

# WILTSHIRE COUNCIL

## NORTHERN AREA LICENSING SUB COMMITTEE

28 NOVEMBER 2016

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### Application for a Variation of a Premises Licence; Calne Winter and Summer Festivals, The Strand, Calne

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Calne Winter and Summer Festivals, The Strand, Calne made by Calne Town Council.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Calne Winter and Summer Festivals, The Strand, Calne made by Calne Town Council for which one relevant representation has 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 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 as applied for.
  - ii) To modify the conditions of the licence.
  - iii) To reject the whole or part of the application.
- 2.5 On 21 September 2016 an application for a variation to the Premises Licence was received. The application was not deemed a valid application until 3 October, when advertised on blue notices at the premises, therefore the consultation period started from this date (as per 3.1 below).

2.6 The variation applied for is summarised as follows:

- To increase the number of people permitted to attend to 9,999 (the current Premises Licence permits a maximum of 4,999).

A copy of the application form is attached as **Appendix 1a**. The licence currently held for this premises is attached as **Appendix 1b/1c/1d**.

### 3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice advertised in a newspaper circulating the area of the premises. During the consultation period one relevant representation has been received from one Interested Party.

#### 3.2 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

#### 3.3 Interested Parties

- Mr J Jones – 8a High Street, Calne, Wiltshire, SN11 0BS

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

Representation	Licensing Objective
ASB, Criminal Damage, Urination	Prevention of Public Nuisance

3.5 The relevant representation is attached as **Appendix 2a**. Attached as **Appendix 2b** is a plan which shows the locations from where the representation has 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 and 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 Premises Licence Holder, 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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Public Protection Officer (Licensing)

14 November 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**

- 1a Variation of Premises Licence Application Form**
- 1b Current Licence Summary**
- 1c Current Conditions**
- 1d Current Site Plan**
- 2a Representation**
- 2b Plan to show location of Representation**