

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

20th APRIL 2016

Application for a Premises Licence; National Trust Estate, High Street, Avebury, Wiltshire, SN8 1RF

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of the National Trust Estate made by National Trust (Enterprises) Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of the National Trust Estate, Avebury has been made by National Trust (Enterprises) Ltd for which 21 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 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 24th February 2016 an application for a new premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Films (Indoors)	10:00-23:00	Monday-Sunday
Live music (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Recorded music (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Performance of dance (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Provision of late night refreshment (Indoors)	23:00-05:00hrs	One night per annum for Summer solstice
Sale by retail of alcohol (ON & OFF the premises)	10:00-23:00	Monday-Sunday

A copy of the application from National Trust (Enterprise) Ltd is attached as **Appendix 1**. A copy of the site plan and the plans for each building included within the application is attached as **Appendix 2**.

2.7 Part of the area included within the new premises licence application is currently subject to a premises licence with Wiltshire Council. The areas that are currently authorised for the sale of alcohol include the National Trust Shop, Circle Cafe Restaurant and the Education Room. The outside seating areas and picnic area in relation to the three premises named, are also included within the licensable area under the premises licence (KK/PL0261).

2.8 The applicant's solicitor has indicated that if the new application is granted as requested, they anticipate that the current premises licence will be surrendered.

2.9 The current premises licence (KK/PL0261) authorises the following:

Licensable Activity	Timings	Days
Sale by retail of alcohol (ON & OFF the premises)	10:00-23:00 12:00-22:30	Monday-Saturday Sunday

2.10 The premises licence (KK/PL0261) is attached as **Appendix 3** and the accompanying plan is attached as **Appendix 4**.

2.11 The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015. The 2014 Order has deregulated regulated entertainment in certain situations. This is relevant to this application as the regulated entertainment that has been applied for, depending on the circumstances in which it is held, may not be licensable. Further details on the 2014 Order are attached as **Appendix 5**.

2.11 The licensable hours for other licensed premises in the vicinity of the premises are as follows:

Licensable Activity	Timings	Days
<u>Red Lion</u> Alcohol sales (ON & OFF the premises)	11:00-23:00 11:00-00:00	Sunday-Thursday Friday & Saturday
Live & recorded music (Indoors)	18:00-23:00	Monday-Sunday
Late night refreshment (Indoors)	23:00-00:00	Monday-Sunday
<u>The Avebury Community Shop Ltd</u> Alcohol sales (OFF the premises)	08:00-23:00 08:00-22:30	Monday-Saturday Sunday

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 The application was not advertised in the local newspaper within 10 working days and consequently the consultation period was extended accordingly.

3.3 During the consultation period 21 relevant representations have been received from 17 local residents, 1 from the Parish Council, 1 from Avebury Society and 2 from Responsible Authorities. Furthermore 2 letters of support in relation to representations made were received from 2 local residents.

3.4 Representations Received

- **Avebury Parish Council**, c/o Ashdown, High Street, Avebury, SN8 1RF
- **The Avebury Society**, c/o 1 The Old Smithy, Alton Priors, Marlborough, SN8 4JX
- **Diana Holmes**, Harpers Cottage, High Street, Avebury, SN8 1RF
- **Lady Mary Beale**, The Old Bakery, Avebury, SN8 1RF
- **Sir Peter Beale**, The Old Bakery, Avebury, SN8 1RF
- **Brian & Helen Vickers**, Pearces Cottage, High Street, Avebury, SN8 1RF
- **Michael & Janet Polack**, The Old Forge, High Street, Avebury, SN8 1RF
- **John Wilding & Esther Smith**, Henge House, High Street, Avebury, SN8 1RF

- **Mikyla Francis-Darwell & Ben Francis**, Rose Cottage, High Street, Avebury, SN8 1RF
- **Philippe and Dominique Ullens**, 4 Harrington Court, Swindon Road, Avebury, SN8 1RH
- **Adam Wethered**, Westbrook Farm, Avebury Trusloe, Marlborough, SN8 1RA
- **Lynzey & Mark Paradise**, Anvil Cottage, High Street, Avebury, SN8 1RF
- **Margery Gretton & Mario Pasquali**, Barn Cottage, Avebury, SN8 1RF
- **Margaret Davenport**, Dovecote Cottage, High Street, Avebury, SN8 1RF
- **Susan Davenport & Jeremy Drew**, Barn Cottage, High Street, Avebury, SN8 1RF
- **Jan Williamson**, Ashdown, High Street, Avebury, SN8 1RF
- **Angela & Nigel Norman**, Meadow House, Green Street, Avebury, SN8 1RE
- **Pascale Stacey**, Greystones, Avebury, SN8 1RE
- **Andrew Blackall**, The Lodge, High Street, Avebury, SN8 1RF

3.5 Responsible Authorities

- **Wiltshire Police**, Trowbridge Police Station, Polebarn Road, Trowbridge, BA14 7EP
- **Wiltshire Council Environmental Health**, Bourne Hill, Salisbury, Wiltshire, SP1 3UZ

3.6 The relevant representations are attached as **Appendix 6**.

3.7 Supporting documentation submitted by the applicant is attached as **Appendix 7** and **Appendix 8**.

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.
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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 Site plan and plans for each building**
- 3 Premises Licence KK/PL0261**
- 4 Plan to accompany Premises Licence KK/PL0261**
- 5 Legislative Reform (Entertainment Licensing) Order 2014 explanatory notes**
- 6 Relevant representations**
- 7 Supporting documentation supplied by Applicant**
- 8 Supporting documentation supplied by Applicant**