

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

22 JUNE 2016

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### Application for a Variation of a Premises Licence; The Three Daggers, 47 Westbury Road, Edington, Westbury, Wiltshire, BA13 4PG

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Three Daggers, 47 Westbury Road, Edington, Westbury, Wiltshire, BA13 4PG made by Three Daggers Limited.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Three Daggers, Edington has been made by Three Daggers Limited for which four 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 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 2 May 2016 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:
- Extend the Opening Hours to Monday to Sunday 08:00hrs – 01:30hrs.

Non Standard Timings: New Year's Eve 08:00hrs to 2<sup>nd</sup> January 01:00hrs / 08:00hrs to 01:30hrs Friday, Saturday, Sunday and Monday on Bank Holiday Weekends, Christmas Eve and Boxing Day.

- To include the sale of alcohol OUTDOORS: Monday to Sunday 10:00hrs – 21:30hrs (10:00hrs – 23:00hrs to be permitted for Music Brew Event, October Hop Fest and up to 4 other occasions in the year).
- Submitting a modified plan to include the outside area.

**A copy of the application form is attached as Appendix 1; the plans are attached as Appendix 1a.**

2.7 The current permitted licensable activities and hours are:

- Current Opening Hours – Monday to Sunday 10:00hrs to 01:30hrs  
Non Standard Timings: New Year's Eve 10:00hrs to 2<sup>nd</sup> January 01:00hrs / 10:00hrs to 01:30hrs Friday, Saturday, Sunday and Monday on Bank Holiday Weekends, Christmas Eve and Boxing Day.
- The sale of alcohol INDOORS: Monday to Sunday 10:00hrs to 01:00hrs.
- Plan includes consumption in the garden area only.

**The current premises licence is attached as Appendix 2.**

2.8 There are no other licensed premises similar in nature in the vicinity.

### **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 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 4 relevant representations against the application have been received. No responsible authorities have made a representation

#### **3.3 Representations Received**

- Sonia Heywood – Brackenfell, Charlton Hill, Edington, Westbury, Wiltshire, BA13 4PL
- Rachel Shepherd – Windyridge, 7 Charlton Hill, Edington, Westbury, Wiltshire, BA13 4PL
- Mr and Mrs Russell - 6 Charlton Hill, Edington, Westbury, Wiltshire, BA13 4PL
- Judith Hart – 91 Greygoose Park, Harlow, Essex, CM19 4JR

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

<b>Representation</b>	<b>Licensing Objective</b>
Rachel Shepherd	Public Nuisance
Mr and Mrs Russell	Public Nuisance
Sonia Heywood	Public Nuisance
Judith Hart	Public Nuisance

3.5 The relevant representations are attached as **Appendix 3**. Attached as **Appendix 3a** 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 Responsible Authorities and other 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 Responsible Authorities and other persons 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 other 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 someone other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

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Report Author: Jemma Price, Public Protection Officer - Licensing

Date of report: 10 June 2016

### **Background Papers Used in the Preparation of this Report**

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

### **Appendices**

- 1 Variation of Premises Licence Application**
- 1a Plan**
- 2 Premises Licence**
- 3 Relevant Representations**
- 3a Map of Representations**
- 3b Map of Edington**