

**WILTSHIRE COUNCIL**

**EASTERN AREA LICENSING SUB COMMITTEE**

**12 OCTOBER 2016**

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**Application for a Premises Licence; Potterne Social Club, Ewarts Croft,  
Potterne, Devizes, Wiltshire, SN10 5QY**

**1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of Potterne Social Club, Ewarts Croft, Potterne, Devizes, SN10 5QY made by Potterne Social Club.

**2. Background Information**

- 2.1 An application for a Premises Licence in respect of Potterne Social Club, Ewarts Croft has been made by Potterne Social Club for which two relevant representations have been received. One further representation was received and subsequently withdrawn, following correspondence with the applicant.

- 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 19 August 2016 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:

| <b>Licensable Activity</b>   | <b>Timings</b>  | <b>Days</b>                              |
|--|---|--|
| <u>Provision of regulated entertainment</u>  |   |  |
| Indoor sporting events   | 11:00hrs to 23:00hrs<br>11:00hrs to 00:00hrs<br>11:00hrs to 00:30hrs                                      | Sunday to Thursday<br>Friday<br>Saturday |
| Live music, Recorded Music, Performance of Dance and Anything of a similar description - INDOORS | 11:00hrs to 23:00hrs<br>11:00hrs to 00:00hrs<br>11:00hrs to 00:30hrs                                      | Sunday to Thursday<br>Friday<br>Saturday |
| Provision of late night refreshment  | 23:00hrs to 23:30hrs<br>23:00hrs to 00:30hrs<br>23:00hrs to 01:00hrs                                      | Sunday to Thursday<br>Friday<br>Saturday |
| Sale by retail of alcohol ON and OFF Sales   | 11:00hrs to 23:00hrs<br>11:00hrs to 00:00hrs<br>11:00hrs to 00:30hrs                                      | Sunday to Thursday<br>Friday<br>Saturday |
| Non Standard Timings   | New Years Eve up to 02:00hrs on 1 <sup>st</sup> January<br>Bank Holidays and Christmas Eve up to 01:00hrs |  |

A copy of the application form is attached as **Appendix 1**.

2.7 The premises currently holds a Club Premises Certificate and has done under the new Licensing Act 2003 since the conversion on 24 November 2005. The current Club Premises Certificate permits the following licensable activities;

| <b>Licensable Activity</b>   | <b>Timings</b>   | <b>Days</b>                              |
|--|--|--|
| <u>Provision of regulated entertainment</u>                                |  |  |
| Indoor sporting events   | 11:00hrs to 23:00hrs<br>11:00hrs to 00:00hrs<br>11:00hrs to 00:30hrs | Sunday to Thursday<br>Friday<br>Saturday |
| Live music, Recorded Music and Anything of a similar description - INDOORS | 11:00hrs to 23:00hrs<br>11:00hrs to 00:00hrs<br>11:00hrs to 00:30hrs | Sunday to Thursday<br>Friday<br>Saturday |

|  |   |  |
|--|---|--|
| Sale by retail of alcohol ON and OFF Sales | 11:00hrs to 23:00hrs<br>11:00hrs to 00:00hrs<br>11:00hrs to 00:30hrs                                      | Sunday to Thursday<br>Friday<br>Saturday |
| Non Standard Timings                       | New Years Eve up to 02:00hrs on 1 <sup>st</sup> January<br>Bank Holidays and Christmas Eve up to 01:00hrs |  |

2.8 The purpose of the application is to permit the licensable activities without the requirement for patrons to be members or guests of members.

2.9 Wiltshire Council have not received any complaints for this premises.

2.10 Wiltshire Police have not received any complaints in relation to this premises.

2.11 Other premises in Potterne that are licensed to sell alcohol are below;

| <b>The George and Dragon, Potterne</b>                                     |                      |             |
|--|----------------------|-------------|
| <b>Licensable Activity</b>   | <b>Timings</b>       | <b>Days</b> |
| Live music, Recorded Music and Anything of a similar description - INDOORS | 10:00hrs to 23:00hrs | Daily       |
| Late Night Refreshment   | 23:00hrs to 00:00hrs | Daily       |
| Sale by retail of alcohol ON and OFF Sales                                 | 10:00hrs to 00:00hrs | Daily       |

| <b>Central Stores, Potterne</b>     |                      |             |
|-------------------------------------|----------------------|-------------|
| <b>Licensable Activity</b>          | <b>Timings</b>       | <b>Days</b> |
| Sale by retail of alcohol OFF Sales | 05:30hrs to 23:00hrs | Daily       |

| <b>Potterne Cricket Club, Cox Lane, Potterne</b> |                      |             |
|--|----------------------|-------------|
| <b>Licensable Activity</b>                       | <b>Timings</b>       | <b>Days</b> |
| Live music and Recorded Music -                  | 18:00hrs to 21:30hrs | Friday      |

|  |  |  |
|--|--|--|
| INDOORS                                    | 18:00hrs to 23:00hrs                         | Saturday to Sunday                     |
| Sale by retail of alcohol ON and OFF Sales | 18:00hrs to 22:00hrs<br>12:00hrs to 23:00hrs | Monday to Friday<br>Saturday to Sunday |

### 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 three relevant representations have been received from three local residents although one was subsequently withdrawn.

#### 3.3 Representations Received

- Elaine Wakefield – 2 Ewarts Croft, Whistley Road, Potterne, Devizes, Wiltshire, SN10 5NE
- Ciara Murphy – 4 Ewarts Croft, Whistley Road, Potterne, Devizes, Wiltshire, SN10 5NE

#### 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                               |
|--|---|
| Increase in frequency and length of time of noise nuisance | Prevention of Public Nuisance                     |
| Noise and Litter associated with the smoking area          | Prevention of Public Nuisance                     |
| Low priced alcohol being promoted                          | Public Safety                                     |
| Increased Traffic  | Public Safety/ Prevention of Public Nuisance      |
| Increase of anti social behaviour                          | Prevention of Public Nuisance/ Crime and Disorder |

3.6 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** 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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Date of report: 3 October 2016

#### **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 Form**
- 2 Representation – Elaine Wakefield**
- 3 Representation – Ciara Murphy**
- 4 Location of Representations**
- 5 Location of other Premises in Potterne**