

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

02 APRIL 2013

Application for a Variation of a Premises Licence; Royal Oak, 11 High Street, Easterton SN10 4PE

1. Purpose of Report

- 1.1 To determine an application for a Variation of a Premises Licence in respect of Royal Oak, 11 High Street, Easterton SN10 4PE made by Wadworth & Company Ltd.

2. Background Information

- 2.1 An application for a Variation of a Premises Licence in respect of Royal Oak, Easterton for which 7 relevant representations were received. Public Protection, Environmental Health also mediated direct with Wadworth & Co Ltd to discuss conditions to promote the four licensing objectives. Following receipt of the representations and mediation with Wadworth & Co Ltd, an amendment to reduce the number of days and conditions was submitted, dated 4th March 2013.
- 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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 8th February 2013 an application for a Variation to the premises licence at Royal Oak, Easterton was received and accepted as a valid application. On 4th March 2013 an amendment to the application was received.

2.6 The original Variation application applied for is summarised as follows:

Licensable Activity	Timings	Days
Sale of Retail of Alcohol (on & off premises)	10:00 - 02:00 next day	Monday – Sunday
Late Night Refreshment	23:00 - 02:00 next day	Monday – Sunday

Opening hours requested to be extended to 10:00 - 02:30 the next day Monday – Sunday.

Amended Variation following mediation:

Licensable Activity	Timings	Days
Sale of Retail of Alcohol (on & off premises)	10:00 - 02:00 next day	Friday & Saturday
Late Night Refreshment	23:00 - 02:00 next day	Friday & Saturday

Opening hours requested to be extended to 10:00 - 02:30 the next day Friday & Saturday.

A number of conditions to ensure compliance with the four licensing objectives were also submitted. Please see Appendix 1a.

Currently the premise is licensed for:

Licensable Activity	Timings	Days
Sale of Retail of Alcohol (on & off premises)	10:00 – Midnight	Monday – Sunday
Live Music (Indoors)	10:00 – 23:00	Monday – Sunday
Recorded Music (Indoors)	10:00 – 23:00	Monday – Sunday
Late Night Refreshment (Indoors)	23:00 - Midnight	Monday – Sunday

Current extension on New Year's Eve for the above licensable activities is 10:00 – 02:00 am (January 1st), with alcohol being 10:00 am – Midnight (January 1st) and Late Night Refreshment, 23:00 – Midnight (January 1st).

Opening hours are currently Monday – Sunday 10:00 – 01:00 am and extension on New Year's Eve, 10:00 – 01:00 (January 2nd).

A copy of the application from Wadworth & Co Ltd is attached as **Appendix 1**. Amended to the application at **Appendix 1a**.

Representations received from local residents at **Appendix 2a-2c**.

Location map of representations at **Appendix 3**.

3. Consultation and Representations

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

During the consultation period 7 relevant representations have been received from Interested Parties, and none from Responsible Authorities.

Four representations have been withdrawn following mediation with the applicant.

3.2 Responsible Authorities

None.

3.3 Interested Parties

- Mr S Hardman & Mrs H Hardman-3 Oak Lane, Easterton, SN10 4PD (2a)
- Mrs Valerie Williams - Crista , Upton Cross, Liskeard, Cornwall PL14 5AX (2b)
- Mrs S Dolman- 6 High Street, Easterton, Devizes (2c)

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

Representation	Licensing Objective	Accepted	Comments
Noise	Public nuisance	Yes	
Anti Social Behaviour	Public Nuisance	Yes	

3.5 The relevant representations are attached as **Appendix 2a-2c**. **Appendix 3** 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, 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.

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Date of report: 18 March 2013

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 a premises licence application (Pages 13-30)**
 - 1a. Amendment to application from applicant (Pages 31-32)**
- 2 (a-c) Representations received from interested parties (Pages 33-36)**
- 3 Location plan (Pages 37-40)**