

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

20 MAY 2019

Application for a Variation of a Premises Licence; The Old Lane, Lodge Road, Chippenham, Wiltshire, SN15 3SY

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Old Lane, Lodge Road, Chippenham, Wiltshire, SN15 3SY made by Marston's PLC.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Old Lane has been made by Marston's PLC, for which two 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 15 January 2019 Marston's PLC made an application to transfer the premises licence. The application was subsequently granted.
- 2.6 On 19 March 2019 an application for a variation to the premises licence was received and accepted as a valid application.

2.7 The variation applied for is summarised as follows:

Licensable Activity	Proposed Days & Timings	Current Days & Timings
Films (indoors)	Sun to Thurs 10:00 – 00:00 Fri & Sat 10:00 – 01:00	Daily 10:00 – 00:00
Indoor sporting events	Sun to Thurs 10:00 – 00:00 Fri & Sat 10:00 – 01:00	Daily 10:00 – 00:00
Live music (indoors)	Sun to Thurs 10:00 – 00:00 Fri & Sat 10:00 – 01:00	Daily 10:00 – 00:00
Recorded music (indoors)	Sun to Thurs 10:00 – 00:00 Fri & Sat 10:00 – 01:00	None, save for exemptions under the Legislative Reform (Entertainment Licensing) Order 2014, whereby the playing of recorded music between 08:00 and 23:00 before audiences of no more than 500 on premises authorised to be used for the supply of alcohol.
Performance of dance (indoors)	Sun to Thurs 10:00 – 00:00 Fri & Sat 10:00 – 01:00	None, save for exemptions under The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, whereby performances of dance between 08:00 and 23:00 before audiences of no more than 500 are not licensable.
Late Night Refreshment	Sun to Thurs 23:00 – 00:00 Fri & Sat 23:00 – 01:00	Daily 23:00 – 00:00
Sale of Alcohol (ON and OFF Sales)	Sun to Thurs 10:00 – 00:00 Fri & Sat 10:00 – 01:00	Daily 10:00 – 00:00
Hours premises open to the public	Sun to Thurs 07:00 – 00:30 Fri & Sat 07:00 – 01:30	Daily 07:00 – 00:30

The application seeks to add an extension of hours under Non Standard Timings for New Year's Eve. The application includes the deletion and addition of conditions. The application also includes a revised plan with amendments to the layout of the premises. A copy of the application from Marston's PLC is attached as **Appendix 1**.

The existing Premises Licence is attached as **Appendix 2**. A map showing the location of premises is attached as **Appendix 3**.

2.8 There are no recorded complaints concerning the premises since 2013.

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.

3.2 During consultation it was identified that the blue notices were not on public display during the entire required period, due to refurbishment works on site. The consultation period was therefore extended until 26 April 2019.

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

3.4 The Senior Environmental Health Officer, Richard Francis, raised concerns regarding the potential impact of the variation application without offering any further measures, as conditions, to manage noise. After correspondence, the Applicant offered the following condition to be added to the application:

When live or recorded music is being provided the DPS or Licence Holder is to ensure that noise from the premises is monitored outside the premises on at least three occasions. When noise is found to be at a level likely to cause disturbance to people living in the vicinity, immediate steps are to be taken to reduce the noise level plus when regulated entertainment is undertaken all external doors and windows to be closed save for access and egress.

The above condition satisfied the concerns raised by the Senior Environmental Health Officer, and no representation was submitted.

3.5 Representations Received

1. David Stovell, 12 Sheppard Close, Pewsham, Chippenham, SN15 3FD
2. Philippa Stanley, 20 Sheppard Close, Pewsham, Chippenham, SN15 3FD

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

Representation	Licensing Objective
Increase of music noise due to the proposed extension of the licensed hours.	The Prevention of Public Nuisance
Increase of anti-social behaviour due to the proposed extension of the licensed hours.	The Prevention of Public Nuisance

- 3.6 The relevant representations are attached as **Appendix 4**.
- 3.7 A map showing the location of the persons making representations is attached as **Appendix 5**.

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 Premises Licence Holder, the Responsible Authority(ies) any person who has 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 will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author: Roy Bahadoor, Public Protection Officer (Licensing)

Date of report: 7th May 2019

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**
- **The Legislative Reform (Entertainment Licensing) Order 2014**
- **The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013**

Appendices

- 1 Variation application**
- 2 Existing Premises Licence**
- 3 Location map**
- 4 Representations**
- 5 Location map of representations**