 6 Relevant representations**
- 6a Location of representations**
- 7 - a Further correspondence between applicants and objectors**

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\* required information

## Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

CXS.LFH006.2

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

LFH (WOOLLEY GRANGE) LIMITED

\* Family name

LFH (WOOLLEY GRANGE) LIMITED

\* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

07869275

Business name

LFH (WOOLLEY GRANGE) LIMITED

If the applicant's business is registered, use its registered name.

VAT number

GB 124 5624 30

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

**Continued from previous page...**

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?  Yes  No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**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.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

200,000

### Section 3 of 18

#### VARIATION

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

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.

To vary the Premises Licence to include the Glamping Field and Outdoor Pool within the licensed area. A restaurant/bar will be sited at the Glamping Field. Late Night Refreshment is available 24 hours to residents and bona fide guests.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Late Night Refreshment is available to 24 hours a day to residents and bona fide guests

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes                       No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

NONE

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide 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.

*Continued from previous page...*

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

NONE

I have enclosed the premises licence

*Continued from previous page...*

I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The purpose of this application is to include the Glamping Site, with restaurant and bar facilities and outdoor pool within the licensed area. The restaurant/bar facility will be available to any member of the public. The Outdoor Pool area will be served alcohol by waiter/waitress service. The Licence is not clear whether residents and bona fide guests of residents may enjoy Late Night Refreshment 24 hours every day. This should be included. In all other respects the Licence remains the same.

b) The prevention of crime and disorder

All relevant staff shall receive training in respect of their responsibilities under the Licensing Act 2003. No relevant member of staff shall be permitted to sell alcohol until such time as they have successfully completed training. Training records shall be kept for each relevant member of staff for a minimum of one year and shall be made available for inspection by the Police or an authorised Officer of the Licensing Authority. Refresher training shall be given regularly and a record of such training kept.

There will be sufficient members of staff on duty at all times. There will be two porters on site 24 hours a day.

c) Public safety

The site will be fully compliant with Health and Safety and Fire Regulations

d) The prevention of public nuisance

A complaints procedure will be maintained, details of which will be made available in store and upon request.

e) The protection of children from harm

The Premises Licence Holder shall operate a proof of age scheme, such as Challenge 25, whereby the only forms of acceptable identification shall either be a photographic driving licence, a passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the Secretary of State.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No Rateable Value up to £4300 = £100.00

Band B - £4301 up to £33000 = £190.00

Band C - £33001 up to £8700 = £315.00

Band D - £87001 up to £12500 = £450.00\*

Band E - £125001 and over = £635.00\*

There are additional fees for Premises Licence Application with numbers of persons present at any one time over 5,000.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

635.00

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Ward Hadaway

\* Capacity

Solicitors for the Applicant

Continued from previous page...

\* Date

09	/	04	/	2021
dd		mm		yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/wiltshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="CXS.LFH006.2"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



Guest parking

Privacy fencing/screening

Approx location of 2 redundant power sources (see inset) and 32mm water main (in building)

Approx location of 4' Sewage mains (nearest point)

Approx location of redundant 32a power outlet (pictured in inset)

Suggest location of pump/collection sewage chamber (near 32a external power source)

2Bed Suite (with en. suite)

30 Seat Restaurant/Bar

22

96

30

64

61

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## Licensing Act 2003 Premises Licence

Premises Licence number

WW1000103LAPRVA

Premises details

Wiltshire Council  
Licensing Team West  
165 Bradley Road  
Trowbridge  
BA14 0RD

Tel 0300 4560100

Postal address of premises or, if none, Ordnance Survey map reference or description

Woolley Grange Hotel  
Woolley Green

Post town

Bradford on Avon

Post code

BA15 1TX

Telephone number

01225 864705

Licensable activities authorised by the licence

Sale of alcohol (on and off sales)	Exhibition of films
Recorded Music (in doors)	Provision of facilities for dancing (in & out doors)
Late Night Refreshment	Performance of a play (in & out doors)
Live music (in & out doors)	
Performance of dance (in & out doors)	

Where the licence is time limited, the dates

This version of the premises licence was originally valid from 24 November 2005  
This version of the licence is valid from 19 March 2012

The times authorised by the licence for the carrying on of licensable activities

Activity - Hotel		
Supply of alcohol	Monday – Sunday	0900 – 0100 next day
24 hours to residents and bona fide guests		
Late Night Refreshment	Monday – Sunday	2300 – 0130 next day
Performance of a play	Monday – Sunday	0900 – 0100 next day
Exhibition of films	Monday – Sunday	0900 – 0100 next day
Live music	Monday – Sunday	0900 – 0100 next day
Recorded music	Monday – Sunday	0900 – 0100 next day
Performance of dance	Monday – Sunday	0900 – 0100 next day
Provision of facilities for dancing	Monday – Sunday	0900 – 0100 next day
The Spa		
Recorded music	Monday – Sunday	0700 – 21.07
Supply of alcohol	Monday – Sunday	0700 – 21.00

## The opening hours of the premises

The Hotel premises can remain open at any time

The Spa

Monday – Friday 07.00 – 21.00

Saturday & Sunday 08.00 – 20.00

## Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

On and off sales of alcohol are permitted

## Name, (registered) address, telephone no and email (if relevant) of holder of premises licence

LFH (Woolley Grange) Ltd

Woolley Green

Bradford on Avon

Wiltshire

BA15 1TX

Tel: 01225 864705

## Registered number of holder, for example company number, charity number (where applicable)

07860275

## Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale of alcohol

Clare Hammond

3 Clarence Terrance Bath BA2 6EB

## Personal licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the sale of alcohol

B&NES/05/01577/LAPER granted by Bath & North East Somerset Council

**Mandatory conditions****Alcohol**

Where this Licence authorises the supply of alcohol:

1. No supply of alcohol may be made under this Licence:
  - a. At a time when there is no Designated Premises Supervisor in respect of it
  - b. At a time when the Designated Premises Supervisor does not hold a Personal Licence.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

**Irresponsible Promotions (On Sales Only)**

3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
3. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**Dispensing Alcohol Directly into the Mouth (On Sales Only)**

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**Free Tap Water (On Sales Only)**

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**Age Verification Policy**

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

6. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Drink Volume Measures (On Sales Only)**

7. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**Door Supervision**

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

**Exhibition of Films**

Where this Licence authorizes the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

a. By the British Board of Film Classification (BBFC) where the film has been classified by that Board

b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the Licensing Authority has notified the licence holder that section 20 (3)(b)(74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Conditions and restrictions from transferred licences

N/A

Conditions attached after a hearing by the licensing authority

N/A

Conditions consistent with the operating schedule

A limited CCTV system operates at the premises.

All Spa Staff will be CRB checked and trained and operate with strict guidelines for child safety.

Plans

The attached plans form part of this licence and are stamped with the licence number and the date it was granted

Signed

Licensing Officer  
Wiltshire Council

Licence granted on 7 February 2006

This version of the premises licence was originally valid from 24 November 2005  
This version of the licence is valid from 19 March 2012

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**From:** [Cheryl Scott](#)  
**To:** [Batchelor, Emma A](#)  
**Cc:** [PublicprotectionNorth](#)  
**Subject:** Application for a full variation : Woolley Grange [WH-WH.FID3452759]  
**Date:** 14 May 2021 12:35:57  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[Woolley Grange - Amended App.pdf](#)

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Good afternoon Emma

Further to my earlier email, you will have seen my latest responses to Mr Darsley and Ms Watson.

I attach an amended application form, which states that the outside licensable activities will cease at 23:00 (I can remember adding it and have no idea where the original sentence disappeared to – cyber gremlins ☺). I have also amended the supply of alcohol section to reflect that alcohol sales from the Restaurant/Bar will cease at 23:00.

In addition, I have removed the references to Late Night Refreshment being available 24 hour residents and bona fide guests, which seems to have caused the biggest issue. As this is an exemption and not a licensable activity, I do not believe neither Mr Darsley nor Ms Watson's representation in this regard is valid. You will see, however from my earlier emails, that I have made the objectors fully aware of the facts.

Hopefully, my emails may alleviate the concerns of the objectors and they will withdraw.

Kindest regards  
Cheryl

---

**Cheryl Scott**  
Licensing Assistant

**ward  
hadaway**

**Ward Hadaway LLP**  
+44 (0) 330 137 3264  
+44 (0) 754 5926 421

[wardhadaway.com](http://wardhadaway.com)



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We will not:

- **Change our bank account details during the course of a transaction.**
- **Advise you via email of any changes to our bank account details as defined on your letter of**

**engagement.**

If you receive any communications suggesting that Ward Hadaway's Bank account details have changed, you should get in touch immediately either in person or via your designated fee earner whose voice you recognise before making a payment as we will not accept any responsibility if you transfer money into an incorrect account.

Please read our full email disclaimer at <http://www.wardhadaway.com/email-disclaimer/>.

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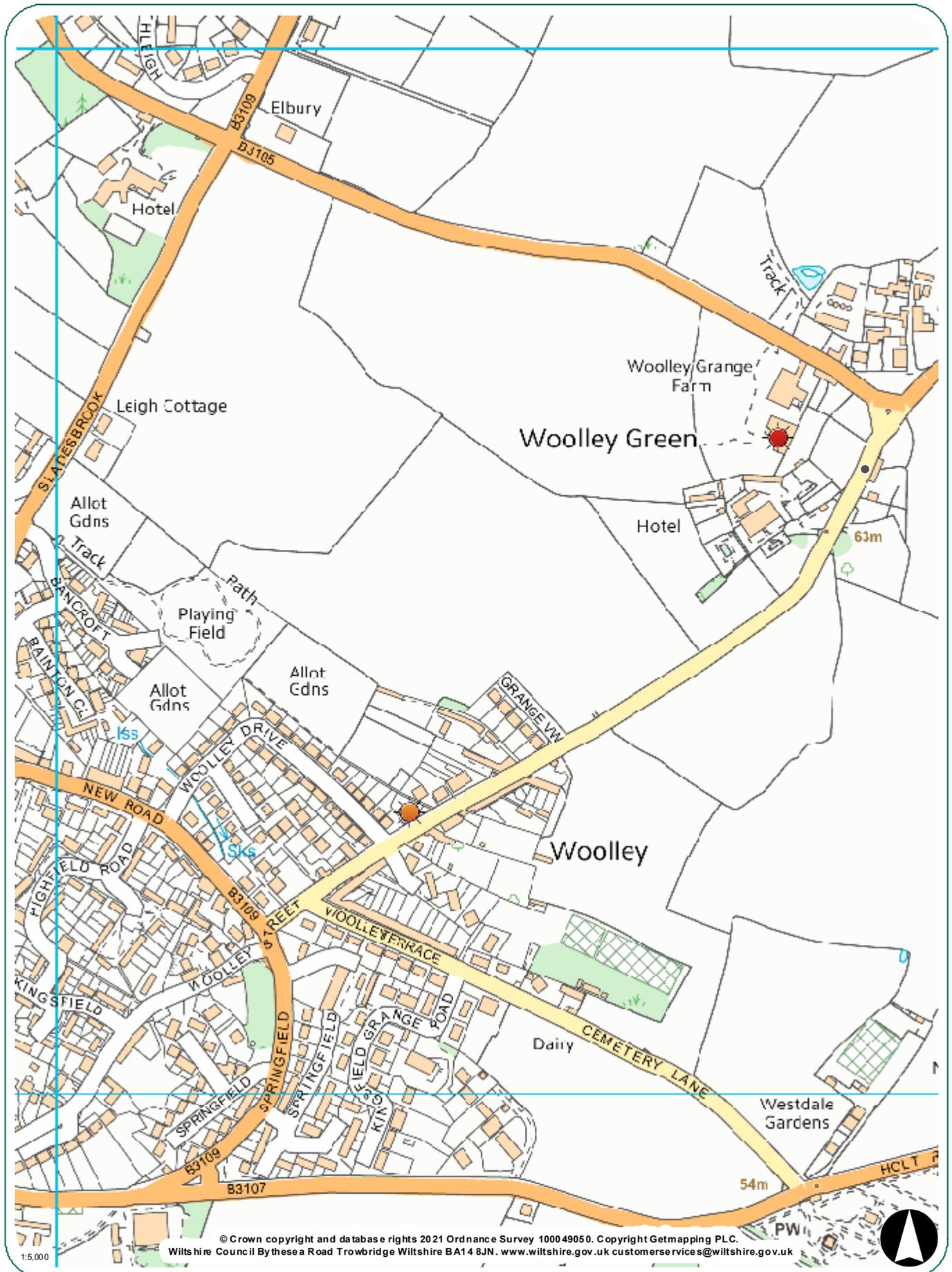
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Appendix 3 - Location Plan



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Appendix 3A -Location of Two Premises



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Home Office

## Guidance on the licensing of late night refreshment

## 1. Introduction

- 1.1 This guidance sets out what activities are to be treated as the provision of late night refreshment and as such are regulated under the Licensing Act 2003 (“the 2003 Act”). It also sets out which activities are exempt from the late night refreshment aspects of the licensing regime. In particular, it includes guidance on the provisions in the Deregulation Act 2015 which amends the 2003 Act to give licensing authorities powers to opt to exempt supplies of late night refreshment from the licensing requirements of the 2003 Act which are made at or from certain designated locations, types of premises or times.
- 1.2 This guidance is not issued as part of the statutory guidance under section 182 of the 2003 Act but will be incorporated into the section 182 guidance when it is next updated. It is intended to assist licensing authorities and police forces with monitoring and enforcement activity in relation to the provision of late night refreshment. It may also help businesses who wish to provide hot food or drink to determine whether they will require a licence under the 2003 Act in order to do so.

## 2. General

- 2.1 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves only the supply of ‘hot food and hot drink’ between the hours of 11pm and 5am. Under Schedule 2, food or drink is considered to be ‘hot’ if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
- 2.2 Shops, stores and supermarkets selling cold food and cold drink, whether it is immediately consumable or not, from 11.00pm are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 11.00pm and until 5.00am. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.
- 2.3 Some premises provide hot food or hot drink between 11.00pm and 5.00am by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.
- 2.4 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.
- 2.5 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.
- 2.6 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.
- 2.7 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt.

- 2.8 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.4 below for more detail on provisions for 'Vessels, vehicles and moveable structures').
- 2.9 Supplies of hot food or hot drink from 11.00pm are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
  - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
  - an employee of a particular employer (for example in a staff canteen);
  - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
  - a guest of any of the above.

### **3. Exemptions based on designated locations, premises types and times**

- 3.1 The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. For example, some late-night cafés serving hot drinks after 11pm may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder.
- 3.2 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.
- 3.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- a) on or from premises which are wholly situated in a designated area;
  - b) on or from premises which are of a designated description; or
  - c) during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).
- 3.4 When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

## Vessels, vehicles and moveable structures

Under section 189 of the 2003 Act, a vehicle which is not permanently situated in the same place and is or is proposed to be used for one or more licensable activities while parked at a particular place, is to be treated as if it were premises situated at that place. Therefore, a mobile provider of late night refreshment, such as a kebab van, could be treated as exempt if it supplied hot food to the public late at night in an area which had been designated as exempt. If the mobile van drove to and began operating in a non-exempt area, a licence to carry on this activity would be required. Should the licensing authority introduce an exemption, and subsequently wish to revoke it if problems arise, it has the power to do so. Areas which are likely to be considered for exemption by licensing authorities (for example, an area outside a town centre) are unlikely to be areas in which mobile kebab vans would frequently operate. As such, mobile vehicles selling late night refreshment are likely to still require licences in the areas in which they are more commonly found.

- 3.5 When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:
- Motorway service areas;
  - petrol stations;
  - local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
  - schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
  - hospitals (except domestic premises);
  - community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
  - licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.
- 3.6 When choosing to exempt the provision of late night refreshment at particular times, the relevant licensing authority must determine the times between 11pm and 5am when the exemption applies. The exemption and any subsequent change to the time will apply to the whole licensing authority area.
- 3.7 A relevant licensing authority may use more than one type of exemption at the same time, for example by changing the times across the licensing authority area during which licensing requirements will apply and also exempting premises by type across the whole licensing authority area. However, it cannot use different forms of exemption in conjunction with one another – for example, it would not be permitted to change the times in one geographic area only.
- 3.8 Where a premises is situated in the areas of two or more licensing authorities, any of those authorities may be the relevant licensing authority and it would be advisable for an authority wishing to apply an exemption to discuss it with the other authority concerned. This might apply, for example, where an area or premises type exemption is being applied and the licensing authority is aware that a particular premises such as a motorway service area sits across the boundary of two or more licensing authority areas.

- 3.9 Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.
- 3.10 Existing late night refreshment licences for premises that become exempt from regulation will remain extant unless the holder chooses to surrender it to the licensing authority, but there will be no requirement on the licence holder to pay annual renewal fees and any conditions on the licence will cease to apply for as long as the exemption is in place. In cases where an exemption in relation to late night refreshment provision is applied, other licensing is unaffected. For example if a premises is licensed to sell alcohol and is exempt from requiring a late night refreshment licence, their licence in respect of the sale of alcohol is unaffected. Where a premises benefits from an exemption applied by the licensing authority, any existing conditions on a licence relating solely to the provision of late night refreshment will have no effect during the period of the exemption.
- 3.11 When deciding which exemption to use, if any, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives. The decision to make an exemption is a licensing function that licensing authorities should include within their statement of licensing policy. It would then therefore be subject to the statutory consultation process with other responsible authorities and relevant parties set out in section 5 of the 2003 Act. However, it is for the licensing authority to decide on the detail and extent of the consultation beyond the statutory minimum. The licensing authority may decide to only consult on the proposed exemption or, alternatively, it may form part of a wider review of other matters within its statement of licensing policy. It is also for the licensing authority to decide within its statement of licensing policy whether the decision to grant exemptions is delegated to its licensing committee or to an officer.
- 3.12 When applying any of the exemptions the relevant licensing authority must publicise the changes and should decide on the most appropriate way to do this, in addition to updating its statement of licensing policy as soon as is practical. There is no requirement for licensing authorities to tell premises individually, however they should publicise the exemption in a way that ensures that those who are likely to be affected may benefit from it. If any fees are paid prior to an exemption coming into effect, licensing authorities should consider whether a refund or partial refund is appropriate. It is for each individual licensing authority to develop its own refund policy and ensure that it is communicated appropriately to all licence holders that are likely to be affected by an exemption.
- 3.13 Licensing authorities can review the exemptions at any time, to change the times, locations or types. However, unlike many other types of licensing decision, the late night refreshment exemptions are not made on a case by case basis and there is no recourse to bring an individual premises back into the licensing regime if there is a problem with that particular premises. In such cases the licensing authority would have to take a decision about the entire exemption and apply it across the whole area. Alternatively, depending on the scale of the problem, other powers could be used such as closure powers under the Anti-social Behaviour, Crime and Policing Act 2014. Environmental health legislation around noise nuisance may also offer a solution.

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## WK202107008 - Variation Application Woolley Grange Hotel, Bradford on Avon

### Representation Form

<b>Premises about which representation is being made</b>	Woolley Grange Hotel, Bradford on Avon
<b>Name</b>	Tim Darsley
<b>Postal address</b>	██ ██████████
<b>Contact number and email address</b>	██████████ ██
<b>I am</b>	An individual

#### **Validity of the application**

At the outset, I would contend that this application to vary a licence is not valid. The application form makes it clear that a variation application cannot be used to vary substantially the premises to which it relates.

The existing licence relates to the Woolley Grange Hotel – ie the Hotel building. The variation relates to a large field behind the hotel which is many times the size of the hotel building. It is for a completely new use, ie glamping. This use brings with it new activities such as outdoor recreation and outdoor eating and drinking. The appropriate time periods for these activities are completely different from those that take place inside a building.

This is clearly a substantial variation to the premises covered by the existing licence. A new premises licence should therefore have been made.

#### **Licensing objectives**

The relevant objective is the prevention of public nuisance.

## Evidence

Woolley Grange Hotel is located on the outskirts of Bradford on Avon. Grange View, Woolley Street and other residential areas are located within 150 metres or so, across open land. Noise from the outdoor activities will carry easily and clearly across the open ground. This is demonstrated by the fact that noise disturbance is already experienced from parties and events held at the Bradford Leigh Hotel, which is considerably further away than Woolley Grange Hotel.

As well as ten two-bedroom glamping units, the field will contain a 30 seat restaurant and bar. This will be in the form of a wooden platform with a canvas canopy and largely open sides. The outdoor pool is adjacent to the field. The restaurant and bar, and the outdoor pool, will be served with food and alcohol at all times.

The application makes it clear that ***the restaurant/bar facility will be made available to any member of the public.*** Effectively, therefore, a new pub and restaurant is being created in a field on the edge of the town.

The application also makes it clear that the food and alcohol “refreshments” will be served 24 hours every day. Sections 12 and 15 of the application are left blank, confirming that food and alcohol will be provided to residents and unlimited members of the public, every day, and all day and night.

This will clearly cause substantial public nuisance and the loss of the quiet residential character of this part of Bradford on Avon.

## Suggested actions to address concerns:

The principal concern is the provision of food and alcohol to residents and members of the public, at all hours, in a tented, largely open, facility.

Firstly, a new application should be made, specifically for the glamping operation and the provision of the food and alcohol to it.

It is suggested that a new bar and restaurant is not necessary for the glamping operation. Food and drink is available in the dining room and the conservatory of the hotel and could also be served directly to the glamping units.

If a new bar and restaurant has to be provided, it should be in the form of an enclosed building, to limit the attenuation of noise and disturbance.

It is certainly not appropriate for the glamping facility to be open to unlimited members of the public. It should be restricted to the users of the ten glamping units.

Time limits, for each day, should be imposed on any bar and restaurant provided in the glamping field. The service of food and drink should cease at 10.30. The facility should close and its associated activities finish by 11pm.

Signature: Tim Darsley

Date: 3 May 2021

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
7<sup>th</sup> May 2021  
[REDACTED]

Dear Sir/Madam,

I am writing with regard to the application WK202107008 to vary the premises licence at Woolley Grange Hotel, Bradford on Avon. I have several concerns about the application as it currently stands and what it would entail if permitted.

The provision of 24-hour food and drink in an open field in the green belt would create noise and disturbance in what is a quiet rural area. Sound travels across the fields, as has been evident during the construction of the glamping tents, and would be amplified at night. A 30-seat bar and restaurant, open to residents and the general public, would further erode the tranquil nature of this part of Woolley. The fact that there appears to be no specified time of year when this intends to take place is a cause for concern- simply to start as soon as possible.

I appreciate that the hotel needs to recoup losses incurred during 2020 but would suggest that only residents at the hotel are permitted to enjoy these facilities– not the wider public- and that the 24-hour provision is significantly limited. These changes would go some way to preserving the peaceful nature of Woolley, an attraction of staying at the hotel.

Yours faithfully,

Caroline Watson

Location of Representations



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**From:** [Caroline Watson](#)  
**To:** ["Cheryl Scott"](#)  
**Cc:** [Batchelor, Emma A](#)  
**Subject:** RE: Woolley Grange [WH-WH.FID3452759]  
**Date:** 18 May 2021 11:17:25  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Dear Ms Scott,

My concerns regarding the provision of licensable activities in the field still remain. The noise generated by 30 guests plus staff/entertainment will be significant at all hours of the day, as was evident with the erection of the glamping units in mid- April.

With regard to your suggested amendment, residents on the street have bedrooms overlooking the field and go to bed early, so would still be disturbed by your proposed 22.00 last orders.

Our wish is to maintain the quiet, rural nature of this part of Bradford on Avon, which, I believe, is an attraction of the hotel itself.

Yours,

Caroline Watson

---

**From:** Cheryl Scott [REDACTED]  
**Sent:** 17 May 2021 15:55  
**To:** Caroline Watson  
**Cc:** 'Batchelor, Emma A'  
**Subject:** RE: Woolley Grange [WH-WH.FID3452759]  
**Importance:** High

Dear Ms Watson

I appreciate what you are saying, however, I would remind you that the Glamping site will have guests in tents going to sleep at this time so there will be security etc, ensuring a quiet site.

Would amending the times to last orders at 22:00 be a sufficient compromise to allay your concerns and secure a withdrawal of your objection?

I look forward to hearing from you at your earliest opportunity.

Kindest regards  
Cheryl

---

**Cheryl Scott**  
Licensing Assistant

**ward  
hadaway**

**Ward Hadaway LLP**

[REDACTED]

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---

**From:** Caroline Watson [REDACTED]  
**Sent:** 17 May 2021 13:00  
**To:** Cheryl Scott [REDACTED]  
**Cc:** 'Batchelor, Emma A' <EmmaA.Batchelor@wiltshire.gov.uk>  
**Subject:** RE: Woolley Grange [WH-WH.FID3452759]

Dear Ms Scott,

Thank you for your emails, which I have read. The fact remains that a bar and restaurant will be open serving refreshments until 23.00 in a field within sight of my property, disturbing what is a peaceful, rural setting.

Caroline Watson

---

**From:** Cheryl Scott [REDACTED]  
**Sent:** 17 May 2021 [REDACTED]  
**To:** Caroline Watson  
**Cc:** Batchelor, Emma A  
**Subject:** Woolley Grange [WH-WH.FID3452759]

Good morning Ms Watson

I wonder whether you have had an opportunity of considering the contents of my last email.

As I am sure you will be aware, the site is due to open this coming weekend and we have submitted Temporary Event Notices to the Council to ensure the launch may go ahead.

If you have any further queries or concerns, which I have not covered, please do not hesitate to contact me. Alternatively, if you have had an opportunity of considering the contents of my email and are minded to withdraw your representation, please could I encourage you to do so at the earliest opportunity.

Kindest regards  
Cheryl

---

**Cheryl Scott**  
Licensing Assistant

**ward  
hadaway**

**Ward Hadaway LLP**



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**From:** [Cheryl Scott](#)  
**To:** [Caroline Watson](#)  
**Cc:** [Batchelor, Emma A](#)  
**Subject:** RE: Application to Vary Premises Licence : Woolley Grange Hotel [WH-WH.FID3452759]  
**Date:** 14 May 2021 12:16:48  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[LNR Exemption.pdf](#)

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Good afternoon Ms Watson

Thank you for your email and I apologise that my earlier explanation did not allay your concerns. Hopefully, I will do better this time, responding in order of your comments below:

[the impact of 24-hour availability of the sale of alcohol in an open field;](#)

The provision of late night refreshment appears to have done the exact opposite of that which was intended, which was to clarify the entitlement of residents and bona fide guests of residents to 24 hour service. The Premises Licence already permits late night refreshment to members of the public until 01:00. Late night refreshment is defined as the provision of hot food and drink and becomes a licensable activity between the hours of 23:00 and 05:00. Late night refreshment is for customers, who are **not** residents.

Under the Licensing Act residents and bona fide guests of residents are exempt from the provision of late night refreshment and are entitled to a 24 hour service. I attach an excerpt from the Licensing Act for your perusal, confirming this fact. The inclusion on the application, was intended simply as an exercise to tidy up the Licence and be transparent, but seems to have caused the most issues. Some Local Authorities insist the statement is shown on the Premises Licence, some do not. The fact remains, that residents and their guests throughout England and Wales are and always have been exempt, whether the statement appears on the Licence or not. It is not a licensable activity and is actually superfluous to the application.

[the ability of 'any member of the public' to visit the field;](#)

Any member of the public visiting the field is not a licensable activity. However, in the interest and safety of the customers Glamping there, members of the public will be monitored and will be there either as guests of a family/person Glamping or would wish to visit the site and look around before booking to stay.

The Restaurant/Bar has 30 covers which will be primarily used for guests at the Glamping Site and Hotel residents, should they so wish. Members of the public will be required to book a table and numbers will be controlled.

[the omission of '23.00' or any specific time when activities are to cease.](#)

My sincere apologies with regard to the time limits, I was puzzled when I read your comments that the licensable activities outside would cease at 23:00 were not stated within the application. Having checked and double checked the application, I am unable to find that comment either! I confirm, however, that it is indeed the case that the licensable activities outside will cease at 23:00 and I will contact the Licensing Authority forthwith to amend the application.

[The glamping field is also being advertised as a wedding venue and would not simply be attracting families with small children.](#)

If the glamping field is used as a wedding venue, the fact still remains that all licensable activities outside will cease at 23:00.

When broken down. The only additional licensable activity being applied for, is that the Bar/Restaurant may sell alcohol between the hours of 09:00 and 23:00 and the pool area may have waiter/waitress service, again until 23:00. In all other respects, the Licence remains the same.

The Hotel Manager has been at Woolley Grange Hotel for over 19 years and has always run the site

as a friendly, family focussed operation. The style and focus of the operation will not change. The glamping site is to be run in the same manner.

I trust this has alleviated your concerns and you feel able to withdraw your representation.

Kindest regards  
Cheryl

---

**Cheryl Scott**  
Licensing Assistant

**ward**  
**hadaway**

**Ward Hadaway LLP**

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---

**From:** Caroline Watson [REDACTED]  
**Sent:** 11 May 2021 13:36  
**To:** Cheryl Scott [REDACTED]  
**Cc:** 'Batchelor, Emma A' <EmmaA.Batchelor@wiltshire.gov.uk>  
**Subject:** RE: Application to Vary Premises Licence : Woolley Grange Hotel [WH-WH.FID3452759]

Dear Ms Scott,

Thank you for your emails, both today and on Friday.

I read with interest your assurances but they still fail to allay my concerns with regards to the following:

the impact of 24-hour availability of the sale of alcohol in an open field;

the ability of 'any member of the public' to visit the field;

the omission of '23.00' or any specific time when activities are to cease.

The glamping field is also being advertised as a wedding venue and would not simply be attracting families with small children.

Consequently, my objections still stand.

Yours,  
Caroline Watson

---

**From:** Cheryl Scott [REDACTED]  
**Sent:** 11 May 2021 [REDACTED]  
**To:** [REDACTED]  
**Cc:** Batchelor, Emma A  
**Subject:** FW: Application to Vary Premises Licence : Woolley Grange Hotel [WH-WH.FID3452759]  
**Importance:** High

Good morning Ms Watson

Further to my email below, the representation period for the application has now ended. If you do not wish to withdraw your objection, then I confirm a Licensing Hearing will be scheduled before the Licensing Sub-Committee at which time you will be given the opportunity of expressing your concerns regarding the application.

A hearing is time consuming and expensive to all concerned and it would be helpful if you could confirm whether or not, in view of the comments in our email, you would be minded to withdraw your objection.

If there is anything regarding the application or my email you wish to discuss or remain concerned about, please do not hesitate to contact me.

Kindest regards  
Cheryl

---

**Cheryl Scott**  
Licensing Assistant

**ward**  
**hadaway**

**Ward Hadaway LLP**



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**From:** Cheryl Scott [REDACTED]  
**Sent:** 07 May 2021 15:50  
**To:** [REDACTED]  
**Cc:** Batchelor, Emma A <[EmmaA.Batchelor@wiltshire.gov.uk](mailto:EmmaA.Batchelor@wiltshire.gov.uk)>  
**Subject:** Application to Vary Premises Licence : Woolley Grange Hotel [WH-WH.FID3452759]

Good afternoon Ms Watson

Our firm represents Woolley Grange Hotel and we have submitted an application to vary the Premises Licence on behalf of the Company.

At the outset, please let me assure you that 24 hour food and drink will not be available in the Glamping Field. The application states that all licensable activities outdoors will cease at 23:00.

The 24 hour late night refreshment referred to within the application is for residents and their guests in the Hotel only and should have always been stated on the Licence. Every Hotel, by law, is permitted to serve their residents and bona fide guests at any time day or night, should they wish so to do. . The reason for the statement within the application is to clear up any ambiguity on the Premises Licence.

In addition, our client confirms the following:

- Project is business imperative due to number of months of closure, we need to make the most of this staycation summer
- Discreet location and no noise or light impact on neighbours
- The glamping site is a family experience with babies and all age children staying, so no late nights/noise as children need to be able to sleep. Our experience of families is that they go to bed by about 10.30/11pm as children wake early so not a late night drinking situation. Our

guests go for quality not quantity.

- Hotel residents and spa members can use the Café & bar and limited non-residents but only pre booked, so numbers are managed.
- Bar is limited to local suppliers, so using Kettlesmith beer brewed in Bradford-on-Avon, Sout and Sage gin from Trowbridge, Quoins wine from Bradford-on-Avon, local cider.

I should be grateful, therefore once you have considered the above, whether you may be mindful to withdraw your representation (which must be submitted in writing to the Council).

Alternatively, if you wish to discuss the application further, please do not hesitate to contact me.

Kind regards  
Cheryl

---

**Cheryl Scott**  
Licensing Assistant

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**From:** [Cheryl Scott](#)  
**To:** [Tim Darsley](#)  
**Cc:** [Batchelor, Emma A](#)  
**Subject:** RE: Application for a full variation : Woolley Grange [WH-WH.FID3452759]  
**Date:** 14 May 2021 11:58:07  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[LNR Exemption.pdf](#)  
[Woolley Grange - PremL Excerpt.pdf](#)

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Good morning Mr Darsley

Thank you for your email and attachment.

With regard to the validity of the application to vary, I am attaching an excerpt of our client's Premises Licence for your perusal. You will note the excerpt details the permitted licensable activities. You will see certain of those licensable activities are permitted both in and outdoors. The outdoor activities are permitted anywhere within our client's boundaries, not just the Hotel area. The current Licence permits customers to buy food and drink within the hotel, to be consumed anywhere within the grounds and perimeter of the entire Woolley Grange site. Plans are held with the Council which show the boundaries.

With regard to the pool area, at present, customers around the pool area must walk into the hotel to obtain food and drinks. Under the Licensing Act Regulations, to enable waiter/waitress service to be provided, the area must be shown on the plan as being within the licensed area. The only change here is that customers may be waited upon around the pool area.

Similarly with the Restaurant/Bar on the glamping field, the area must be shown on the plan as being included within the licensed area, under the Licensing Act Regulations to permit alcohol sales.

With regard to the statement you feel are not consistent, my meaning was simply that the Restaurant/Bar and glamping field would, if the Licence was granted, be carrying on the same business as the Hotel i.e. accommodation and sales of food and drink.

My sincere apologies with regard to the time limits, I was puzzled when I read your comments that the licensable activities outside would cease at 23:00 were not stated within the application. Having checked and double checked the application, I am unable to find that comment either! I confirm, however, that it is indeed the case that the licensable activities outside will cease at 23:00 and I will contact the Licensing Authority forthwith to amend the application.

The provision of late night refreshment appears to have done the exact opposite of that which was intended, which was to clarify the entitlement of residents and bona fide guests of residents to 24 hour service.

The reason the timings for late night refreshment were left completely blank is for the simple fact that they are not changing. The Premises Licence already permits late night refreshment to members of the public until 01:00.

Late night refreshment is defined as the provision of hot food and drink and becomes a licensable activity between the hours of 23:00 and 05:00. Late night refreshment is for customers, who are **not** residents.

However, again, under the Licensing Act residents and bona fide guests of residents are exempt from the provision of late night refreshment and are entitled to a 24 hour service. I attach a further excerpt from the Licensing Act for your perusal confirming this fact. The inclusion on the application, was intended simply as an exercise to tidy up the Licence and be transparent, but seems to have caused the most issues. Some Local Authorities insist the statement is shown on the Premises Licence, some do not. The fact remains, that residents and their guests throughout England and Wales are and always have been exempt, whether the statement appears on the Licence or not. It is not a

licensable activity and is superfluous to the application.

The Restaurant/Bar has 30 covers which will be primarily used for guests at the Glamping Site and Hotel residents, should they so wish. Members of the public will be required to book a table and numbers will be controlled.

The Glamping Site has provision for 80 covers and will be family focussed. Organised barbeques, paella, curry and pizza evenings for the residents will be controlled and monitored by staff and any member of the public who wish to attend will be required to book and will only be permitted if places are available.

Live and recorded music were removed from the Licensing Act and do not become a licensable activity if they are for less than 500 and between the hours of 08:00-23:00.

When broken down. The only additional licensable activity being applied for, is that the Bar/Restaurant may sell alcohol between the hours of 09:00 and 23:00 and the pool area may have waiter/waitress service, again until 23:00. In all other respects, the Licence remains the same.

The Hotel Manager has been at Woolley Grange Hotel for over 19 years and has always run the site as a friendly, family focussed operation. The style and focus of the operation will not change. The glamping site is to be run in the same manner.

I trust this has alleviated your concerns and you feel able to withdraw your representation.

Kindest regards  
Cheryl

---

**Cheryl Scott**  
Licensing Assistant

**ward**  
**hadaway**

**Ward Hadaway LLP**

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**From:** Tim Darsley [REDACTED]  
**Sent:** 11 May 2021 11:29  
**To:** Cheryl Scott [REDACTED]  
**Cc:** Batchelor, Emma A <EmmaA.Batchelor@wiltshire.gov.uk>  
**Subject:** Re: Application for a full variation : Woolley Grange [WH-WH.FID3452759]

Dear Cheryl,  
Thank you for your response to my representation on the variation application. I have put my comments on your response in the attached note. You will see that my concerns on the application remain and that I will not be withdrawing my representation.  
Regards,  
Tim Darsley

**WK202107008 - Variation Application**  
**Woolley Grange Hotel, Bradford on Avon**  
**Tim Darsley – comments on response to my representation**

Dear Ms Scott,

Thank you for your response to my representation about the application to vary the licence at Woolley Grange Hotel.

I note the reassurances that you give but have considerable difficulty in matching these up to the details proposed in the variation application.

**Validity of the application to vary**

You say that the test for validity is whether the nature of the premises is changing. You maintain that the nature of the premises is not changing. The application states that the purpose of the variation is to include the glamping field and the outdoor pool within the licensed area. In other words, the field and the pool are not currently included in the licensed area.

The existing licence defines the premises only in terms of a postal address, ie Woolley Grange Hotel. There is no plan defining the extent of the premises. The activities of the premises are listed only in terms of the Hotel building and the Spa. The nature of the premises is therefore a matter of reasonable interpretation.

With the premises defined only as Woolley Grange Hotel, I believe that a reasonable understanding of this would be the Hotel itself and associated buildings, the adjacent terraces and the pool, and the Spa building. Although under the same ownership, the field to be used for glamping is separated from the Hotel by hedges and other boundaries and is not well related to it. The outdoor pool is not in the glamping field. I do not believe that the field can be reasonably regarded as within premises that are defined as “the Woolley Grange Hotel”.

The addition of the glamping field will broadly double the area to which the licence applies. It will also introduce licensable services for a fundamentally different activity, namely camping and outdoor recreation. For these reasons I continue to believe that the premises to which the existing licence relates has been substantially varied and that a new or separate application should be made.

Notwithstanding this interpretation, a separate licence would enable clarity to be brought to what is acceptable and permitted in the two very different environments of a hotel building and a rather separate field.

### **What is permitted under the existing licence**

You say that “the current licence provides for alcohol to be purchased for consumption both on and off the premises” and that “food and alcohol may be purchased within the Hotel and also from the restaurant/bar on the field”.

You also say that “the restaurant/bar may provide food and non- alcoholic drinks without varying the Premises Licence” and that “the sale of alcohol from the restaurant/bar on the glamping site is the only licensable activity being requested”.

These statements are not consistent. I am assuming that, since a variation is being applied for, the second is correct.

### **Time limits for licensable activities**

You say that “the application confirms that all licensable activities outside will cease by 23:00”. I cannot see this confirmed anywhere in the application.

On the contrary, the application states that:

- Late night refreshment is available 24 hours to residents and bona fide guests.
- The provision of late night refreshment will take place both indoors and outdoors.
- The existing schedule to supply alcohol will not be subject to change.
- Late night refreshment 24 hours every day should be included.

I find it surprising and concerning that the schedules for the timings for late night refreshment and the premises being open to the public have been left completely blank.

It seems clear therefore that the licence application permits the serving and consumption of food and alcohol at the restaurant and bar on the glamping field over 24 hours, on every day of the week.

### **Bar and restaurant open to members of the public**

The application states that residents and guests of residents should enjoy late night refreshment 24 hours every day. It also states that the restaurant/bar facility will be available to any member of the public.

In a meeting with the Chair of the Friends of Woolley on, I believe, 30 April, the Manager of the Hotel stated that there would be barbeques for the glampers every other night, interspersed with paella, curry and pizza. Members of the public would be able to book a table for this offer. Acoustic music would possibly be provided.

The application will therefore permit outdoor parties and celebration events amongst the glampers, based on food and alcohol being provided in the field. With curry nights and live music offered to unlimited members of the public, the facility could potentially operate as a new pub and restaurant in a field on the edge of the town.

## **Summary**

Though welcomed, the reassurances in your response carry no weight in the future operation of the bar/restaurant in the glamping field. What matters are the provisions of the licence applicable to it.

The licence would permit the provision of food and alcohol to residents and members of the public, 24 hours every day, in open surroundings. This would be likely to cause substantial public nuisance and the loss of the quiet residential character of this part of Bradford on Avon.

The licence as varied would not provide anything like adequate safeguards against public nuisance. The inclusion of the glamping operation and the hotel in the same licence is confusing and does not enable the very different activities carried out in each to be addressed.

My concerns about the bar/restaurant remain and therefore I will not be withdrawing my representation from the licensing process.

Tim Darsley  
11 May 2021

**From:** Cheryl Scott  
**Sent:** Tuesday, May 11, 2021 10:26 AM  
**To:** [REDACTED]  
**Cc:** Batchelor, Emma A  
**Subject:** FW: Application for a full variation : Woolley Grange [WH-WH.FID3452759]

Good morning Mr Darsley

Further to my email below, the representation period for the application has now ended. If you do not wish to withdraw your objection, then I confirm a Licensing Hearing will be scheduled before the Licensing Sub-Committee at which time you will be given the opportunity of expressing your concerns regarding the application.

A hearing is time consuming and expensive to all concerned and it would be helpful if you could confirm whether or not, in view of the comments in our email, you would be minded to withdraw your objection.

If there is anything regarding the application or my email you wish to discuss or remain concerned about, please do not hesitate to contact me.

Kindest regards  
Cheryl

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**Cheryl Scott**  
Licensing Assistant

**ward**  
**hadaway**

[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Cheryl Scott [REDACTED] >  
**Sent:** 07 May 2021 15:57  
**To:** [REDACTED]  
**Cc:** Batchelor, Emma A <[EmmaA.Batchelor@wiltshire.gov.uk](mailto:EmmaA.Batchelor@wiltshire.gov.uk)>  
**Subject:** Application for a full variation : Woolley Grange [WH-WH.FID3452759]

Good afternoon Mr Darsley

Your representation submitted to the Council in respect of the above application has been handed to me for attention, as Solicitors acting on behalf of the Company.

I would respond to your comments as follows:

The application has been correctly validated by the Licensing Authority. The current Licence provides for alcohol to be purchased for consumption both on and off the premises. The test on validating an application is whether the nature of the premises is changing. In our view and also the Licensing Authority's view, the nature of the premises is not changing. Food and alcohol may be purchased within the Hotel and also from the Restaurant/Bar on the field within the Hotel's private boundaries.

Glamping, outdoor recreation and outdoor eating are not licensable activities and the Restaurant/Bar may provide food and non- alcoholic drinks without varying the Premises Licence. The sale of alcohol from the Restaurant/Bar on the Glamping Site is the only licensable activity being requested. Drinking off the Hotel premises is already provided for within the current Licence. The licensable activities are currently permitted to take place outside between the hours of 09:00 to 01:00 the following day. The application confirms that all licensable activities outside will cease by 23:00.

The licensing objective which you are concerned would be breached by our client is the prevention of public nuisance. I note within your evidence that you have experienced noise disturbance from the Bradford Leigh Hotel, but not from the Woolley Grange Hotel. As mentioned above, our client's current Licence provides for licensable activities to take place indoors and outdoors to 01:00 the next day. However, having given consideration to the neighbourhood and the licensing objectives, all outside activities will cease at 23:00, including the Restaurant/Bar. In addition, our client would not wish the comfort of their Hotel residents to be compromised.

The current licence contained ambiguities which I sought to remove and to ensure clarity and understanding of the Premises Licence. One of the ambiguities was with regard to how customers who were at the outdoor pool were able to order food and alcohol. At present customers are able to order within the Hotel and consume food and alcohol at the pool area. The application merely confirms that rather than wet customers trailing through the Hotel or round to the Restaurant/Bar for food and drink, a waiter/waitress service will be provided and food and drink may be ordered without having to leave the poolside area.

A second ambiguity was that the Licence did not state, as it should have, that residents of the Hotel and their bona fide guests were permitted to be served food and drinks as and when required 24 hours a day. This is permitted on all Hotel Licences. Late Night Refreshment becomes a licensable activity between the hours of 23:00 and 05:00. You may note that all outside activity will cease at 23:00 and as such Late Night Refreshment is not required from the Restaurant/Bar in the field and only within the Hotel itself, for Hotel residents and their guests.

Turning, in order to your suggested actions to address your concerns:

- I confirm that the food and alcohol will be made available from the Glamping Field Restaurant/Bar between the hours of 09:00 and 23:00 Monday to Sunday.
- The "glamping operation" and the provision of food are not licensable activities. The sale of alcohol from the Restaurant/Bar is the only change to the current Licence.
- The provision of the Restaurant/Bar is to facilitate a more convenient way of obtaining food and drink for the glamping site and customers, without additional pressure on the Hotel restaurant.
- The Restaurant Bar is a wooden structure with closing and lockable Perspex doors. The screen tent covering the structure is purely aesthetic .

Finally, our client would add the following for your information and consideration:

- Project is business imperative due to number of months of closure, we need to make the most of this staycation summer
- Discreet location and no noise or light impact on neighbours
- The glamping site is a family experience with babies and all age children staying, so no late nights/noise as children need to be able to sleep. Our experience of families is that they go to bed by about 10.30/11pm as children wake early so not a late night drinking situation. Our guests go for quality not quantity.
- Hotel residents and spa members can use the Café & bar and limited non-residents but only pre booked, so numbers are managed.
- Bar is limited to local suppliers, so using Kettlesmith beer brewed in Bradford-on-Avon, Sout and Sage gin from Trowbridge, Quoins wine from Bradford-on-Avon, local cider.

We hope the above will alleviate your concerns and I should be grateful if you would confirm, following consideration of the above that you are able to withdraw your representation.

If you wish to discuss further, please do not hesitate to contact me.

Kindest regards  
Cheryl

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**Cheryl Scott**  
Licensing Assistant

**ward  
hadaway**

**Ward Hadaway LLP**



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