

**Application for a Premises Licence:  
Five Lanes Farm, Potterne, Devizes SN10 5PT**

**1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of Five Lanes farm, Potterne, Devizes SN10 5PT made by Mrs T Chandler

**2. Background Information**

- 2.1 An application for a Premises Licence in respect of Five Lanes farm, Potterne, has been made by Mrs T Chandler for which one relevant representation has been received. The application relates to a temporary marquee to be sited at Five Lanes farm, Potterne, Devizes SN10 5PT.

The applicant, Mrs T Chandler has previously held two Medieval Fairs on the same site which were authorised by a Temporary Event Notice. No complaints relating to these events were 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 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 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 necessary 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 28<sup>th</sup> October 2011 an application for a Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

| Licensable Activity   | Timings  | Days |
|---|--|------|
| <p><u>Provision of regulated entertainment</u></p> <p><b>Plays (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00 (next day)</p> <p>Extend Terminal hour until 01:00</p> <p><b>Films (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until 01:00</p> <p><b>Indoor sporting events</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until 01:00</p> <p><b>Boxing or wrestling entertainment</b></p> <p>11:00 – 23:00</p> <p><b>Live music (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until 02:00</p> | <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New Years Eve</p> <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New Years Eve</p> <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New Years Eve</p> <p>Monday - Sunday</p> <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New Years Eve</p> |      |

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|--|---|---|
| <p><b>Recorded music (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> <p><b>Performance of dance (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>01:00</p> <p><b>Anything of a similar description (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p>   | <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>01:00</p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> | <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New<br/>Years Eve</p> <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New<br/>Years Eve</p> <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New<br/>Years Eve</p> |
| <p><u>Provision of entertainment facilities</u></p> <p><b>Making music (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> <p><b>Dancing (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> <p><b>Entertainment of a similar description (Both)</b></p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> | <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> <p>11:00 – 23:00<br/>11:00 – Midnight<br/>11:00 – 01:00</p> <p>Extend Terminal hour until<br/>02:00</p> | <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New<br/>Years Eve</p> <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New<br/>Years Eve</p> <p>Sunday – Wednesday<br/>Thursday<br/>Friday &amp; Saturday</p> <p>Bank Holiday Mondays,<br/>Christmas Eve &amp; New<br/>Years Eve</p> |

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|--|---|--|
|  |   |  |
| <b>Provision of late night refreshment (Both)</b>  | 23:00 - Midnight<br>23:00 – 01:00<br><br>Extend Terminal hour until<br>02:00                  | Sunday – Thursday<br>Friday & Saturday<br><br>Bank Holiday Mondays,<br>Christmas Eve & New<br>Years Eve              |
| <b>Sale by retail of alcohol (on site and off)</b> | 11:00 – 23:00<br>11:00 – Midnight<br>11:00 – 01:00<br><br>Extend Terminal hour until<br>02:00 | Sunday – Wednesday<br>Thursday<br>Friday & Saturday<br><br>Bank Holiday Mondays,<br>Christmas Eve & New<br>Years Eve |

A copy of the application form is attached as **Appendix 1. A copy of a site map is attached at Appendix 2.**

### **3. Consultation and Representations**

#### **3.1 Responsible Authorities**

Representation has been received from Mrs V Brown Public Protection Officer (Environmental Control & Protection) (S & E). **Attached as Appendix 3**

During the consultation period Mr F Nutley, Public Protection Officer, Health & Safety discussed the application with applicant, Mrs T Chandler, who then volunteered an amendment to her original application.

- We will give written notice and include an Event Management Plan (EMP) 30 days prior to any event taking place when numbers are between 499-3000 and 60 days notice prior to any event taking place when numbers will be 3000-5000. To include Licensing, Health & Safety and the Police.

A copy of the amendment is attached at **Appendix 4**. This was circulated to all Responsible Authorities.

#### **3.3 Interested Parties**

- No representations were received from Interested Parties..

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

| <b>Representation</b> | <b>Licensing Objective</b> | <b>Accepted</b> | <b>Comments</b> |
|-----------------------|----------------------------|-----------------|-----------------|
| Public Protection     | Public Nuisance            | Yes             |                 |

3.5 The relevant representations are attached as **Appendix 3**.

#### **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.

Date of report: 29<sup>th</sup> November 2011

**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 Form**
- 2 Site Map**
- 3 Relevant Representations**
- 4 Amendment to application following mediation with Health & Safety**