

AGENDA

Meeting: Eastern Area Licensing Sub Committee
Place: Wessex Room, Devizes Corn Exchange, SN10 1BN
Date: Thursday 23 October 2014
Time: 10.30 am
Matter: Application for a Premises Licence by Sticks and Stones UK Ltd in respect of Unit 3, Nursery Far, Woodborough, Pewsey, Wiltshire, SN9 5PF

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

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

Membership:

Cllr Jose Green
Cllr George Jeans

Cllr Glenis Ansell

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 disclosable interests or dispensations granted by the Standards Committee.

5. **Licensing Application** (*Pages 9 - 14*)

To consider and determine an Application for a Premises Licence by Sticks and Stones UK Ltd in respect of Unit 3, Nursery Far, Woodborough, Pewsey, Wiltshier, SN9 5PF

5.1. **Appendix 1 - Application** (*Pages 15 - 40*)

5.2. **Appendix 2 - Letters of Support** (*Pages 41 - 46*)

5.3. **Appendix 3 - Site Plan of Units within Vicinity of the Area** (*Pages 47 - 48*)

5.4. **Appendix 4 - Representation in Objection** (*Pages 49 - 52*)

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 any person who has made a Relevant Representation 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.

“Person making a Relevant Representation” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“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.

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 any person/s who have made a Relevant Representation;

- 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 any person/s who have made a Relevant Representation.
- 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 are a number of people 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 who have made Relevant Representations .

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 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).
 - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation 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 any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

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 any person/s who have made a Relevant Representation 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 person/s who have made a Relevant Representation . 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 any person/s who have made a Relevant Representation 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 Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Applicant addresses the Sub Committee.
7. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
8. Questions to the Applicant by Members of the Sub Committee.
9. Comments by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
10. Questions by Applicant.
11. Questions to Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation by Members of the Sub Committee.
12. Summing up by Parties who have made representations.
13. Summing up by Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee.
16. 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

Eastern Area Licensing Sub-Committee

23 October 2014

**Application for a Premises Licence; Sticks and Stones, Unit 3, Nursery Farm,
Woodborough, Pewsey, Wiltshire, SN9 5PF**

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Sticks and Stones made by Sticks and Stones UK Limited.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Sticks and Stones has been made by Sticks and Stones UK Limited for which one relevant representation has 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 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 1st September 2014 an application for a premises licence was received and accepted as a valid application. The premise is currently a kitchenware shop with an attached indoor cafe area with seating for 20 persons. There is also an outdoor seating area to both the front and rear of the premises which has capacity for up to 40 persons; it has not previously been licensed.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (Indoors)	10:00-19:00	Friday-Sunday
Live music (Indoors & Outdoors)	12:00-19:00	Friday-Sunday
Recorded music (Indoors & Outdoors)	10:00-19:00	Monday-Sunday
Sale by retail of alcohol (ON the premises)	10:00-19:00	Monday-Sunday
Opening Hours	10:00-19:00	Monday-Sunday

During the consultation period the applicant amended the timings for films so that they were in line with their application, as a result of them being incorrectly applied on the original application. The timings for films now read 10:00hrs-19:00hrs Friday-Sunday.

A copy of the application form from Sticks and Stones UK Limited is attached as **Appendix 1**.

2.7 The other premises which have premises licences within the vicinity of the application address are detailed as follows:

Premises	Licensable Activities	Days	Timings
Woodborough Garden Centre, Nursery Farm Woodborough Wiltshire	Alcohol Sales (ON & OFF sales)	Mon-Sat Sunday	09:00-23:00 10:30-18:00
	Live Music/ Similar to any music or dance/Similar to making music or dance (Indoors & Outdoors)	Mon-Sat Sunday	09:00-23:00 10:30-18:00

	Recorded Music (Indoors)	Mon-Sat Sunday	09:00-23:00 10:30-18:00
	Hours Open to the Public	Mon-Sat Sunday	09:00-23:00 11:00-18:00

2.7.1 The following businesses have provided documentation of support for the application:

- Unit 1, Shepherds Bookbinding Ltd, Nursery Farm, Woodborough
- Unit 2, The Wiltshire Barn Project, Daffodil Barn, Nursery Farm, Woodborough
- Unit C, 21st Century Legacy, Nursery Farm, Woodborough, Pewsey
- Unit 4, Equilibrium, Nursery Farm, Woodborough, SN9 5PF
- Unit 5, Just The Thing, Nursery Farm, Woodborough, Pewsey
- Unit 7-8, Comfy Critters, Nursery Farm, Woodborough, SN9 5PF
- Unit 9&A, Complete Interiors, Woodborough Garden Centre, SN9 5PF

The above documents of support for the premises licence application are attached as **Appendix 2** and a copy of the site plan, showing where each unit is situated; including the location of the representation, is attached as **Appendix 3**.

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 one relevant representation has been received from one local business. The local Councillor has also expressed his support for the representation.

3.3 Representations Received

- Mrs Claire Rourke Woodborough Garden Centre, Nursery Farm, Woodborough, SN9 5PF

3.4 Responsible Authorities

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

3.5 A summary of the representation made is detailed in the table overleaf:

Representation	Licensing Objective	Accepted	Comments
Possible Anti Social Behaviour	Crime & Disorder	Yes	

The representation raises issues in connection with use of the shared access and the hours of operation proposed in the premises licence application. Any issues arising merely from the proposed increase in hours of operation of the business are not, in themselves, matters that members should take into account in considering this application. Consideration should be restricted to any implications arising from the proposed licensable activities, as set out in the application.

3.6 The relevant representation is attached as **Appendix 4**.

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.

Report Author: Hannah Hould
Public Protection Officer – Licensing
01722 434414

Date of report: 10 October 2014

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 Application Form**
- 2 Letters of Support for the Application**
- 3 Site Plan of Units within vicinity of the area**
- 4 Representation**

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PUBLIC PROTECTION

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JRE

CHEQUE RECEIVED
£100.00
E. HEALTH

Application for a premises licence to be granted 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.

Name STICKS AND STONES UK LTD.
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
STICKS AND STONES UNIT 3 NURSERY FARM WOODBOROUGH GARDEN CENTRE			
Post town	PEWSEY	Post code	SN95PF
Telephone number at premises (if any)	01672 852268		
Non-domestic rateable value of premises	£ 2250.00.		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	XXXXXXXXXX STICKS AND STONES UK LTD
Address	UNIT 3, NURSERY FARM WOODBOROUGH GARDEN CENTRE PENNEY WILTSHIRE SN9 5PF
Registered number (where applicable)	8061737
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	01672 852268
E-mail address (optional)	info@uksticksandstones.com

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	09	2014

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

WE ARE A KITCHENWARE SHOP WITH AN ATTACHED INDOOR CAFE AREA WITH SEATING FOR 20 PERSONS. WE ALSO HAVE AN OUTDOOR AREA TO BOTH FRONT AND REAR WITH ADDITIONAL SEATING FOR APPROX 40 PERSONS AT MAXIMUM CAPACITY.

WE ARE SITUATED OFF THE ROAD ON A RURAL GARDEN CENTRE SITE. NO OFF-SUPPLIES INTENDED.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | <u>Provision of regulated entertainment</u> | Please tick yes |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
|
<u>Provision of entertainment facilities:</u> | |
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box L) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box M) | <input checked="" type="checkbox"/> |

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)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
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) <i>indoors</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	/	/	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	/	/			
Wed	/	/	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	/	/			
Fri	<i>19:00</i>	<i>20:00</i>	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)		
	<i>10:00</i>	<i>19:00</i>			
Sat	<i>19:00</i>	<i>20:00</i>	<i>FILMS MAY BE SHOWN VERY RARELY AS PART OF A LOCAL ART / MUSIC FESTIVAL</i>		
	<i>10:00</i>	<i>19:00</i>			
Sun	<i>18:00</i>	<i>19:00</i>			
	<i>10:00</i>	<i>19:00</i>			

*Amended
29/09
HH*

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details (please read guidance note 3)</u>
Day	Start	Finish	
Mon			N/A
Tue			<u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u>
Wed			
Thur			<u>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)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>	
Thur				
Fri			<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 (please read guidance note 5)</u>	
Sat				
Sun				

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)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	/	/	Please give further details here (please read guidance note 3) <i>POSSIBLE ENTERTAINMENT BACKGROUND MUSIC PERFORMED BY ONE TO FIVE PERSONS UNAMPLIFIED ONLY.</i>	Both	<input checked="" type="checkbox"/>
Tue	/	/			
Wed	/	/	State any seasonal variations for the performance of live music (please read guidance note 4) <i>NONE</i>		
Thur	/	/			
Fri	12.00	19.00	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 (please read guidance note 5) <i>NONE</i>		
Sat	12.00	19.00			
Sun	12.00	19.00			

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)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	19.00	Please give further details here (please read guidance note 3) BACKGROUND RECORDED MUSIC PLAYED DAILY DURING OPENING HOURS.	Both	<input checked="" type="checkbox"/>
Tue	10.00	19.00			
Wed	10.00	19.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) N/A		
Thur	10.00	19.00			
Fri	10.00	19.00	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) N/A		
Sat	10.00	19.00			
Sun	10.00	19.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u></p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here (please read guidance note 3)</u></p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</u></p>		
Fri					
Sat			<p><u>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)</u></p>		
Sun					

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

K

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)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here (please read guidance note 3)</u>	
Wed				
Thur			<u>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)</u>	
Fri				
Sat			<u>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)</u>	
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)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

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 checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10.00	19.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE	Both	<input type="checkbox"/>
Tue	10.00	19.00			
Wed	10.00	19.00			
Thur	10.00	19.00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	10.00	19.00		NONE	
Sat	10.00	19.00			
Sun	10.00	19.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	BRENNAN GARTH FLACK	
Address		
Postcode		
Personal Licence number (if known)	LN/008753	
Issuing licensing authority (if known)	WILTSHIRE COUNCIL	

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)

NONE.

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	<p>NONE</p> <hr/> <p>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)</p> <p>NONE.</p>
Mon	10.00	19.00	
Tue	10.00	19.00	
Wed	10.00	19.00	
Thur	10.00	19.00	
Fri	10.00	19.00	
Sat	10.00	19.00	
Sun	10.00	19.00	

P Describe the steps you intend to take to promote the four licensing objectives:

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

- ALL STAFF TO BE ADEQUATELY TRAINED IN ID REQUESTS AND RIGHT TO REFUSAL.
- STRICT ADHERENCE TO ALL THE OBJECTIVES CONTAINED WITHIN THE LICENSING ACT.

b) The prevention of crime and disorder

- CORRECT STAFF TRAINING
- REFUSAL OF ANY PERSONS SEEN AS BEING INTOXICATED
- REDUCED HOURS IN THE EVENING BY CLOSING AT 7PM DAILY.

c) Public safety

- ADEQUATE LIGHTING IN ALL AREAS
- CCTV
- LINKSON WITH LOCAL LAW ENFORCEMENT UPON RECEIPT OF LICENCE.

d) The prevention of public nuisance

- LITTER PREVENTION
- SIGNS TO ASK TO KEEP NOISE LEVELS DOWN
- REGULAR MONITORING OF OUTSIDE AREAS BY D/S AND STAFF

e) The protection of children from harm

- IMPLEMENTATION OF PASS(25) SYSTEM.
- STAFF TRAINING TO ENSURE NOBODY UNDERAGE IS SERVED. – CONSULT WITH D/S IF UNSURE.
-

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	18/5/2014
Capacity	Poisoning Licence Holder / Co. Director

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

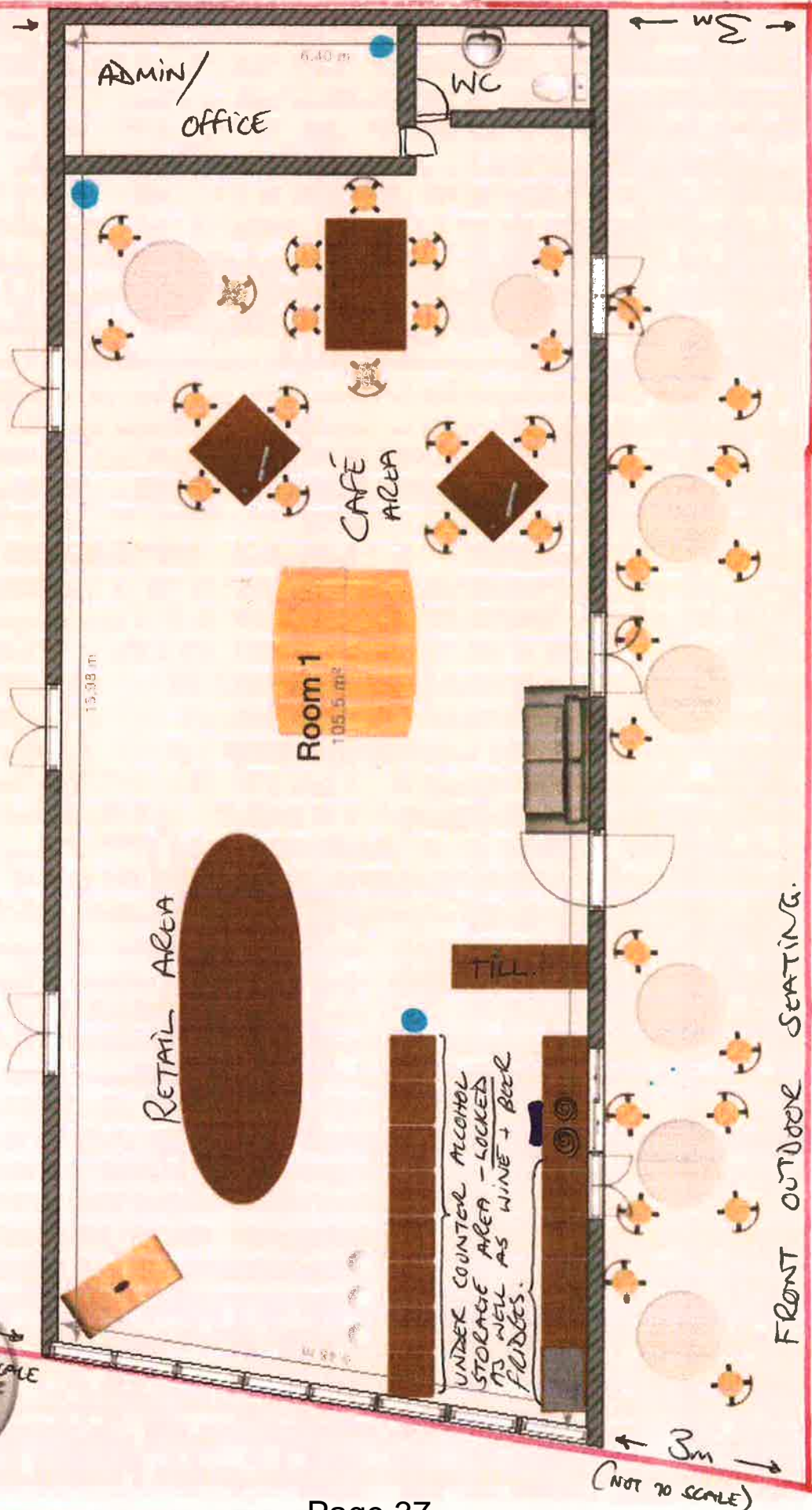
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

- STICKS AND STONES -

REAR OUTDOOR SEATING (NOT YET USED BUT PREDICTED NEXT SUMMER)



(NOT TO SCALE)



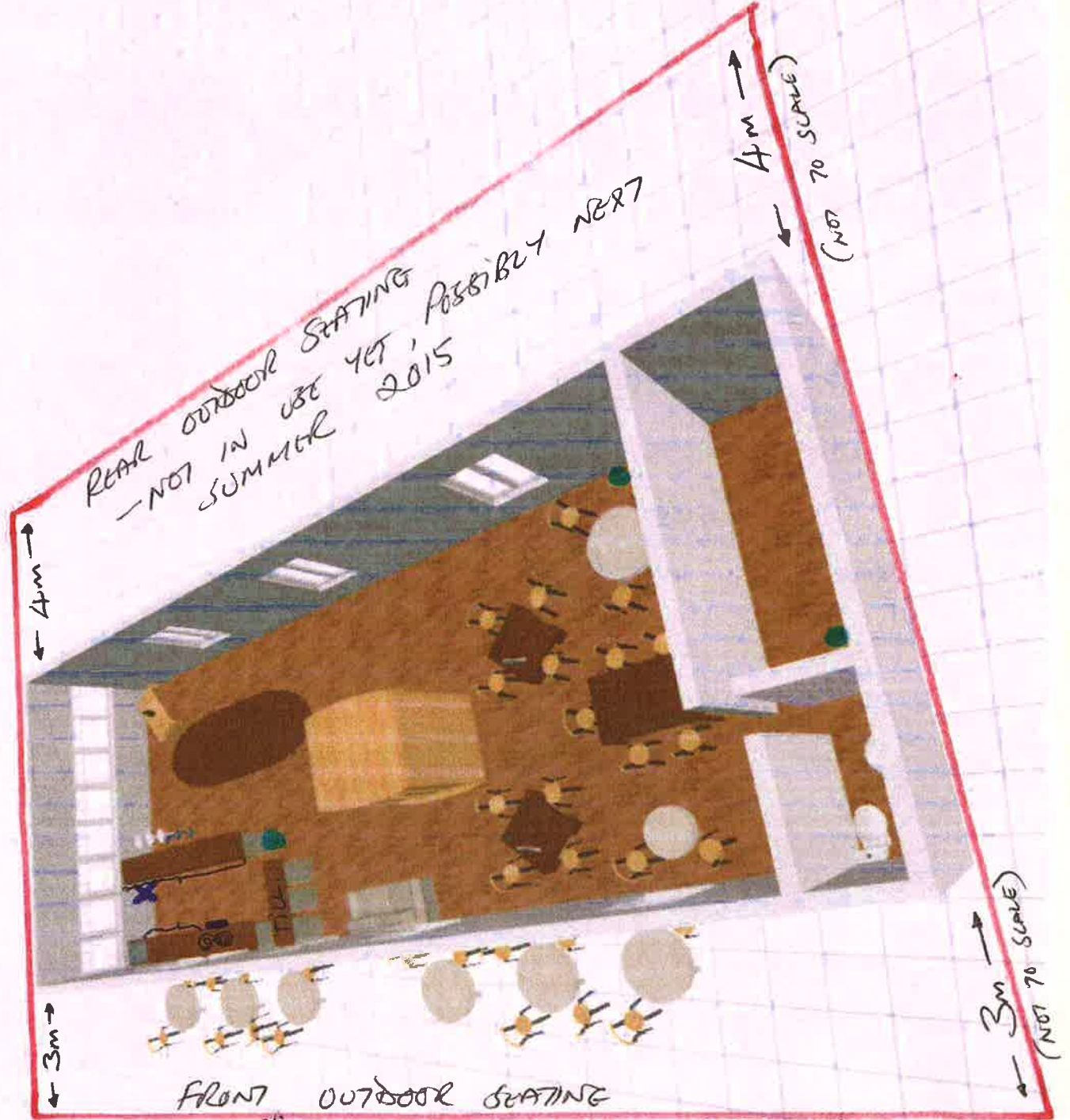
(NOT TO SCALE)

FRONT OUTDOOR SEATING.

(NOT TO SCALE)

- FIRE EXTINGUISHER PAINT. (blue dot)
- FIRE BLANKET (purple dot)
- EVERYTHING WITHIN RED BOUNDARY IS LICENSEABLE AREA. (red square)

STICKS AND STONES



- DEMARKATES
LICENSABLE AREA

- FIRE EXTINGUISHER
POINT.

- FIRE BLANKET

- ALCOHOL STORAGE
AREA - LOCKED
AS WELL AS
FRIDGES FOR
WINE AND BEER.

AS LUNCH TRADE
ONLY NO SELECTION
OF SPIRITS ON DISPLAY.

Hould, Hannah

From: [REDACTED]
Sent: 01 October 2014 18:49
To: Hould, Hannah
Subject: FW: Application for License - Sticks and Stones

Categories: Red Category

Please find below couple more supporting companies.

Best,
L. Flack

From: [REDACTED]
Sent: 01 October 2014 17:40
To: info@uksticksandstones.com
Cc: shop@uksticksandstones.com
Subject: RE: Application for License

Liis,

In connection with your application for a license to serve alcohol at Sticks and Stones, I am delighted to confirm that The Wiltshire Barn Project is keen to support your application and would be happy to see the license extended to 7.30 pm.

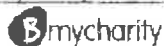
I can also confirm that Shepherds Bookbinding Ltd at Unit 1, Nursery Farm, similarly supports your application.

Best regards,

[REDACTED]

Project Manager | The Wiltshire Barn Project | Daffodil Barn | Nursery Farm | Woodborough | Wiltshire SN9 5PF
Tel: 01672 851979 | E-mail: jp@boundbyveterans.co.uk | Web: www.wiltshirebarn.co.uk
Registered Charity No 1149583

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<http://www.bmycharity.com/charities/boundbyveterans>



a commission-free fundraising service



EQUILIBRIUM

To whomever it may concern,

Regarding the application from Sticks and Stones at Unit 3 Nursery Farm, Woodborough for an alcohol licence I am writing to back this application.

I run a business from Unit 4 Nursery Farm, and am directly attached to Sticks and Stones. We are the only other business regularly open late into the evening 2 - 3 times a week I have to say firstly I would be comforted in the knowledge that we have the security of another business being open in this very rural location as it would make both myself and my colleagues who often work alone feel a lot safer.

Secondly it would and could only be of benefit to all businesses on site! due to the nature of the location in bringing in further footfall which in turn brings about potential new business for us all.

I cannot see a problem at all with the application and along with my colleagues welcome it wholly.

Yours sincerely


Lorraine Saunders
Proprietor of The Equilibrium Clinic

Comfy Critters

Unit 8 Nursery Farm

Woodborough

SN9 5PF



Date: 30 September 2014

Dear Mr & Mrs Flack

Thank you for taking the time to visit us today explaining your intent to sell alcohol under license from your premises.

Having discussed it we can see no problem with this idea as we assume it will be supervised and monitored by you. Indeed we feel it to be a good idea as it will hopefully attract more custom to the area and actually we wondered why you were not already licensed.

To our knowledge the garden centre already has a license to sell alcohol up to 2300hrs and therefore for you to sell up to 1900hrs would make no difference to the Status Quo. We do feel competition would be healthy in this situation.

Wishing you all the very best with your quest.



Mac & Lesley Maclean



8 October 2014

To Whom it may concern

Ref: Sticks 'n' Stones, Woodborough

We have been made aware of an application that has been made by Sticks 'n' Stones for a licence to serve alcohol on their premises up to 19.00hrs.

We, as a neighbouring business, have no reservations, objections or concerns to this licence being provided to the proprietors and believe that their endeavours should be supported.

Yours faithfully



Tracey Copp
Office Manager
21st Century Legacy

Company number 6170576. Registered Charity Number 1123945
Unit C, Nursery Farm, Woodborough, Pewsey, Wiltshire SN9 5PF

30th October 20014

To Whom It May Concern:

RE: Licencing Application

I would like to support the alcoholic licencing application of my neighbour 'Sticks & Stone's Café' located at Woodborough Garden Centre.

During the time I have known the owners I believe them to be honest, trustworthy and responsible proprietors and I do not have any security concerns for my own shop, located directly behind Stick's & Stone's.

I believe the granting of the application will enhance my business and look forward to the additional revenue this will bring to my shop

Yours sincerely




Laura Colla
Owner of Complete Interiors Ltd

To whom it may concern.
Ref Sticks & Stones
Drink licence.

With reference to this application
I would confirm that I see
no reason for a refusal and
special reason for its approval.

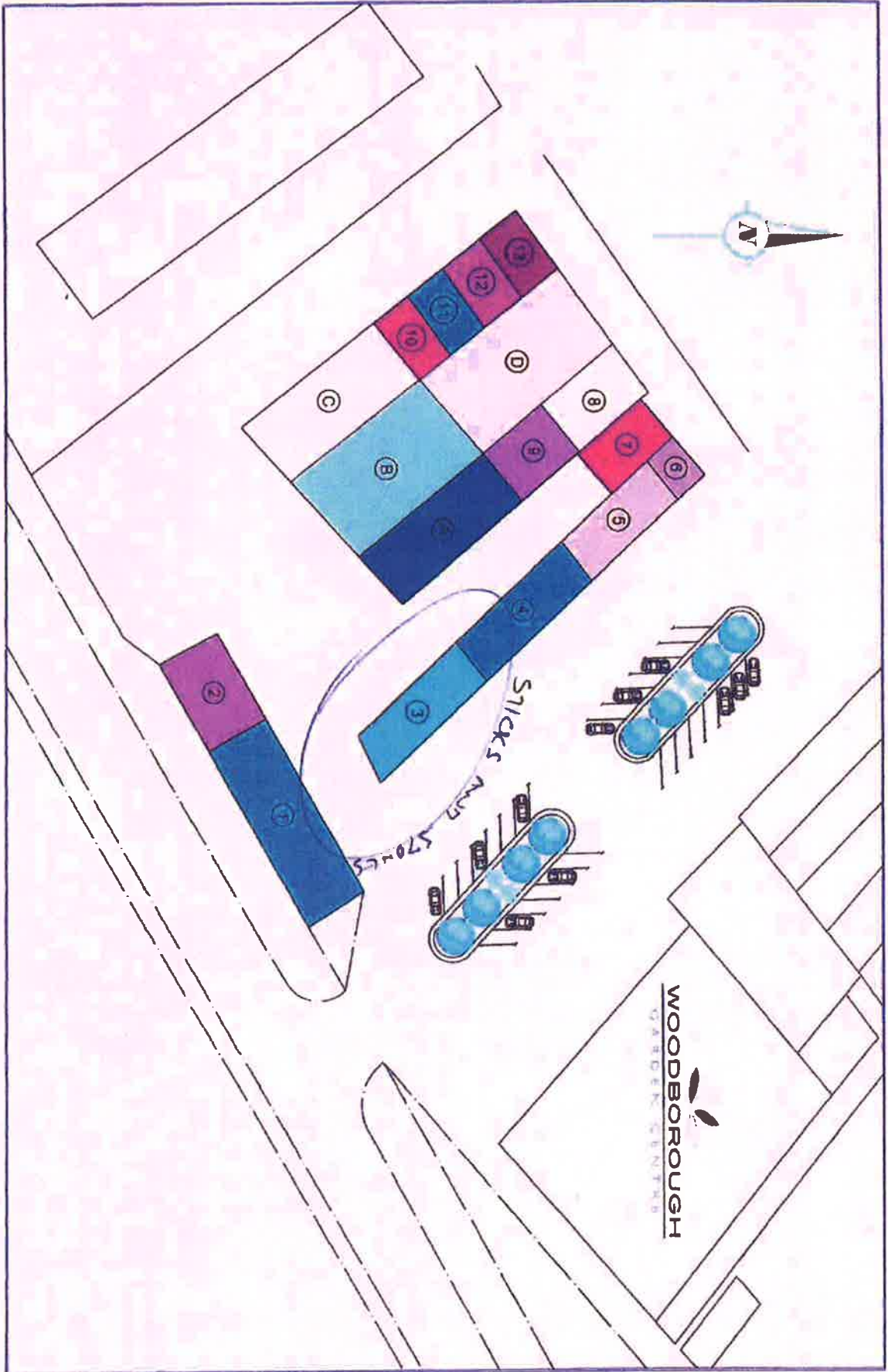
The site as a whole needs
attractive and businesses to
bring customers to us all.

Yours faithfully


Nursery Farm,
Woodborough,
WILTS SA9 5PF.

19/09/2014

map-21.jpg (3182x2030)



<http://www.woodborougghzcommunity.co.uk/wp-content/uploads/2013/10/8/map-21.jpg>

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RECEIVED
29 SEP 2014
POLICE PROTECTION

Wiltshire Council

Where everybody matters

Representation form

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified by the Public Notice in the newspaper. Please contact the licensing section to confirm this date.

Any individual, body or business can make a representation to the licensing authority in relation to an application, regardless of their geographic proximity to the premises. Any representation must be relevant, in that the Representation relates to one or more of the licensing objectives.

Premises about which representation is being made	Sticks & Stones, Nursery Farm Woodborough
Your name	Clare Rourke
Postal address	Woodborough Garden Centre Nursery Farm Woodborough SN9 6PF
Contact telephone number	[REDACTED]
Are you: <ul style="list-style-type: none"> <input type="checkbox"/> An individual? <input checked="" type="checkbox"/> A person who operates a business? <input type="checkbox"/> A person representing residents or businesses? <input type="checkbox"/> A member of the relevant licensing authority (ie, elected councillor of the licensing authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your representation must relate to one of the four licensing objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your representation. If necessary, separate sheets may be used.

Objectives	Evidence
1. The prevention of harm to children	
2. To prevent public nuisance	

Objectives	Evidence
3. To prevent crime and disorder	✓
4. Public safety	

Please list below any suggested actions that you feel the applicant could take to address your concerns.

Please see attached document

If a hearing needs to be held to determine the premises licence application, the councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your representation may be considered if all parties at the hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a representation you will be invited to attend the licensing sub-committee hearings and any subsequent appeal proceedings relevant to your representation.

All representations in their entirety, including your name and address, will be disclosed to the premises licence applicant. A copy of representations will be annexed to the licensing officer's hard copy report, which is a public document circulated to the licensing sub-committee and to all those who have made relevant Representations.

Signature [REDACTED]

Date 26/9/14

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council office covering the area in which the licensed premises are situated.

Chippenham: Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER
Devizes: Wiltshire Council, Kennet House, Sergeant Rogers Way, Hopton Industrial Park, Devizes, Wiltshire, SN10 2ET
Salisbury: Wiltshire Council, Bourne Hill, Salisbury, SP1 3UZ
Trowbridge: Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN



WOODBOROUGH

GARDEN CENTRE

26th September 2014

**Reference to Application premises licence – Sticks and Stones Ltd, Unit 3 Nursery Farm,
Woodborough Garden Centre, Pewsey. SN9 5PF**

I wish to raise an objection to the issuing of a premises licence to Sticks and Stones UK Ltd for the following reasons:

- Compromised security, increasing the risk of theft via unrestricted use of the car park after opening hours
- The increased risk of malicious damage, by people under the influence of alcohol.
- Insurance risk posed by members of the public utilising our property outside of the Garden Centre opening hours, for example, the car park, the play equipment and the liability for its unsupervised use/occupation

The main shared gate to the Nursery Farm site is secured at approximately at 6pm every day and when the gate is closed and secured the Garden Centre is at a lower risk of theft and malicious damage, due to restricted vehicle access, which is an ongoing issue. At the Garden Centre we display a large amount of product out in the open which amounts to about 35% of annual sales however, this is much greater at certain times of the year, for example the spring and summer months, Christmas trees in November and December which pose an even greater risk of theft. We also have valuable animals which are kept on the site. The issuing of an alcohol licence linked to opening later increases the risk of theft and possible malicious damage to product displayed out in the open and to the animals, whilst there are no garden centre staff on site.

An outdoor music event could encourage excessive drinking and high spirited behaviour and could cause accidental and or malicious damage. There is a concern that due to the layout of the Nursery Farm site there is no way of restricting movement of people and containing them to certain areas. When the garden centre is closed at 5pm Monday to Saturday and 4pm on a Sunday the garden centre is vulnerable and if the main gate is not secure people can wander freely around the site unsupervised.

The Garden Centre and the majority of the car park is private property for which we allow free access, but when the Garden Centre is closed we would wish to restrict access for all the reasons stated above. Unless the applicant formally agrees to supervise their customers and accept all liability after garden centre has closed, we would ask you restrict the licence to the current opening of the Garden Centre/Sticks and Stones which is what the applicants have advised us is all they want.

Nursery Farm, Woodborough, Wiltshire. SN9 5PF

Info@woodboroughgardencentre.co.uk Tel: 01672 851249



WOODBOROUGH
GARDEN CENTRE

I would also like to draw your attention to the communication process, which I feel has not been adequate on this occasion. I only found out about the application, because my husband, who is a Parish Councillor for Woodborough, was sent the document as part of his role. The date of the document is the 5th September and date for objections is the 29th September the date today is the 26th. Had I not seen this application it may have been approved without my knowledge? I have spoken to the applicants, the landlord and Hannah Hould of Wiltshire Council to make them aware of my objection.

Yours faithfully

Claire Rourke

Nursery Farm, Woodborough, Wiltshire. SN9 5PF

Info@woodboroughgardencentre.co.uk Tel: 01672 851249