

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

9 DECEMBER 2015

Application for a Premises Licence; Wadswick Green Retirement Village, Corsham, Wiltshire, SN13 9RD

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Wadswick Green Retirement Village, Corsham, Wiltshire, SN13 9RD made by Wadswick Green Limited.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Wadswick Green Retirement Village has been made by Wadswick Green Limited for which nine relevant representations 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 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

2.5 On 19 October 2015 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Indoors and Outdoors		
Films	11:00hrs to 01:00hrs	Monday to Sunday
Live music	11:00hrs to 01:00hrs	Monday to Sunday
Recorded music	11:00hrs to 01:00hrs	Monday to Sunday
Performance of dance	11:00hrs to 01:00hrs	Monday to Sunday
Sale by retail of alcohol (ON and OFF Sales)	11:00hrs to 01:00hrs	Monday to Sunday
Hours premises are open to the public	11:00hrs to 01:00hrs	Monday to Sunday

A copy of the application from Wadswick Green is attached as **Appendix 1**.

2.7 The Applicant has submitted further information in support of their application and this is submitted as **Appendix 2**.

3. Consultation and Representations

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

3.2 During the consultation period nine relevant representations have been received from nine local residents.

3.3 Representations Received

- Corsham Town Council – 31 High Street, Corsham, SN13 0EZ
- Mr and Mrs Fairhurst – 10 Tawny Close, Neston, Corsham, SN13 9XE
- Mr Fuller – The Garden House, Jaggards, Corsham, SN13 9SF
- Mr Ian Evans – 36 Moor Green, Neston, Corsham, SN13 9SD

- Mr Charles Todd – 12 Wadswick Lane, Neston, Corsham, SN13 9SZ
- Mr John Doohan – 34 Westwells, Neston, Corsham, SN13 9RJ
- Mr Nick Edwards – 16 Bakers Corner, Neston, Corsham, SN13 9SY
- Mr William Gilmore – 4 Bakers Corner, Neston, Corsham, SN13 9SY
- Mrs Sarah Elliott – Sands Farm Barn, Moor Green, Neston, Corsham, SN13 9SD

3.4 Responsible Authorities

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

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

Representation	Licensing Objective
Corsham Town Council	Prevent Public Nuisance
Mr and Mrs Fairhurst	Prevent Public Nuisance
Mr Fuller	Prevent Public Nuisance
Mr Ian Evans	Prevent Public Nuisance
Mr Charles Todd	Prevent Public Nuisance
Mr John Doohan	Prevent Public Nuisance
Mr Nick Edwards	Prevent Public Nuisance
Mr William Gilmore	Prevent Public Nuisance
Mrs Sarah Elliott	Prevent Public Nuisance

3.6 The relevant representations are attached as **Appendix 3**. Attached as **Appendix 4** 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, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. **Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. **Right of Appeal**

- 6.1 It should be noted that the Applicant and those persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.
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Date of report: 26 November 2015

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 New Premises Licence Application**
- 2 Applicant Submissions**
- 3 Relevant Representations**
- 4 Plan to show location of representations**