

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

8 March 2022

Application for a Variation of a Premises Licence; Crown Inn, Chandlers Lane, Bishops Cannings, Devizes, Wiltshire, SN10 2JZ

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of *Crown Inn, Chandlers Lane, Bishops Cannings, Devizes, Wiltshire, SN10 2JZ* made by *Red Oak Taverns Limited*.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of *Crown Inn, Chandlers Lane, Bishops Cannings, Devizes, Wiltshire, SN10 2JZ* has been made by *Red Oak Taverns Limited* for which fourteen 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 necessary 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 the 18th January 2022 an application for a variation to the premises licence was received and accepted as a valid application.

- 2.6 The details of the variation applied for, are summarised below:

- To amend the start time for sale of alcohol Monday to Sunday 08:00 to midnight (currently starts at 10:00)

- To extend the regulated entertainment and late night refreshment to include outdoors for the same hours as indoors (regulated entertainment – Monday to Sunday 10:00 to 23:00, late night refreshment Monday to Sunday 23:00 to midnight)
- To add performance of dance both indoors and outdoors Monday to Sunday 10:00 to 23:00 and until 02:00 the following morning on New Year’s Eve in line with other existing regulated entertainment facilities.
- Opening hours start time to be amended to 08:00 to 01:00 the following morning Monday to Sunday (currently starts at 10:00)
- To amend the layout plans to include the outdoor area as outlined in red on the plan submitted with the application.
- Remove Annex 2A condition 6 to be replaced with an updated Challenge 25 condition.
- To update the conditions as proposed in the application.

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

2.7 Since 24th November 2005 the premises has benefited from a premises licence issued under the Licensing Act 2003. The current licence authorises the following:

Licensing Activities	Hours
Alcohol Sales (ON & OFF Sales)	10:00 – 00:00 Everyday Non standard timings and seasonal variations: New Year’s Eve: 10:00 – midnight January 1st
Live Music Recorded Music Similar to any Music or Dance (indoors)	10:00 - 23:00 Everyday Non standard timings and seasonal variations: New Year's Eve: 10:00 - 02:00 January 1st
Late Night Refreshment (indoors)	23:00 – 00:00 Everyday Non Standard timings and seasonal variations: New Year's Eve: 23:00 - Midnight January 1st
Hours open to the public	10:00 – 01:00 Everyday Non Standard timings and seasonal variations: New Year’s Eve: 10:00 – 01:00 January 2nd

The Current premises licence including the plan is attached as **Appendix 2**.

Attached as **Appendix 3** is a location plan of the premises.

2.8 On 19th August 2022 a transfer application was received as a valid application, transferring the premises licence from Wadworth & Co Ltd to Red Oak Taverns Limited.

2.9 On 13th June 2021 Police were called to the premises to check on reported covid breaches from staff and customers watching the football not wearing face coverings. Officers attended and liaised with the appropriate person in charge at the time. Subsequent meetings then took place with Wiltshire Police's Licensing Officer and telephone conversations with the premises licence holder. No formal sanctions were imposed.

2.10 Since the transfer has taken place only one Late Temporary Event Notice (TENs) has been applied for and granted. Submitted on 8th September to cover the following activities:

- Regulated entertainment and the sale by retail of alcohol - 25th September 2021, 12:00 – 23:00 for a family fun day.

2.11 Details of other licenced premises in the vicinity of the area are as follows:

Premises	Licensable Activity	Hours
The Bridge Inn Horton Road Devizes SN10 2JS	Alcohol sales (ON & OFF Sales)	10:00 – Midnight Everyday
	Live & recorded music, anything similar to music & dance (indoors)	10:00 – 23:00 Everyday
	Late night refreshment (indoors)	23:00 – midnight Everyday
	Hours open to the public	10:00 – 01:00 Everyday
The Hourglass Horton Avenue Devizes, SN10 2RH	Alcohol sales (ON & OFF Sales)	Mon - Weds, 10:00 – 23:00 Thurs - Sat, 10:00 – 00:00
	Late night refreshment (indoors)	Thurs - Sat, 23:00 – 00:00
	Exhibition of films, Indoor sporting events, Live music, Recorded music, Performance of dance, anything similar to music & dance (indoors)	Mon - Weds, 10:00 – 23:00 Thurs - Sat, 10:00 – 00:00
	Hours open to the public	Mon - Weds, 07:00 – 23:30 Thurs - Sat, 07:00 – 00:30

A plan showing the location of the above premises is attached as **Appendix 4**.

2.12 on 28th January 2022 an email exchange took place between Annabel Wilkinson (Environmental Health Officer and Angie Gardner from Poppleston Allen (agent acting on behalf of Red Oak Taverns Limited) where the following additional condition, if the licence were to be granted, was agreed.

“Events held outdoor for a capacity of more than 500 people shall each be limited to a one-day event only with a maximum of 5 events permitted per year”

This email trail is attached as **Appendix 5**.

The Licensing Authority is aware that the Business and Planning Act 2020 which commenced Section 172F of the Licensing Act 2003 and the Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 which amended Schedule 1 Part 2 of the Licensing Act 2003, are also currently in effect where applicable for licensed premises.

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 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.

3.3 During the consultation period seventeen relevant representations were received; sixteen from local residents and one from the parish council. Following a discussions with the applicant and a meeting with the business development manager for Red Oak Taverns Limited three of the local residents withdrew their representation.

3.4 Responsible Authorities

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

3.5 Interested Parties

- Representation 1
- Representation 2
- Representation 3
- Representation 4
- Representation 5
- Representation 6
- Representation 7
- Representation 8
- Representation 9
- Representation 10
- Representation 12
- Representation 13
- Representation 14 – Bishops Cannings Parish Council

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

Representation	Licensing Objective
Representation 1	The prevention of crime and disorder, The prevention of public nuisance, The protection of children from harm.
Representation 2	The prevention of crime and disorder, The prevention of public nuisance, Public safety
Representation 3	The prevention of public nuisance
Representation 4	The prevention of crime and disorder, The prevention of public nuisance, The protection of children from harm.
Representation 5	The prevention of public nuisance
Representation 6	The prevention of public nuisance
Representation 7	The prevention of crime and disorder, The prevention of public nuisance, The protection of children from harm.
Representation 8	The prevention of crime and disorder, The prevention of public nuisance, Public safety, The protection of children from harm.
Representation 9	The prevention of public nuisance, The protection of children from harm.
Representation 10	The prevention of crime and disorder, The prevention of public nuisance,
Representation 11	The prevention of crime and disorder, The prevention of public nuisance, Public safety
Representation 12	The prevention of public nuisance
Representation 13	The prevention of public nuisance
Representation 14 – Bishops Cannings Parish Council	The prevention of public nuisance

- 3.7 The relevant representations are attached as **Appendix 6** with a location map of resident's representations attached as **Appendix 7**.

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 Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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) and Interested Parties 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 an Interested Party 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 an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.
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25 February 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**
- **The Legislative Reform (Entertainment Licensing) Order 2014**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Application form and updated plan**
- 2 Current premises licence and plan**
- 3 Location plan of premises**

- 4 plan showing location of other licensed premises in the area**
- 5 Email from EHO**
- 6 Relevant representations**
- 7 Location map of resident's representations**