

Wiltshire Council

Northern Area Licensing Sub-Committee

14 September 2015

Application for a Premises Licence; The Old Bank House, The Strand, Calne, Wiltshire, SN11 0EN

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of The Old Bank House, Calne made by A & P Jackson Ltd.

2. Background Information

2.1 An application for a Premises Licence in respect of The Old Bank House has been made by A & P Jackson Ltd for which four 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 20 July 2015 an application for a The Old Bank House was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Recorded music	11:00hrs - 23:00hrs 11:00hrs - 00:00hrs 11:00hrs - 02:00hrs	Sunday to Wednesday Thursday Friday to Saturday
Provision of late night refreshment	23:00hrs - 00:00hrs 23:00hrs - 02:00hrs	Thursday Friday to Saturday
Sale by retail of alcohol - ON Sales	11:00hrs - 23:00hrs 11:00hrs - 00:00hrs 11:00hrs - 02:00hrs	Sunday to Wednesday Thursday Friday to Saturday
Opening Hours	11:00hrs – 23:00hrs 11:00hrs – 00:00hrs 11:00hrs – 02:00hrs	Sunday to Wednesday Thursday Friday to Saturday
Non Standard Timings	11:00hrs – 02:00hrs	Public Holidays, Christmas Eve and New Years Eve

A copy of the application from A & P Jackson Ltd is attached as **Appendix 1**.

During the consultation period the applicant wished to amend the plan for the premises and increase the opening hours in the morning to 08:00hrs each day. This was then circulated to all Responsible Authorities via the email attached as **Appendix 2**.

The new amended plan is attached as **Appendix 3**.

As part of the application the following conditions were offered up and agreed by the applicant;

Crime and Disorder

- A Closed Circuit Television recording system shall be installed at the premises. The number and position of cameras should be determined by a risk assessment of the premises.
- Recordings taken from the CCTV system are to be kept for a minimum of 28 days and are to be made available to any authorised officer of any of the responsible authorities upon request.
- SIA Sufficient door staff as determined by a Risk Assessment of the premises will be employed. The Risk assessment will be made available on request.
- The Premises shall register as a member of the Pubwatch Scheme in the locality and a representative of the Management Team shall attend all meetings.
- A minimum of two checks of the premises is to be carried out each day when licensable activities are taking place for illegal drugs and drug paraphernalia.
- All incidents involving the use of illegal drugs and/or criminal activity are to be reported to the police as soon as practicable.

Public Safety

- Staff shall receive refresher training on these subjects at no greater than six month intervals. Records of this training shall be kept on the premises and shall be made available to officers of any of the responsible authorities upon request.
- A record of the refusals and incidents shall be kept in a log book, identifying the member of staff who refused the sale and or dealt with incident this shall be made available to officers of any of the responsible authorities upon request.

Public nuisance

- A notice displaying the name and telephone number of at least one local Taxi service shall be displayed in the public area of the building.
- Notices are to be prominently displayed at all exits from the premises requesting that patrons respect the needs of people living in the area and to leave the area quietly.
- No drinks will be allowed to be taken outside.

Children from harm

- A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for any person who appears to be under the age of 25 and who wishes to purchase or consume alcohol. Notices will be prominently displayed.

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 four relevant representations have been received from three local residents and one from Calne Town Council.

3.3 Representations Received

- Miss S Beasley – 2 Bank Row, Church Street, Calne, SN11 0SG
- Mrs Susan Carr – 3 Bank Row, Church Street, Calne, SN11 0SG
- Mrs Donna Payne – 4 Bank Row, Church Street, Calne, SN11 0SG
- Calne Town Council – Bank House, The Strand, Calne, SN11 0EN

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
Noise nuisance	Prevention of Public Nuisance
Anti Social Behaviour	Prevention of Crime and Disorder

3.6 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 5** is a plan which shows the locations from where representations have been made. **Appendix 6** shows a detailed plan of the area; **Appendix 7** shows the timings of the premises marked in Appendix 6.

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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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 Premises Licence Application**
- 2 Amendment to Opening Hours**
- 3 Amended Plan**
- 4 Relevant Representations**
- 5 Map to show location of representations**
- 6 Map of Local Area and other Premises**
- 7 Timings of other Premises**