

**Wiltshire Council**

**Eastern Area Licensing Sub-Committee**

**31 October 2016**

---

**Application for a Variation of a Premises Licence; Crown & Anchor, Crowood Lane, Ramsbury, Marlborough, SN8 2PT**

**1. Purpose of Report**

- 1.1 To determine an application for a variation of a Premises Licence in respect of the Crown & Anchor, Crowood Lane, Ramsbury, SN8 2PT made by Mr Raymond Penny.

**2. Background Information**

- 2.1 An application for a variation of a Premises Licence in respect of the Crown & Anchor, Crowood Lane, Ramsbury, SN8 2PT has been made by Mr Raymond Penny, for which 29 relevant representations against the application have been received, along with 2 letters and a petition of support for the application.
- 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 modify the conditions of the licence.
  - ii) To reject the whole or part of the application.
  - iii) To grant the application as applied for.
- 2.5 On 6<sup>th</sup> September 2016 an application for a variation of the existing premises licence was accepted as a valid application.

2.6 The details of the original variation applied for, are as follows:

- Extend the hours for the sale of alcohol and add live and recorded music onto the premises licence, as follows:

<b>Licensable Activity</b>	<b>Hours</b>
Live Music (Indoors)	Monday-Saturday: 19:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00 New Year's Eve until 02:00
Recorded Music (Indoors)	Monday-Saturday: 19:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00 New Year's Eve until 02:00
Sale of Alcohol (ON & OFF the premises)	Monday-Saturday: 10:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00 New Year's Eve until 02:00

- To update the plan of the premises.

A copy of the original application form is attached as **Appendix 1**. The plans accompanying the application are attached as **Appendix 2**.

2.7 Since 24<sup>th</sup> November 2005, the premise has benefited from a premises licence issued under the Licensing Act 2003. The current premises licence authorises the following:

<b>Licensable Activity</b>	<b>Hours</b>
Sale of Alcohol (ON and OFF the premises)	Monday-Saturday: 10:00-23:00 Sunday: 12:00-22:30

2.8 The current Premises Licence is attached as **Appendix 3**.

2.10 A licensing inspection was carried out at the premises on 18<sup>th</sup> August 2016. The Licensing Authority had received a complaint alleging music coming from the premises was causing a disturbance, on some occasions until 23:45hrs. The premises licence did not authorise regulated entertainment in the form of live and/or recorded music and therefore this needed to be investigated.

2.11 The complainant and licence holder were informed that as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6<sup>th</sup> April 2015, the following activities no longer require a licence:

- A performance of amplified live music between 08:00 and 23:00 on any day on premises licensed to sell alcohol ON the premises, provided that the audience does not exceed 500.

- Any playing of recorded music between 08:00 and 23:00 on any day on a premises that is licensed to sell alcohol ON the premises, provided that the audience does not exceed 500.

2.12 Following the inspection, the licence holder was issued with a written warning and informed that if he wished to have live and recorded music past 23:00hrs, a variation of the premises licence would be necessary. Furthermore the plan of the premises licence that the Licensing Authority held on file, differed slightly from the layout of the premises, and therefore the licence holder was advised to complete an application to update it, which has resulted in the subsequent variation application.

2.13 As a result of the concerns raised in the representations, a meeting was held by the Parish Council on the 3<sup>rd</sup> October 2016; the applicant was invited to attend, along with residents. Following this meeting the applicant amended the original application, as follows:

Licensable Activity	Hours
Live Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) Friday-Saturday: 19:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00 New Year's Eve until 02:00
Recorded Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) Friday-Saturday: 19:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00 New Year's Eve until 02:00
Sale of Alcohol (ON & OFF the premises)	Monday-Thursday: 10:00-23:00 Friday-Saturday: 10:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00 New Year's Eve until 02:00

2.14 Following further correspondence, the Parish Council was still concerned about the hours for music and alcohol till 00:00hrs on both Friday and Saturday. Consequently the applicant made further and final amendments, and changed live and recorded music so that the terminal hour on a Friday was 23:30hrs. Please see table below:

Licensable Activity	Hours
Live Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) <b>Friday: 19:00-23:30</b> Saturday: 19:00-00:00hrs Sunday: 12:00-23:00hrs Christmas Eve until 01:00 New Year's Eve until 02:00

Recorded Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) <b>Friday: 19:00-23:30</b> Saturday: 19:00-00:00hrs Sunday: 12:00-23:00hrs Christmas Eve until 01:00 New Year's Eve until 02:00
Sale of Alcohol (ON & OFF the premises)	Monday-Thursday: 10:00-23:00 (same as current licence hours) Friday-Saturday: 10:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00hrs New Year's Eve until 02:00hrs

2.15 In light of the agreed amendments detailed in the above table, six of the representations were subsequently withdrawn. These representations have therefore not been included in this report.

2.16 During the consultation period, the applicant agreed to add a number of conditions to the premises licence, following a visit from the Environmental Health Officer, John Freegard. The conditions as agreed are attached as **Appendix 4**.

2.17 Public Health also asked the applicant, who agreed, to include the following conditions on the premises licence, in order to promote the licensing objectives:

- A Challenge 25 Policy will be implemented at the premises; staff will receive appropriate training in relation to this policy.
- The premises will implement a refusals book; staff will receive appropriate training in relation to this procedure.

2.18 Attached as **Appendix 5** is a location plan of the premises. Information on other licensed premises in the vicinity of the area is as follows:

<b>Name</b>	<b>Licensable Activities</b>	<b>Hours</b>
<b>Ramsbury Memorial Hall 26 High Steet, Ramsbury</b>	Live Music (Indoors)	Monday-Saturday 08:00-01:00 Sunday 08:00-23:00 31 <sup>st</sup> December till 02:00hrs 24 <sup>th</sup> /26 <sup>th</sup> December till 01:00hrs
	Recorded Music (Indoors)	Monday-Saturday 08:00-01:00 Sunday 08:00-23:00 31 <sup>st</sup> December till 02:00hrs 24 <sup>th</sup> /26 <sup>th</sup> December till 01:00hrs

	Sale of Alcohol (ON & OFF the premises)	Monday-Saturday 12:00-01:00 Sunday 12:00-23:00 31 <sup>st</sup> December till 02:00hrs 24 <sup>th</sup> /26 <sup>th</sup> December till 01:00hrs
<b>Ramsbury Royal British Legion (Club Premises Certificate)</b>	Sale of Alcohol (ON & OFF the premises)	Monday-Saturday 11:00-23:00 Sunday 12:00-22:30
<b>The Bell Inn (inc Bella Cafe), Ramsbury, SN8 2PE</b>	Live Music (Indoors)	Wednesday 20:00-23:00 Friday-Saturday 20:00-23:00 Sunday 14:00-17:00 Christmas Eve 20:00-01:00 New Year's Eve 20:00-01:00
	Recorded Music (Indoors)	Wednesday-Saturday 20:00-00:00 Christmas Eve 20:00-01:00 New Year's Eve 20:00-01:00
	Sale of Alcohol (ON & OFF the premises)	Monday-Wednesday 11:00-23:00 Thursday-Saturday 11:00-00:00 Sunday 12:00-22:30 Christmas Eve 11:00-00:00 New Year's Eve 11:00-01:00

### 3. Consultation and Representations

3.1 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days together with a publication of notice in a local news paper within 10 working days, starting on the day the authority receives the application. During the consultation period 29 relevant representations against the application have been received (six of which were subsequently withdrawn), along 2 letters and a petition of support.

#### 3.2 Responsible Authorities

- None

#### 3.3 Representations against the Application

- Mr Mark Hayley - 24 Oxford Street, Ramsbury, SN8 2PS
- Mr Ben Wells - 35 Oxford Street, Ramsbury, SN8 2PS
- Ms Roz Twigger - 2 Crowood Lane, Ramsbury, SN8 2PT
- J Ellis – Hurles Cottage, Chapel Lane, Ramsbury, SN8 2PQ
- Mr Robert Hall - Beenham House, Whittonditch Road, Ramsbury, SN8 2PX
- Ms Wendy Allen - Lamorna Cottage, Whittonditch Road, Ramsbury, SN8 2PX
- Mr Paul Segal - Lamorna Cottage, Whittonditch Road, Ramsbury, SN8 2PX

- Mr Barry Hieron - 34 Oxford Street, Ramsbury, SN8 2PS
- Mrs J Colaluca - 7 Townfield, Ramsbury, SN8 2RP
- Mrs Susan Robbie - 5 Townfield, Ramsbury, SN8 2RP
- Mrs Janet Hieron - 34 Oxford Street, Ramsbury, SN8 2PS
- Mrs Kelly Ritchie - 35 Oxford Street, Ramsbury, SN8 2PS
- Mr Chris Wilson - 23 Oxford Street, Ramsbury, SN8 2PS
- Mrs Janet Webster - 5 Union Street, Ramsbury, SN8 2PR
- Mr Richard Daniel – 4 Union Street, Ramsbury, SN8 2PR
- Mr David Lee – 1 Union Street, Ramsbury, SN8 2PR
- Mr Kenneth Bates – 6 Townfield, Ramsbury, SN8 2RP
- Mrs Julie Bates - 6 Townfield, Ramsbury, SN8 2RP
- Ms Marion Ewel - 3 Union Street, Ramsbury, SN8 2PR
- Mrs Joy Wilson - 23 Oxford Street, Ramsbury, SN8 2PS
- Mr Eric Webster – 5 Union Street, Ramsbury, SN8 2PR
- Mrs Judith Daniel - 4 Union Street, Ramsbury, SN8 2PR
- Ramsbury Parish Council c/o Susan Findlay

### 3.4 Letters of Support

- Mr Ian Smith – Brew House, 27 Oxford Street, Ramsbury, SN8 2PS
- Mr Steve Woods – 6 Islescourt, Isles Road, Ramsbury, SN8 2QW

3.5 The applicant responded in writing to each individual who made a representation; please see **Appendix 6**.

3.6 A copy of the petition in support of the application is attached as **Appendix 7**.

3.7 The letters of support are attached as **Appendix 8**.

3.8 The relevant representations against the application are attached 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 those who have made relevant 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 the applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other 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, and those who have made relevant 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 will not normally be granted within the first 12 months except for the most compelling circumstances.
- 

Report Author: Hannah Hould  
Public Protection Officer (Licensing)

Date of report: 14<sup>th</sup> October 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. Application form**
- 2. Plan accompanying application**
- 3. Current premises licence**
- 4. Environmental Health conditions**
- 5. Location plan**
- 6. Response from applicant to representations**
- 7. Petition in support of application**
- 8. Letters of support**
- 9. Relevant representations**