

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

26 April 2022

Application for a Premises Licence; Live at Lydiard, Park Farm, Hook Street, Lydiard Tregoze, Swindon, SN5 3NY

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Live at Lydiard, Park Farm, Hook Street, Lydiard Tregoze, Swindon, SN5 3NY made by The Culture Collective Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Live at Lydiard has been made by The Culture Collective Ltd. for which five relevant representations were 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 31 January 2022 Wiltshire Council received an application for a Premises Licence and accepted as the same as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays	12:00hrs – 00:00hrs	Saturday
Films	12:00hrs – 00:00hrs	Saturday
Live music	12:00hrs – 00:00hrs	Saturday
Recorded music	12:00hrs – 00:00hrs	Saturday
Performance of dance	12:00hrs – 00:00hrs	Saturday
Provision of late-night refreshment	23:00hrs – 00:00hrs	Saturday
Sale by retail of alcohol (for consumption ON the premises)	12:00hrs – 00:00hrs	Saturday

A copy of the application from The Culture Collective Ltd is attached as **Appendix 1**. Premises plan and site plans are attached as **Appendix 2**.

2.7 A previous similar event by the same applicant took place last year (21 August 2021) at Lydiard Park (opposite side of the road in Swindon Borough Council area).

2.8 Email correspondence on 25 February 2022 between the applicant and the relevant Licensing Officer clarified this application had been reduced from ten days to just one in duration is attached as **Appendix 3**.

2.9 On 3 March 2022 the applicant made an undertaking to the Licensing Officer to liaise effectively with the Parish Council and Lydiard Park to ensure there were no other planned events likely to conflict with this application. Confirmation of agreement with condition proposed by Lydiard Tregoze Parish Council is attached as **Appendix 4**.

2.10 The hearing was originally scheduled for 29 March 2022 however the time limit for holding the hearing was extended by 18 working days to 26 April by the Licensing Authority under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 on public interest grounds because at least two of the parties to the hearing were unable to attend in person and give evidence due to COVID.

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 seven relevant representations were received from two residents, two interested parties and three Responsible Authorities. The two residential representations were subsequently withdrawn after the time limit to hold the hearing was extended on 28 March 2022.

3.3 Representations Received

- Representation 1: Kathryn Ashton, Licensing Manager, Swindon Borough Council
- Representation 2: Brian Pinchbeck, Director of Operations, Lydiard Park and Hotel, Swindon Borough Council

3.4 Responsible Authorities

- Representation 3: Mrs Tessa Hares and Mr Brett Warren, Environmental Health Officers (Noise), Wiltshire Council
- Representation 4: Mrs Sharon King, Environmental Health Officer (Health & Safety), Wiltshire Council
- Representation 5: Mrs Linda Holland, Licensing Manager, Wiltshire Council

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

Representation	Licensing Objective
Kathryn Ashton	Crime & disorder; public safety; public nuisance
Brian Pinchbeck	Public safety; public nuisance
Tessa Hares	Public nuisance
Sharon King	Public safety
Linda Holland	Public safety; public nuisance

3.6 The relevant representations are attached as **Appendix 5**. A plan of the representations has not been included as none are proximal to the event location. Attached as **Appendix 6** is a detailed plan of the area.

3.7 Both Kathryn Ashton (Swindon Borough Council Licensing Manager) and Tessa Hares (Wiltshire Council Environmental Health Officer) and Brett Warren (Wiltshire Council Senior Environmental Health Officer) proposed conditions to the Applicant, attached as **Appendix 7**. The Applicant agreed the conditions via email on 1 April 2022, attached as **Appendix 8** and the representatives of Swindon Borough Council (Licensing Manager) and Wiltshire Council Environmental Health subsequently indicated that they would agree to withdraw their representations on receipt of the Applicants

acceptance of those conditions if the Sub Committee were prepared to impose them onto the Premises Licence if granted.

- 3.8 The Applicant has informed the Licensing Authority that he will provide the latest version of the Event Management Plan to share with the parties and the Licensing Authority to enable clarification of the permitted use of the land not in the ownership of the Applicant 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 Following the consultation, the Applicant raised concerns with Licensing Authority regarding the validity of two of the representations received. These representations have now been withdrawn.
- 4.4 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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Jemma Price
Public Protection Officer – Licensing
Monkton Park, Chippenham, Wiltshire, SN15 1ER

07 April 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 New Premises Licence Application**
- 2 Plans**
- 3 Amendment of Premises Licence**
- 4 Confirmation of condition as proposed by Parish Council**
- 5 Representations**
- 6 Plan of the area**
- 7 Conditions proposed by Kathryn Ashton (Swindon Borough Council Licensing Manager) and Tessa Hares and Brett Warren (Wiltshire Council Environmental Health)**
- 8 Email with conditions agreed by Applicant**