

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

9 July 2018

Application for a Variation of a Premises Licence; The Toast Office, 116 Top Lane, Whitley, Melksham, Wiltshire, SN12 8QU

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Toast Office, 116 Top Lane, Whitley, Melksham, Wiltshire, SN12 8QU made by Toast Office Whitley Limited.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Toast Office has been made by Toast Office Whitley Limited for which one relevant representation has been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers 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 17 May 2018, 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:

- Add live music (indoors and outdoors) Monday to Sunday from 09:00 – 24:00; Christmas Eve and New Year’s Eve until 02:00
- Add late night refreshment (indoors and outdoors) Monday to Sunday from 23:00 – 24:00; Christmas Eve and New Year’s Eve until 02:00
- Add ON sales for the sale of alcohol and amend the current hours to Monday – Sunday from 06:00 – 24:00; Christmas Eve and New Year’s Eve until 02:00
- Amend opening hours to Monday – Sunday from 06:00 to 24:00; Christmas Eve and New Year’s Eve until 02:30
- To update plan attached to premises licence.

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

2.8 Since 8 July 2017 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 (OFF Sales)	Monday – Sunday 06:00 – 23:00
Hours open to the public	Monday – Sunday 06:00 – 23:00

2.9 The current premises licence including the plan is attached as **Appendix 2**.

2.10 Attached as **Appendix 3** is a location plan of the premises.

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

Premises	Licensable Activity	Hours
Pear Tree Inn Top Lane, Whitley, Melksham, Wiltshire, SN12 8QX	Alcohol Sales (ON and OFF sales)	<ul style="list-style-type: none"> • Monday – Sunday 10:00 – 24:00 • New Year’s Eve from the end of permitted hours until the start of permitted hours the following day • Christmas Day an additional hour
	Recorded Music (Indoors)	<ul style="list-style-type: none"> • Monday – Sunday 00:00 – 00:00
	Late Night refreshment (indoors)	<ul style="list-style-type: none"> • Monday – Sunday 23:00 – 24:00

		<ul style="list-style-type: none"> Residents staying within the letting rooms and their bona fide guests will be permitted late night refreshment from 23:00 - 05:00
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2.12 The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015. The 2014 Order has deregulated regulated entertainment in certain situations. Further details on the 2014 Order are attached as **Appendix 4**.

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 were received; 1 from a local resident and 1 from the parish council. Following a discussion with the applicant the local resident withdrew their representation as their concerns had been alleviated.

3.3 Representation received:

- Melksham without Parish Council

3.4 The relevant representation is attached as **Appendix 5**. The Parish Council have another meeting on 2 July and have indicated that they may wish to submit further comments to their representation following that meeting. Any further comments will be circulated as Appendix 6 (to follow).

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 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 an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether 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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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 with updated plan**
- 2. Current Premises Licence with current plan**
- 3. Location plan of the Premises**
- 4. Legislative Reform (Entertainment Licensing) Order 2014 explanatory notes**
- 5. Relevant representation**