

# WILTSHIRE COUNCIL

## EASTERN AREA LICENSING SUB COMMITTEE

6 January 2021

---

### Application for a Premises Licence; Lower Park Farm, Whistley Road, Potterne, Devizes, Wiltshire, SN10 5TB

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB made by Adam Ford.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB has been made by Adam Ford for which six 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 30th October 2020 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:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Live music (Outdoors)	18:00hrs to 00:00hrs 14:00hrs to 00:00hrs	Friday Saturday
Recorded music (Outdoors)	19:00hrs to 23:00hrs 12:00hrs to 00:00hrs	Thursday Friday/Saturday/Sunday
Provision of late-night refreshment	19:00hrs to 00:00hrs 12:00hrs to 01:00hrs	Thursday Friday and Saturday
Sale by retail of alcohol (ON and OFF the premises)	19:00hrs to 00:00hrs 12:00hrs to 01:00hrs 12:00hrs to 20:00hrs	Thursday Friday and Saturday Sunday

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

2.7 This is a new site for a Premises Licence therefore there is no history.

### **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 six relevant representations have been received from one local resident, the parish council and four from Responsible Authorities.

#### **3.3 Representations Received**

- Mr Chadwyck-Healey – Orchard Down Farm, Caen Hill, Devizes, SN10 5TF
- Karon Van Den Bergh - Potterne Parish Council

#### **3.4 Responsible Authorities**

- Linda Holland - Wiltshire Council Licensing Authority
- Annabel Wilkinson - Wiltshire Council Environmental Protection Team

- Helen Dear - Wiltshire Council Food and Safety Team
- Alastair Day - Wiltshire Police Licensing

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

<b>Representation</b>	<b>Licensing Objective</b>
Mr Chadwyck-Healey	Prevention of Public Nuisance
Potterne Parish Council	Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder and Protection of Children from Harm
Wiltshire Council Licensing Authority	Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder and Protection of Children from Harm
Wiltshire Council Environmental Protection Team	Prevention of Public Nuisance
Wiltshire Council Food and Safety Team	Prevention of Public Nuisance and Public Safety
Wiltshire Police Licensing	Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder and Protection of Children from Harm

3.6 The relevant representations are attached as **Appendix 2** and the location of the representation is **Appendix 2a**. Further information supporting Annabel Wilkinson, Environmental Protection Officer's representation is attached as **Appendix 3**. **Appendix 4** shows plans of the site as sent by the applicant. **Appendix 5** shows location of the site.

#### **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.
- 

Report Author: Jemma Price

Public Protection Officer – Licensing, Monkton Park, Chippenham, SN15 1ER

15 December 2020

### **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 Representations**
- 2a Location of Representations**
- 3 Email correspondence with Annabel Wilkinson and Applicant**
- 4 Plans of the area sent by the Applicant**
- 5 Site location**