

EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 22 JUNE 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF Application for a Variation of a Premises Licence - Hillworth Park, Hillworth Road, Devizes

Present:

Cllr Desna Allen, Cllr Nick Blakemore and Cllr James Sheppard

Also Present:

Wiltshire Council

Jemma Price (Licensing Officer)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant

Simon Fisher, Devizes Town Council

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Nick Blakemore as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 - 11 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Devizes Town Council for a Variation of a Premises Licence at Hillworth Park, Hillworth Road, Devizes

Jemma Price, the Licensing Officer for Wiltshire Council, introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. During the consultation process, one relevant representation had been received in objection to the application which was to the sale of alcohol on and off the premises from 10:00 to 22:00 Monday to Sunday. She reminded the Panel that consumption of alcohol is permitted throughout the park and is not a licensable activity.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. Nigel Britton who had made a relevant representation was not present at the meeting.

Key points raised by Simon Fisher, Deputy Town Clerk of Devizes Town Council on behalf of the Applicant were:

- In 2010 the Town Council applied to the National Lottery for funding to carry out a refurbishment of Hillworth Park. This application was successful and in 2012 a £2 million refurbishment was carried out;
- Hillworth Park is a well-used and well managed facility that has an extensive events programme running throughout the year;
- If the variation was granted this would enable the café to provide a beer or a glass of wine to its users to enhance their enjoyment of the facilities. All bottles would be opened when purchased and it was not the intention for the café to be used as an off licence;
- Following the comments made by Wiltshire Police during the consultation, the Applicant agreed to the changes suggested to address their concerns of crime and disorder and protection of children from harm; and
- At present people are already able to enjoy alcohol as they can bring it themselves with their picnic, but the Applicant would like to be able to

provide a small range of alcohol to its users, and especially at planned events.

The Sub Committee asked the following question of the Applicant:

Q How will you manage the sale of alcohol and the behaviour of those consuming it?

A *A Challenge 25 policy will be implemented and the staff in the café will receive the relevant training from Wadworths. We have Park Keeper staff on duty and they are on hand to deal with any issues quickly as needed. We have asked people to leave the park before when there had been potential incidents.*

In the absence of Nigel Britton (who had made a relevant representation) the Sub Committee considered his representation on page 51 of the Agenda. Simon Fisher on behalf of the Applicant confirmed that he had met with Mr Britton and seems to have misunderstood the Town Council's intention. They were not anticipating that alcohol would be sold all day every day, but if they had to apply for a Temporary Event Notice for each event this would be costly and time consuming and it is difficult to determine what a "pre-booked" event is.

Some events are planned in advance but frequently groups request that they can start/and or end their event at the park or hold their event fully at the park. Bookings of this nature could be on very short notice, (days or hours) which would not allow time for a TEN to be applied for.

It was the Applicant's intention to provide limited alcohol refreshment to enhance the experience of those who wish to partake in it whilst at the park.

A Sub Committee member suggested that it was Mr Britton's assumption that the sale and consumption of alcohol could generate a problem.

Simon Fisher confirmed that consumption is already taking place at the park and no problems have ever been reported in this regard.

Simon Fisher made the following points in summation on behalf the Applicant:

- Hillworth Park was a popular location and the intention of the Applicant was to add value to the visitor experience. If the variation was granted and the sale of alcohol proved to have a negative impact then they would not continue with it.

The Sub Committee members considered the application and announced the decision to the Applicant.

Resolved:

The Eastern Area Licensing Sub Committee has considered the application from Devizes Town Council and has resolved to grant the variation of the Premises Licence for Hillworth Park, Hillworth Road, Devizes, as applied for, with the additional conditions previously agreed between the applicant and Wiltshire Police, as set out in Appendix 3 to the agenda report:

The variation to the provision of Licensable Activity:

Licensable Activity	Timings	Days
Sale of Alcohol (ON and OFF the premises)	10:00 – 22:00	Monday - Sunday

Reasons:

The Sub Committee considered the written evidence presented in the agenda from the Applicant and the relevant representation that had been made, together with the oral evidence given at the hearing on behalf of the Applicant.

The Sub Committee noted the concerns in the representation, but considered that the management arrangements for the Park, together with the addition of the conditions previously agreed with the police, were appropriate to meet the licensing objectives and that there was no need to add any further conditions.

In reaching its decision the Sub Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right of Appeal:

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or other person has the right to request a Review of the Licence.

(Duration of meeting: Hearing – 1.00pm – 1.12pm
Determination of Application – 1.12pm – 1.15pm
Announcement of Decision – 1.15pm – 1.17pm)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or
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