

# AGENDA

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**Meeting:** Southern Area Licensing Sub Committee  
**Place:** Committee Room 1a + 1b - Council Offices, Browfort, Bath Road,  
Devizes SN10 2AT  
**Date:** Friday 25 May 2012  
**Time:** 10.00 am  
**Matter:** Tilshead Garage - Variation of Premises License

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN. Direct Line: 01225 718504 Email: [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**Membership:**

Cllr Trevor Carbin  
Cllr Richard Beattie

Cllr George Jeans

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# **AGENDA**

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub-Committee.

2 **Procedure for the Meeting (Pages 1 - 8)**

The Chairman will explain the attached procedure for the members of the public present.

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5 **Licensing Application**

To consider and determine an Application for a Variation of a Premises Licence by Mr Visanathan Selvanathan in respect of Tilshead Garage, High Street, Tilshead, SP3 4SB.

5a **Officer's Report** (Pages 9 - 12)

5b **Application** (Pages 13 - 34)

5c **Proposed Amendments** (Pages 35 - 36)

5d **Relevant Representation** (Pages 37 - 38)

5e **Map** (Pages 39 - 40)

## LICENSING COMMITTEE

### PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

#### 1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

#### 2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

**“Applicant”** means the person who has submitted an Application for consideration by the Committee.

**“Applicant’s Premises”** means premises subject to the Application.

**“Applicant’s Representative”** means a person attending a Hearing to assist or represent an Applicant including a lawyer.

**“Application”** means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

**“Chairperson”** means the Member who is the Chairperson of the Committee for the particular Hearing.

**“Committee”** means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

**“Committee Lawyer”** means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

**“Committee Manager”** means the Council’s Officer who is present at a Hearing to take minutes.

**“Committee Report”** means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously

made available to the Applicant or their Representative, a Responsible Authority or their Representative or an Interested Party or their Representative.

**“Hearing”** means a meeting of the Committee at which an Application is considered.

**“Licence”** means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

**“Licensing Officer”** means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

**“Licensing Authority”** the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

**“Member”** means a Member who is a Member of the Committee that is considering an Application.

**“Responsible Authority”** means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

**“Interested Party”** means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party including a Lawyer.

### **3 Key Principles**

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
  - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
  - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;

- 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or an Interested Party/Parties;
- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or an Interested Party/Parties.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

#### **4 The Hearing**

- 4.1 The Hearing shall take place in public.
  - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
  - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
    - A refuse to permit them to return;
    - B permit them to return only on such conditions as the Committee may specify;
    - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;

- 4.6 Where there is a multiple of Interested Parties who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those Interested Parties.

## **5 Presentation of Submissions**

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
- 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
- A the options available to it;
  - B the considerations that are relevant in reaching its decision.
- 5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:
- A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
  - B confirming key information and answer pertinent questions; and
  - C calling witnesses in support of the Application (see paragraph 4.3).
- A Responsible Authority/Authorities and/or an Interested Party/Parties will orally present their representations in turn which shall include:
- A the grounds of the representation to the Application; and
  - B any condition(s) that the Responsible Authority/Authorities and/or an Interested Party/Parties would be happy to have the Application granted subject to which would cause the representation to be withdrawn.
- The Premises Licence Holder and/or their representative will orally present their representations which shall include;
- A The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties; and
  - B Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

## **6 Questioning of Submissions**

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or an Interested Party/Parties to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

## **7 Documentation**

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any Interested Party's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

## **8 Intervention**

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

## **9 Failure of Parties to Attend Hearing**

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.

9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:

9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or

9.2.2 hold the Hearing in the party's absence.

9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

## **10 Closing Submissions**

10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and the Interested Party/Parties to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

## **11 Decision**

11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.

11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.

11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.



## Hearing Procedure Summary

1. The Chairperson welcomes all those present and introduces the Application.
2. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or Interested Party/Parties.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report.
5. The Applicant addresses the Committee.
6. Questions to the Applicant by Responsible Authority/Authorities and/or Interested Party/Parties.
7. Questions to the Applicant by Members of the Committee.
8. Comments by Responsible Authority/Authorities and/or Interested Party/Parties.
9. Questions by Applicant.
10. Questions to Responsible Authority/Authorities and/or Interested Party/Parties by Members of the Committee.
11. Summing up by Parties who have made representations.
12. Summing up by Applicant.
13. Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
14. Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee, and invites the parties present to make any comments on that advice.
15. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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## WILTSHIRE COUNCIL

### SOUTHERN AREA LICENSING SUB COMMITTEE

25 MAY 2012

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#### **Application for a Variation of a Premises Licence; Tilshead Garage, High Street, Tilshead, SP3 4SB**

#### **1. Purpose of Report**

- 1.1 To determine an application for a variation of a Premises Licence in respect of *Tilshead Garage* made by *Mr Visvanathan Selvanathan*

#### **2. Background Information**

- 2.1 An application for a variation of a Premises Licence in respect of *Tilshead Garage* has been made by *Mr Visvanathan Selvanathan* for which *two* 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 modify the conditions of the licence
  - ii) To reject the whole or part of the application.
- 2.5 On *5 April 2012* an application for a variation to the premises licence at *Tilshead Garage* was received and accepted as a valid application.

2.6 The variations applied for are summarised as follows:

<b>Licensable Activity</b>	<b>Current Days and Timings</b>	<b>Proposed Days and Timings</b>
Sale by retail of alcohol (off the premises only)	Monday to Sunday 07:00 to 20:00	Monday to Sunday 07:00 to <b>22:00</b>

To allow the premises to open Monday to Sunday from 07:00 to **22:00**.

The premises currently open Monday to Sunday from 07:00 to 20:00

A copy of the application from *Mr Visvanathan Selvanathan* is attached as **Appendix 1**.

Our department have not received any complaints regarding noise at this premise.

Having received two representations the applicant is keen to work with neighbours and after consultation with his solicitor *Mr Selvanathan has amended his application to include the following conditions:*

- Signs should be displayed on both the inside and outside of the premises requesting that any visitor or customer should leave the property quietly and have regard for the neighbours.
- Signs to be displayed at the car park area indicating that only customers of the premises are allowed to park in the car parking area and that a limit is set on the time that any customer is permitted to remain so parked.
- A sign is to be displayed indicating that the “picnic” tables, which are adjacent to the car park, should not be available for use at a time to be agreed, but not later than 20:00 hrs.
- Staff will be instructed to monitor compliance of the above. The staff induction training manual will include specific paragraphs to assist members monitoring compliance.

A copy of the amendments made to the application on 14 May 2012 is attached as **Appendix 1a**.

### **3. Consultation and Representations**

3.1 The application process requires the application to be advertised in a local paper within 10 working days, starting on the day after the authority receives it and a public notice (on pale blue paper) to be posted on the premises for a period of 28 consecutive days, starting the day after the authority receives it. During the consultation period *two* relevant representations have been received from Interested Parties

### 3.2 Responsible Authorities

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

### 3.3 Interested Parties

- The following persons have made a representation:

Mr R Lee MBE  
Mrs D H Lee

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

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Mr R Lee MBE	Public Nuisance	Yes	None
Mrs D H Lee	Public Nuisance	Yes	None

One more representation was received by the licensing authority but it has been withdrawn after the application was amended.

3.5 The relevant representations are attached as **Appendix 2a**. Attached as **Appendix 2b** is a plan which shows the locations from where representations have been made.

## 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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Report Author:

Debbie Mulvey, Senior Public Protection Officer (Licensing), 01722 434234, Email [debbie.mulvey@wiltshire.gov.uk](mailto:debbie.mulvey@wiltshire.gov.uk)

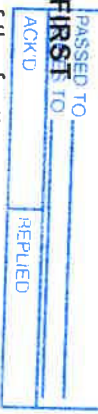
14 May 2012

### **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 Copy of application**
- 1a Copy of the amendments.**
- 2a Copy of the representations**
- 2b Map showing locations where representations have been made**



Application to vary a premises licence under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**Mr Visvanathan Selvanathan**

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

**Premises licence number**  
PRE0541

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, Ordnance Survey map reference or description</b>		
Tilshhead Garage High Street		
<b>Post town</b>	Tilshhead	<b>Post code</b>
		SP3 4SB

<b>Telephone number at premises (if any)</b>	01980863636
<b>Non-domestic rateable value of premises</b>	£21750

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	07956293223		
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	3 Dowry Walk		
<b>Post Town</b>	Watford	<b>Postcode</b>	WD17 4TG

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**  
Vary the current hours to read 10 p.m. Monday through to Sunday as opposed to 8 p.m.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

<input type="text"/>
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#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tue			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tue			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wed			<p><b>State any seasonal variations for the exhibition of films (please read guidance note 4)</b></p>		
Thur			<p><b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</b></p>		
Fri					
Sat					
Sun					

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
Mon			<input type="checkbox"/>	<input type="checkbox"/>
Tue			<input type="checkbox"/>	<input type="checkbox"/>
Wed			<input type="checkbox"/>	<input type="checkbox"/>
Thur			<input type="checkbox"/>	<input type="checkbox"/>
Fri			<input type="checkbox"/>	<input type="checkbox"/>
Sat			<input type="checkbox"/>	<input type="checkbox"/>
Sun			<input type="checkbox"/>	<input type="checkbox"/>

<u>Please give further details here</u> (please read guidance note 3)	Both <input type="checkbox"/>
<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur					
Fri					
Sat					
Sun			<p><b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)</p>		
<p><b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>					

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tue			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wed			<p><u>Please give further details here (please read guidance note 3)</u></p> <p><u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u></p> <p><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u></p>		
Thur					
Fri					
Sat					
Sun			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tue					
Wed			<p><b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)</p>		
Thur					
Fri			<p><b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)</p>		
Sat					
Sun					



**H**

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Mon					Outdoors
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>		
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Mon				State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Tue					
Wed					
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon					
Tue			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Wed					
Thur					
Fri					
Sat					
Sun					

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)</b>			<b>Please give a description of the type of entertainment facility you will be providing</b>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<b>Please give further details here (please read guidance note 3)</b>	Both	<input type="checkbox"/>
Wed					
Thur			<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</b>		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tue			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wed			<p><b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b></p> <p><b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</b></p>		
Thur					
Fri					
Sat					
Sun					
			<p><b>Please give further details here (please read guidance note 3)</b></p>		

**M**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	07:00	22:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	07:00	22:00			
Wed	07:00	22:00			
Thur	07:00	22:00			
Fri	07:00	22:00			
Sat	07:00	22:00			
Sun	08:00	22:00			

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	22:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b>
Tue	07:00	22:00	
Wed	07:00	22:00	
Thur	07:00	22:00	
Fri	07:00	22:00	
Sat	07:00	22:00	
Sun	08:00	22:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence I have enclosed a copy of the Premises Licence the original is of course displayed in the premises themselves.



**ADDITIONAL CONDITIONS TO SUPPORT**

**APPLICATION TO VARY PREMISES LICENCE HOURS JANUARY 2012**

In addition to the existing conditions attached to Premises Licence in respect of Tilshead Garage the following conditions should be in force.

In Annex 2 to the current conditions the age at which photographic proof of age will be required should be amended from 21 to 25 years.

The site will adopt a Challenge 25 age verification policy.

Prominent, clear and legible notices shall be displayed at all exits of the premises, requesting patrons and staff to respect the needs of local residents and to leave the premises and area quietly.

A CCTV system with recording facilities is to be in place at the site. Recordings to be retained for 31 days. The images to be of sufficient quality to enable identification.

Recordings to be made available to police officer or appropriate officer of the Licensing Authority upon proper request without undue delay and in any event no later than 48 hours after the initial request unless for reasonable cause.

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

The current licensing conditions together with additional conditions which have been suggested by the Licensing Officer of the Wiltshire Police and to ensure that the concerns of local residents concerning noise are attended to.

--

**b) The prevention of crime and disorder**

Please see current conditions and suggested additions

--

**c) Public safety**

Please see current conditions and suggested additions

--

**d) The prevention of public nuisance**

Please see current conditions and suggested additions

--

**e) The protection of children from harm**

Please see current conditions and suggested additions

--

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Gavin Bennett</i> - Talbot Walker LLP
Date	29. 8. 12.
Capacity	Solicitor for the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Talbot Walker LLP  
16 Bridge Street

Post town	Andover	Post code	SP10 1BJ
Telephone number (if any)	01264 363354		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) GavinB@talbotwalker.co.uk			

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**TALBOT WALKER**

LLP

FORWARD THINKING LEGAL SOLUTIONS SINCE 1726

Ms Debbie Mulvey  
Wiltshire Council  
Licensing Team South  
Bourne Hill  
Salisbury  
Wiltts  
SP1 3UZ

**BY E-MAIL ONLY**

14 May 2012

Our Ref: **GB/MG/572781**  
Please reply to: Andover– DX 90300 Andover

Dear Ms Mulvey

Re: **Tilshhead Garage, High Street, Tilshhead, Wiltshire, SP3 4SB**  
**Application to Vary Premises Licence**

In response to representations made to the Licensing Authority we will be proposing that the following conditions should be applied to any grant of the Variation so far lodged:

1. Signs should be displayed on both the inside and outside of the premises requesting that any visitor or customer should leave the property quietly and have regard for the neighbours.
2. Signs to be displayed at the car park area indicating that only customers of the premises are allowed to park in the car parking area and that a limit is set on the time that nay customer is permitted to remain so parked.
3. A sign is to be displayed indicating that the "picnic" tables, which are adjacent to the car park, should not be available for use at a time that is to be agreed, but not later than 8.00pm.

**TALBOT WALKER LLP**  
ANDOVER OFFICE: 16 BRIDGE STREET, ANDOVER, HAMPSHIRE SP10 1BJ - TELEPHONE: 01264 363 354 - FAX: 01264 721 718  
BASINGSTOKE OFFICE: 60 NEW ROAD, BASINGSTOKE, HAMPSHIRE RG21 7PW - TELEPHONE: 01256 332 404 - FAX: 01256 462 645  
WEBSITE: [WWW.TALBOTWALKER.CO.UK](http://WWW.TALBOTWALKER.CO.UK) - EMAIL: [ENQUIRIES@TALBOTWALKER.CO.UK](mailto:ENQUIRIES@TALBOTWALKER.CO.UK)

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4. Staff will be instructed to monitor compliance. The staff induction training manual will include specific paragraphs to assist staff members in monitoring compliance.

I look forward to hearing from you.

Yours sincerely

**GAVIN BURNETT**

On behalf of Talbot Walker LLP

Generated electronically without the facility to sign the original

Email: [GavinB@talbotwalker.co.uk](mailto:GavinB@talbotwalker.co.uk)

# Agenda Item 5d

LICENSING (SOUTH)	
RECEIVED	
04 APR 2012	
PASSED TO	
COPIES TO	
ACK'D	10/4/12
REPLIED	

Mr R LEE MBE  
Poppy Cottage  
High Street  
Tilshhead  
Salisbury  
Wiltshire  
SP3 4RY

Wiltshire Council  
Licensing Section  
27/29 Milford Street  
Salisbury  
Wiltshire  
SP1 2AP

3 April 2012

*Dear Sir/Madam*

I understand that the owners of the garage in Tilshhead (postcode SP3 4SB) have applied for an extension of their licence to remain open until 10 O'clock at night and I would like to register my profound disagreement to this proposal.

Tilshhead is a very small rural village consisting of approximately 140 houses my cottage is right opposite the garage in question and we have to endure the constant noise from it which include, car horns and alarms going off, excessive revving of car and motorbike engines, shouting and swearing plus the ongoing noise from people sitting outside the garage in their seating area. The fact that we have to endure all of the above until 8 O'clock every night is bad enough especially in the summer when we are trying to enjoy the peace and quiet of our garden but if this noise is to be extended to 10 O'clock then this will become absolutely intolerable are we to have no peace at all?

In my opinion there is no need for this extension to their current licence and the disruption it will cause in what is a residential area is simply not acceptable.

Could I respectfully request that you turn down this application.

*Yours faithfully*



LICENSING (SOUTH)		
RECEIVED		
04 APR 2012		
PASSED TO		
COPIES TO		
ACK'D	16/4/12	REPLIED

Mrs DH Lee  
Poppy Cottage  
High Street  
Tilshhead  
Salisbury Plain  
Wiltshire  
SP3 4RY

Wiltshire Council Licensing Office

27/29 Milford Street

Salisbury

Wiltshire

SP1 2AP

3<sup>rd</sup> April 2012

To whom it may concern,

I wish to make a formal objection to the application to the proposed change in opening times at Tilshhead Garage SP3 4SB. Currently the Garage is open from 0700hrs -2000hrs Mon-Sun, the constant noise from cars alarms going off, people swearing and shouting and scrambler motorbikes congregating at the Garage is extremely frustrating as I live opposite and am unable to sit and enjoy my garden. Often my husband and I are unable to hear each other speak due to the high level of engines revving and shouting.

The Garage is situated in a residential area and should not be this noisy. On another note the Garage is not supposed to be open until 0700hrs-2000hrs, my husband gets up for work at 0630hrs and the Garage is already open and serving customers therefore already in breach of their licensing hours. I hope you will take my concerns into consideration as if the extended times are allowed the Garage will only be closed for 8 ½ hrs a day which will extend the noise and make the enjoyment I should be able to have in my garden even more impossible.

I await a response

Yours Faithfully

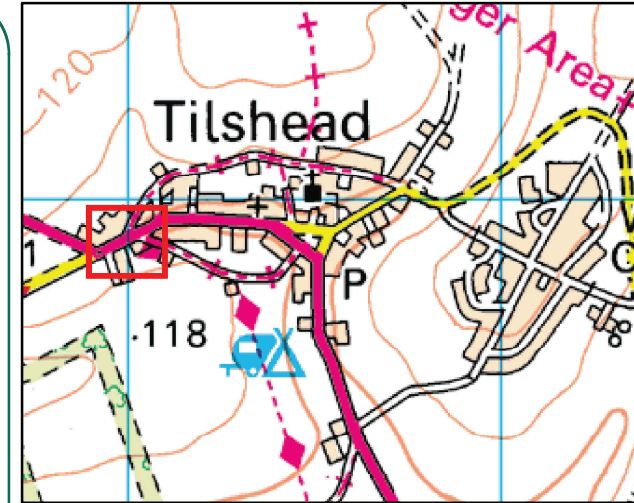
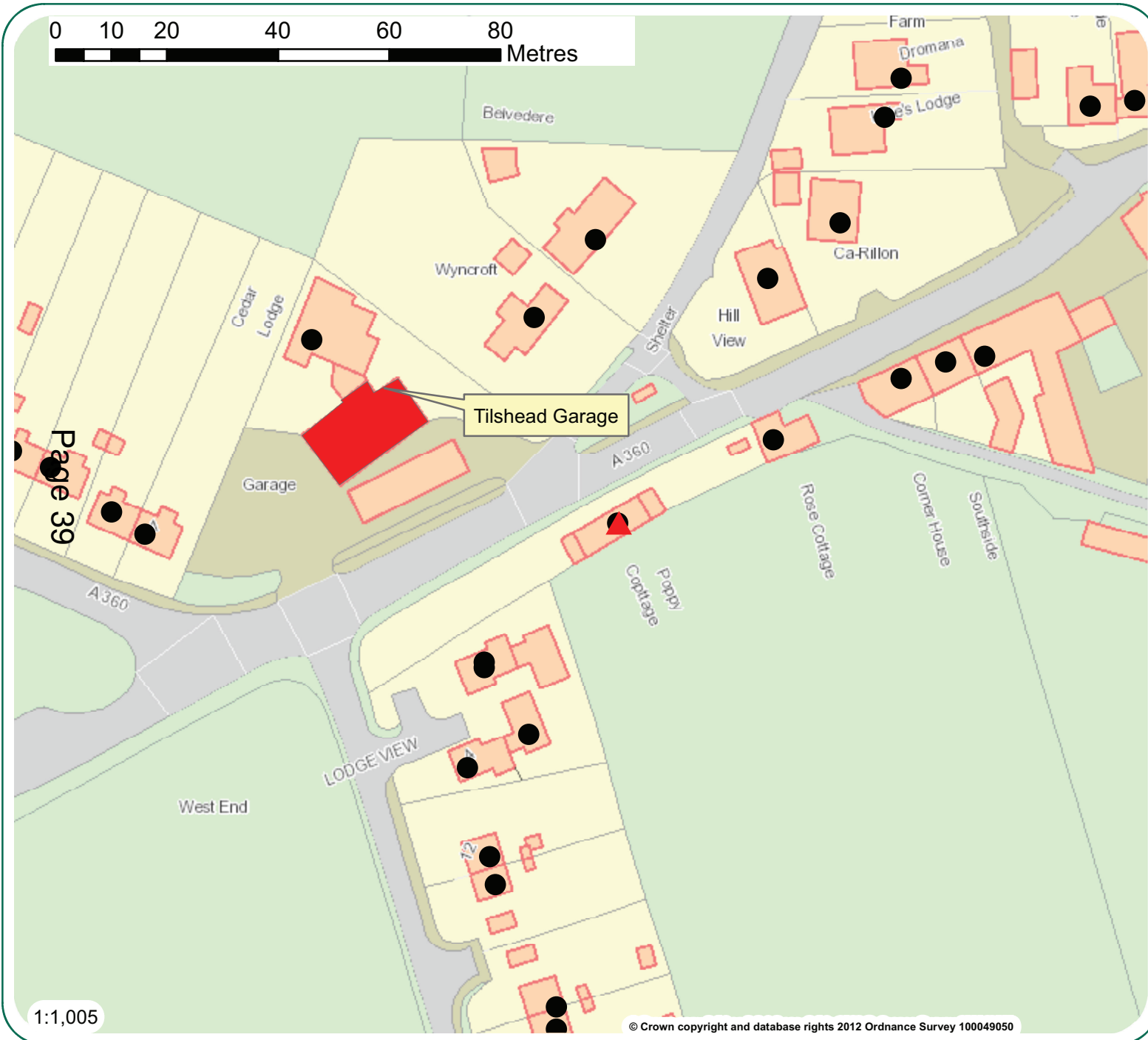


Mrs DH LEE



# Premises Hearing

## Tilshead Garage, High Street, Tilshead SP3 4SB



-  Alcohol Sales
-  Representation
-  Residential

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