

AGENDA

Meeting: Eastern Area Licensing Sub Committee
Place: Wessex Room - The Corn Exchange, Market Place, Devizes,
SN10 1HS
Date: Monday 8 April 2013
Time: 10.30 am
Matter: The Royal Oak, Easterton - Variation of Premises Licence

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN, or 01225 718504, kieran.elliott@wiltshire.gov.uk

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

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

Membership:

Cllr Ernie Clark
Cllr Jose Green

Cllr Jonathon Seed

AGENDA

1. **Election of Chairman**

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

2. **Procedure for the Meeting (Pages 1 - 8)**

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

3. **Chairman's Announcements**

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

4. **Declarations of Interest**

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

5. **Licensing Application (Pages 9 - 12)**

To consider and determine an Application for a Variation of a Premises Licence by Wadworth and Company Limited in respect of The Royal Oak, 11 High Street, Easterton, Devizes, SN10 4PE.

5.1. **Appendix 1 - Application Form (Pages 13 - 32)**

Also includes Appendix 1a, 'Amendment to Application from Applicant'

5.2. **Appendix 2 - Representations Received from Interested Parties (Pages 33 - 36)**

5.3. **Appendix 3 - Location Plan (Pages 37 - 40)**

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 an Interested Party or their Representative.

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

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

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

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

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

“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.

“Interested Party” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party 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 an Interested Party/Parties;
- 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 an Interested Party/Parties.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

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

- 4.6 Where there is a multiple of Interested Parties 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 Interested Parties.

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 Review 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).
- A Responsible Authority/Authorities and/or an Interested Party/Parties 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 an Interested Party/Parties would be happy to have the Application granted subject to which would cause the representation to be withdrawn.
- The Premises Licence Holder and/or their representative will orally present their representations which shall include;
- A The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties; and
 - B Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

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 an Interested Party/Parties 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 Interested Party's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

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

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

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.

9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:

9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or

9.2.2 hold the Hearing in the party's absence.

9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and the Interested Party/Parties to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.

11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.

11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Hearing Procedure Summary

1. The Chairperson welcomes all those present and introduces the Application.
2. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or Interested Party/Parties.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report.
5. The Applicant addresses the Committee.
6. Questions to the Applicant by Responsible Authority/Authorities and/or Interested Party/Parties.
7. Questions to the Applicant by Members of the Committee.
8. Comments by Responsible Authority/Authorities and/or Interested Party/Parties.
9. Questions by Applicant.
10. Questions to Responsible Authority/Authorities and/or Interested Party/Parties by Members of the Committee.
11. Summing up by Parties who have made representations.
12. Summing up by Applicant.
13. Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
14. Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee, and invites the parties present to make any comments on that advice.
15. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

This page is intentionally left blank

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

02 APRIL 2013

Application for a Variation of a Premises Licence; Royal Oak, 11 High Street, Easterton SN10 4PE

1. Purpose of Report

- 1.1 To determine an application for a Variation of a Premises Licence in respect of Royal Oak, 11 High Street, Easterton SN10 4PE made by Wadworth & Company Ltd.

2. Background Information

- 2.1 An application for a Variation of a Premises Licence in respect of Royal Oak, Easterton for which 7 relevant representations were received. Public Protection, Environmental Health also mediated direct with Wadworth & Co Ltd to discuss conditions to promote the four licensing objectives. Following receipt of the representations and mediation with Wadworth & Co Ltd, an amendment to reduce the number of days and conditions was submitted, dated 4th March 2013.
- 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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 8th February 2013 an application for a Variation to the premises licence at Royal Oak, Easterton was received and accepted as a valid application. On 4th March 2013 an amendment to the application was received.

2.6 The original Variation application applied for is summarised as follows:

Licensable Activity	Timings	Days
Sale of Retail of Alcohol (on & off premises)	10:00 - 02:00 next day	Monday – Sunday
Late Night Refreshment	23:00 - 02:00 next day	Monday – Sunday

Opening hours requested to be extended to 10:00 - 02:30 the next day Monday – Sunday.

Amended Variation following mediation:

Licensable Activity	Timings	Days
Sale of Retail of Alcohol (on & off premises)	10:00 - 02:00 next day	Friday & Saturday
Late Night Refreshment	23:00 - 02:00 next day	Friday & Saturday

Opening hours requested to be extended to 10:00 - 02:30 the next day Friday & Saturday.

A number of conditions to ensure compliance with the four licensing objectives were also submitted. Please see Appendix 1a.

Currently the premise is licensed for:

Licensable Activity	Timings	Days
Sale of Retail of Alcohol (on & off premises)	10:00 – Midnight	Monday – Sunday
Live Music (Indoors)	10:00 – 23:00	Monday – Sunday
Recorded Music (Indoors)	10:00 – 23:00	Monday – Sunday
Late Night Refreshment (Indoors)	23:00 - Midnight	Monday – Sunday

Current extension on New Year's Eve for the above licensable activities is 10:00 – 02:00 am (January 1st), with alcohol being 10:00 am – Midnight (January 1st) and Late Night Refreshment, 23:00 – Midnight (January 1st).

Opening hours are currently Monday – Sunday 10:00 – 01:00 am and extension on New Year's Eve, 10:00 – 01:00 (January 2nd).

A copy of the application from Wadworth & Co Ltd is attached as **Appendix 1**. Amended to the application at **Appendix 1a**.

Representations received from local residents at **Appendix 2a-2c**.

Location map of representations at **Appendix 3**.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the applicant, in a local paper within 10 working days, starting on the day after the authority receives it and a public notice (on pale blue paper) to be posted on the premises and the Licensing Authority to advertise the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

During the consultation period 7 relevant representations have been received from Interested Parties, and none from Responsible Authorities.

Four representations have been withdrawn following mediation with the applicant.

3.2 Responsible Authorities

None.

3.3 Interested Parties

- Mr S Hardman & Mrs H Hardman-3 Oak Lane, Easterton, SN10 4PD (2a)
- Mrs Valerie Williams - Crista , Upton Cross, Liskeard, Cornwall PL14 5AX (2b)
- Mrs S Dolman- 6 High Street, Easterton, Devizes (2c)

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

Representation	Licensing Objective	Accepted	Comments
Noise	Public nuisance	Yes	
Anti Social Behaviour	Public Nuisance	Yes	

3.5 The relevant representations are attached as **Appendix 2a-2c**. **Appendix 3** is a plan which shows the locations from where representations have been made.

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, 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 Applicant, 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.

Report Author: Jane Cowley

Telephone: 01380 826331

Date of report: 18 March 2013

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Variation of a premises licence application (Pages 13-30)**
 - 1a. Amendment to application from applicant (Pages 31-32)**
- 2 (a-c) Representations received from interested parties (Pages 33-36)**
- 3 Location plan (Pages 37-40)**

- 8 FEB 2013

PUBLIC PROTECTION

WILTSHIRE COUNCIL

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We WADWORTH & COMPANY LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number KK/PL0071

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
THE ROYAL OAK 11 HIGH STREET EASTERTON			
Post town	DEVIZES	Postcode	SN10 4PE

Telephone number at premises (if any)	01380 812343
Non-domestic rateable value of premises	£25,000

Part 2 – Applicant details

Daytime contact telephone number	01380 723361		
E-mail address (optional)			
Current postal address if different from premises address	NORTHGATE BREWERY		
Post town	DEVIZES	Postcode	SN10 1JW

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
↓	↓	↓	↓	↓	↓	↓	↓

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

- ✓ EXTENDING HOURS FOR SALE BY RETAIL OF ALCOHOL FROM 0000 UNTIL 0200 7 DAYS A WEEK 365 DAYS A YEAR
- ✓ EXTEND PROVISION OF LATE NIGHT REFRESHMENT FROM 0000 TO 0200 7 DAYS A WEEK 365 DAYS A YEAR
- ✓ EXTEND HOURS OPEN TO THE PUBLIC FROM 0100 TO 0230 7 DAYS A WEEK 365 DAYS A YEAR.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) TO SELL HOT FOOD AND DRINK		
Mon	2300	0200			
Tue	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	2300	0200			
Thur	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	2300	0200			
Sat	2300	0200			
Sun	2300	0200			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Mon	1000	0200			
Tue	1000	0200			
Wed	1000	0200			
Thur	1000	0200			
Fri	1000	0200			
Sat	1000	0200			
Sun	1000	0200			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	1000	0230	
Tue	1000	0230	
Wed	1000	0230	
Thur	1000	0230	
Fri	1000	0230	
Sat	1000	0230	
Sun	1000	0230	

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

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

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

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

THE HOUSE HAS OPERATED WITHOUT PROBLEMS. WE DO NOT EXPECT THE EXTRA HOURS REQUESTED WILL HAVE AN ADVERSE EFFECT ON THIS AND THEREFORE DO NOT SEE THE NEED TO INTRODUCE ANY EXTRA MEASURES OTHER THAN THOSE ON OUR EXISTING LICENCE.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	7.2.13
Capacity	

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

Signature	
Date	
Capacity	

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

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

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

Our Ref: LJS/JB

Mrs J Cowley
The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Kennet House, Sergeant Rogers Way
Hopton Park Industrial Estate
London Road
Devizes, SN10 2ET

4 March 2013

Dear Jane

RE: VARIATION APPLICATION FOR THE ROYAL OAK, EASTERTON

Further to our application to vary the above Premises Licence, we are writing to confirm that we wish to amend the above application to reduce the sale by retail of alcohol from 0000 to 0200 7 days a week to Friday and Saturdays from 0000 to 0200 and open to the public from 0100 to 0230 7 days a week to Friday and Saturdays 0100 to 0230. We also agree to the following:

- Closed door policy after 23:30 hours – accept for those customers who wish to leave and return for the purpose of complying with legislation regarding smoking in enclosed spaces.
- Regular checks outside of premises to ensure to prevent customers congregating outside
- Beer garden to close after 23:00 hours and no drinks (alcohol or non-alcohol) to be taken outside
- Monitoring of customers using smoking shelters to prevent noise nuisance
- Doors to be closed except for ingress and egress of customers leaving premises
- Customers requested to exit quietly
- Egress of customers from rear of premises after 12 midnight
- Taxi to switch off engines when waiting for pick ups
- Taxi's to pick up from rear car park
- Taxi numbers to be made available
- Neighbours advised on contact number if the event of a noise nuisance associated with the premises

If you have any queries please do not hesitate to contact me.

Yours sincerely



L J Stephens
TENANTED TRADE DIRECTOR

This page is intentionally left blank

3 Oak Lane
Easterton
Devizes
Wilts

SN10 4PD
23rd Feb 2013

RECEIVED

5 MAR 2013

PUBLIC PROTECTION

To whom it may concern.

With regard to the application by The Royal Oak Public House in Easterton for an extension to their licence for 7 day late night (00.00-02.00) opening we have great concerns.

We have lived in the Lavington area for over twenty five years and during this time the Royal Oak Pub has had a reputation for providing very good food and a family atmosphere. We moved into this house, which we own, 4 years ago feeling confident that we might only be minimally disturbed on a few occasions. After the pub spending a while in the Doldrums we have a new landlord who has created a very good village atmosphere, improved the decor and is providing wonderful food.

The public house is very close to many residential properties including our own which is on the opposite side of Oak Lane.

This is a quiet, rural village and I am concerned that the additional hours will increase the amount of vehicle traffic (both customers and refuse) entering and leaving the car park opposite our house, especially late at night. Customers leaving late at night tend not to be aware of how loud they are and how much their voices travel and on the way to the cars or on the way home they will be walking past our property. In addition the back door of the pub, opposite our property, is where customers gather to smoke cigarettes and whilst doing so talk loudly. This would increase and be more disturbing as the night goes on.

In our experience the late opening hours at another local establishment that we know of, attracted some extremely antisocial customers causing the police to be called often.

I feel that despite the best intentions and efforts of the landlord it will not be possible to control the likely disruptive behaviour. The level of disruption has increased already in recent months.

I do not feel that increased licensing hours would be in the best interests of this rural village, would not be appropriate and would therefore be strongly opposed by us.

Yours sincerely

Mr SJ and Mrs H J Hardman

Re The Royal Oak, Earlington

Appendix 2b.

RECEIVED

5 MAR 2013

Upton Cross,
Liskeard
4 March 2013

Dear Sir, Madam,

PUBLIC PROTECTION

I own Little Thatch, 1 Oak Lane & up until last August have lived there for 5 years. I currently live in Cornwall & my cottage is let.

The property is adjacent to The Royal Oak, Earlington & bears the brunt of any activity which takes place there.

The cottage is listed & as such I am unable to install double glazing. Consequently any noise from the pub can be heard inside as well as outside the property.

People arriving & leaving the pub, sitting in the front garden or standing by the back door smoking can all be heard clearly. There are times when this can be really noisy & a nuisance in a quiet village. Any music can also be heard clearly.

Whilst an occasional extended licence is acceptable (& it would be nice to have notice of these), to have noise beyond midnight on a regular basis is unpleasant & disturbing & I think totally inappropriate for a small, quiet country village like Earlington.

I would not like to have any licences extended beyond what they currently are.

Yours sincerely

REPRESENTATION FORM

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

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which Representation is being made	ROYAL OAK EASTERTON
Your Name	MRS SKELY DOLMAN
Postal Address	6 HIGH STREET EASTERTON DEVIZES
Contact Telephone Number	07909 720676
<p>Are you:</p> <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? <input type="checkbox"/> • A person representing residents or businesses? <input type="checkbox"/> • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? <input type="checkbox"/> 	
<p>If you are representing residents or businesses who have asked you to represent them?</p>	

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

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	
2. To prevent public nuisance	Our dwelling is opposite the pub. We are aware of the existing trade, daily & nightly carriages & parties, use of beer garden & smoking shelter upon the front lawn area. Noise echoes along the street. CONT.

OBJECTIVES	EVIDENCE
3. To prevent crime and disorder	/
4. Public Safety	/

Please list below any suggested actions that you feel the applicant could take to address your concerns.

CONTD

We wish to support & encourage the pub business, yet do not understand the need to trade until 2am on any day of the week let alone 7 days. The village pub seems to be ill placed for such hours & the proposals lacks common sense in neighbourhood matters in this village residential area.

SUGGESTIONS
concentrate on food & drink sales within 'normal' Pub hours as the licence currently allows.

If a hearing needs to be held to determine the Premises Licence Application, the Councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's hard copy report, which is a public document circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature

Date 07/03/13

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council Office covering the area in which the licensed premises are situated (see below):

Chippenham: Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER
Devizes: Wiltshire Council, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT
Salisbury: Wiltshire Council, 27/29 Milford Street, Salisbury, SP1 2AP
Trowbridge: Wiltshire Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD

Location Map of Royal Oak, Easterton



Page 37

Agenda Item 5c

This page is intentionally left blank



This page is intentionally left blank