

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

18 AUGUST 2022

Application for a Premises Licence; Land off Lower Road, Erlestoke Postcode: SN10 5UF, OS Grid Ref: ST 9568955136

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Land off Lower Road, Erlestoke Postcode: SN10 5UF, OS Grid Ref: ST 9568955136 made by Kaleidoscopic Events Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Land off Lower Road, Erlestoke Postcode: SN10 5UF, OS Grid Ref: ST 9568955136 has been made by Kaleidoscopic Events Ltd. 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 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 8 July 2022 an application for a one off, time-limited 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>		
Live music (indoors and outdoors)	19:30 – 23:59 12:00 – 18:00	Thurs 1 Sept Sat 3 & Sun 4 Sept
Recorded music (indoors and outdoors)	19:30 – 23:59 17:00 – 03:00 14:00 – 03:00 14:00 – 23:59	Thur 1 Sept Fri 2 Sept Sat 3 Sept Sun 4 Sept
Provision of late night refreshment (indoors and outdoors)	23:00 – 02:00 23:00 – 02:30 23:00 – 23:30	Fri 2 Sept Sat 3 Sept Sun 4 Sept
Sale by retail of alcohol (on sales)	19:30 – 23:30 17:00 – 02:30 12:00 – 02:30 12:00 – 23:30	Thur 1 Sept Fri 2 Sept Sat 3 Sept Sun 4 Sept

A copy of the application from Kaleidoscopic Events Ltd is attached as **Appendix 1**.

2.7 This event has previously taken place under the authorisation of a Temporary Event Notice (TEN) between 6-8 August 2021. No complaints were received in relation to the 2021 event. The application for a new premises licence has been submitted as the expected ticket sales (around 800) exceed the limit allowed for a TEN.

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 one relevant representations have been received from Erlestone Parish Council.

3.3 Representations Received

- Erlestone Parish Council

3.4 Responsible Authorities

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

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

Representation	Licensing Objective	Accepted	Comments
Erlestoke Parish Council	Public Nuisance Crime and disorder	Yes	Public Nuisance from music being played until 3am on Friday and Saturday. Crime and disorder arising from alcohol sales until 2.30am

3.6 The relevant representations are attached as **Appendix 2. Appendix 3** shows a plan of where the event is planned to take place.

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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Report Author: Carla Adkins, Public Protection Officer – Licensing

Contact: 01249 706 438, carla.adkins@wiltshre.gov.uk

Date of report: 8 August 2022

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 from Kaleidoscopic Events Ltd
- 2 Representation from Erlestoke Parish Council
- 3 Location Map of proposed event