

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

21 September 2016

Application for a Variation of a Premises Licence; SN15, 17a Station Hill, Chippenham, SN15 1EQ

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of SN15, 17a Station Hill, Chippenham, SN15 1EQ, made by SN15 Leisure Ltd.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of SN15 has been made by SN15 Leisure Ltd 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 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 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 as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On 28 July 2016 an application for a variation to the premises licence was received. Following receipt, it was identified that part of the application information was missing; therefore an amended application was submitted on 29 July 2016 and was accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:

- Amendment of existing Premises Licence conditions, including those relating to security staff, use of polycarbonate/glassware and the use of the outside area.

A copy of the application from SN15 Leisure Ltd is attached as **Appendix 1**.

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 The Licensing Officer requested confirmations relating to door staff and the premises capacity during the consultation period. These queries were not confirmed by the applicant's solicitors, TLT Solicitors, before the end of consultation. On 31 August 2016, TLT Solicitors confirmed amendments to wording relating to door staff. A copy of this amendment is attached as **Appendix 2**.

3.3 During the consultation period, six relevant representations against the application have been received.

3.4 Representations Received

- Cllr Christopher Caswill, 19 The Street, Cherhill, Calne, Wiltshire, SN11 8XP.
- Mr Robert Burford, 11 Station Hill, Chippenham, Wiltshire, SN15 1EQ.
- Cllr Nick Murry, Chippenham Town Council, High Street, Chippenham, SN15 3ER.
- Mrs Linda Holland, Licensing, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN.
- Mr Martin O'Neill, Wiltshire Police Licensing, Polebarn Road, Trowbridge, Wiltshire, BA14 7EP.
- Mr Richard Francis, Environmental Control and Protection, Monkton Park, Chippenham, Wiltshire, SN15 1ER.

3.5 A summary of the representations received are detailed in the table below:

Representation	Licensing Objective
Ambiguity of wording in application.	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance
Unsupervised use of outside area and removal of current conditions.	Prevention of Public Nuisance

Removal/amendment of security staff conditions.	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance
Removal/amendment of polycarbonate conditions.	Prevention of Crime and Disorder, Public Safety
Insufficient detail to support application, lack of control measures for proposed changes	Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance.

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

3.7 The premises currently holds a Premises Licence under the Licensing Act 2003, since 1 December 2014. The Licensing Sub Committee determined the Premises Licence application at a Hearing on 26 November 2014, following receipt of representations, and subsequent to a Hearing for a Provisional Statement on 12 April 2013.

3.8 On 2 December 2015 an application to vary the Premises Licence conditions relating to door staff and polycarbonate/glassware use was received. Following receipt of representations, the Licensing Sub Committee determined the application at a Hearing on 19 January 2016. Copies of the Decision Notice and Minutes from the Hearing are attached as **Appendix 4**.

A copy of the current Premises Licence is attached as **Appendix 5**. A location plan is attached as **Appendix 6**.

3.9 Wiltshire Police have provided evidence in support of their representation and this is attached as **Appendix 7**.

3.10 The Licensing Authority have provided evidence in support of their representation and this is attached as **Appendix 8**.

3.11 Environmental Control and Protection intend to provide further evidence to support their representation and this is to follow as **Appendix 9**.

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.

Report Author: Roy Bahadoor, Public Protection Officer - Licensing

Date of report: 1 September 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 Application Form**
- 2 Amendment email from TLT Solicitors**
- 3 Relevant Representations**
- 4 Decision Notice and Minutes from Hearing 19/01/2016**
- 5 Premises Licence**
- 6 Location Plan**
- 7 Supporting Evidence from Wiltshire Police**
- 8 Supporting Evidence from the Licensing Authority**
- 9 Supporting Evidence from Environmental Control and Protection (to follow)**