

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

22 January 2018

Application for a Premises Licence;
Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, SN15 2LZ

1. Purpose of Report

- 1.1 To outline an application for a Premises Licence in respect of Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ made by Whitehall Garden Centre Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Whitehall Garden Centre has been made by Whitehall Garden Centre Ltd. for which eight 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 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 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 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 appropriate 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 22 November 2017 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays	08:00hrs to 23:00hrs	Sunday to Saturday
Films	08:00hrs to 23:00hrs	Sunday to Saturday
Indoor sporting events	08:00hrs to 23:00hrs	Sunday to Saturday
Live music	08:00hrs to 23:00hrs	Sunday to Saturday
Recorded music	08:00hrs to 23:00hrs	Sunday to Saturday
Performance of dance	08:00hrs to 23:00hrs	Sunday to Saturday
Anything of a similar description	08:00hrs to 23:00hrs	Sunday to Saturday
Retail of Alcohol ON and OFF Sales	08:00hrs to 23:00hrs	Sunday to Saturday

A copy of the application form is attached as **Appendix 1**. During the consultation period the following amendments were made to the application by Whitehall Garden Centre Ltd;

- Name of Applicant changed from Peter Self to Whitehall Garden Centre Ltd. – 22 November 2017.
- The removal of Boxing and Wrestling – 15 December 2017.
- Amendment of plan, 15 December 2017 – attached as **Appendix 2**.
- Additional conditions added, 20 December 2017 – attached as **Appendix 3**.

2.6.1 Whitehall Garden Centre has held a Premises Licence under the Licensing Act 2003 since 24 November 2005; this is attached as **Appendix 4**.

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music	10:30hrs to 17:00hrs	Sunday
Recorded music	08:30hrs to 21:00hrs	Monday to Saturday
Performance of dance		
Anything of a similar description		

Retail of Alcohol OFF Sales	10:00hrs to 22:30hrs 08:00hrs to 23:00hrs	Sunday Monday to Saturday
Non Standard Timings	08:00hrs to 22:30hrs 12:00hrs to 15:00hrs 19:00hrs to 22:30hrs	Good Friday Christmas Day
Retail of Alcohol ON Sales	12:00hrs to 22:30hrs 11:00hrs to 23:00hrs	Sunday Monday to Saturday
Non Standard Timings	12:00hrs to 22:30hrs 12:00hrs to 15:00hrs 19:00hrs to 22:30hrs	Good Friday Christmas Day

The current Licence permits the Sale of Alcohol for ON Sales in the main restaurant and the Sale of Alcohol for OFF Sales from the Farm Shop.

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 (on pale blue paper) 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 During the consultation period eight relevant representations have been received from six local residents and two Responsible Authorities.

3.3 Representations Received

- Mr Charles Sailes – Notton Fields, Notton, Lacock, SN15 2NF
- Mr and Mrs Barrett – Wickfield, Corsham Road, Lacock, SN15 2LZ.
- Ms Janet Briggs – Axfords Patch, Corsham Road, Lacock, SN15 2LZ.
- Mr and Mrs Newbury – Kent House, Corsham Road, Lacock, SN15 2LZ.
- Mr Ralph Harding – Pitsruan, Corsham Road, Lacock, SN15 2LZ.
- Mr Chris Leslie – Notton Lodge, Notton, Lacock, SN15 2NF.

3.4 Responsible Authorities

- Mrs Linda Holland, Licensing Manager – Wiltshire Council, County Hall, Bythesea Road, BA14 8JN.
- Ms Damaris Broad, Environmental Health Officer – Wiltshire Council, County Hall, Bythesea Road, BA14 8JN.

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

Representation	Licensing Objective
Mr Charles Sailes	Prevention of Public Nuisance
Mr and Mrs Barrett	Prevention of Public Nuisance
Ms Janet Briggs	Prevention of Public Nuisance
Mr and Mrs Newbury	Prevention of Public Nuisance and Public Safety
Mr Ralph Harding	Prevention of Public Nuisance
Mr Chris Leslie	Prevention of Public Nuisance
Mrs Linda Holland	Prevention of Public Nuisance
Ms Damaris Broad	Prevention of Public Nuisance

3.6 The relevant representations are attached as **Appendix 5**. Attached as **Appendix 6** is a plan which shows the locations from where representations have been made. **Appendix 7** shows a detailed plan of the area.

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 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 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 and those 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 a

person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Date of report: 8 January 2018

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 New Premises Licence Application**
- 2 Updated Plan**
- 3 Additional Conditions**
- 4 Current Premises Licence**
- 5 Relevant Representations**
- 6 Location of Representations**
- 7 Map of Area**