

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

7th January 2021

Application for a Premises Licence; The Gate House, The Hollows, Wilton SP2 0JE

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of The Gate House, The Hollows, Wilton made Mr Barry Duane of Vista 4 Limited.

2. Background Information

2.1 An application for a Premises Licence in respect of The Gate House has been made by Barry Duane of Vista 4 Limited for which ten 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 3rd November 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
Sale by retail of alcohol (off site)	08.00 to 18.00	Monday to Friday

A copy of the application from Duane Barry is attached as **Appendix 1**.

2.7 This is a new application, so no relevant background information needs to be borne in mind.

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 ten relevant representations have been received from seven local residents, one Councillor, one Town Council and one from a Relevant Authority.

3.3 Representations Received

- Mr R Covey
- Cllr Church
- Mr R Norris
- Mrs J. Thomas
- Mr and Mrs Alford
- Ms S Morley
- Mrs A Morley
- Mr A Madge – Wiltshire Council
- Mr S Lawrence
- Wilton Town Council

3.4 Responsible Authorities

- One responsible authority has made a representation, Mr A Madge, Development Management Team Leader, Economic Development and Planning from Wiltshire Council.

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

Representation	Licensing Objective
Mr R Covey	Protection of Children from Harm The Prevention of a Public Nuisance
Cllr P Church	Protection of Children from Harm
Mr R Norris	Protection of Children from Harm
Mrs J. Thomas	Protection of Children from Harm The Prevention of a Public Nuisance
Mr and Mrs Alford	Protection of Children from Harm The Prevention of a Public Nuisance
Ms S Morley	Protection of Children from Harm The Prevention of a Public Nuisance
Mr A Morley	Protection of Children from Harm The Prevention of a Public Nuisance
Mr A Madge Wiltshire Council	The Prevention of a Public Nuisance
Mr S Lawrence	Protection of Children from Harm The Prevention of a Public Nuisance
Wilton Town Council	Protection of Children from Harm The Prevention of a Public Nuisance

3.6 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 2a** is a plan which shows the locations from where representations have been made. **Appendix 4** 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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Katherine Edge Public Protection Officer (Licensing)
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Date of report: 17th December 2020

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 with Plan**
- 2 Representations**
- 2a Location of Representations**
- 3 Email correspondence with Applicant**
- 4 Site location**