

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

24 May 2016

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### Application for a Premises Licence; Fieldtrip Festival, Grange Farm, Bratton Road, West Ashton, Trowbridge, Wiltshire, BA14 6AX

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Field Trip Festival, Grange Farm, Bratton Road, West Ashton, Trowbridge, Wiltshire, BA14 6AX

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Grange Farm, Bratton Road, West Ashton, Trowbridge has been made by Powwow Productions Limited for which five 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 30 March 2016 an application for time limited Premises Licence was received and accepted as a valid application. The licence is to operate licensable activities from Friday 26 August 2016 to Monday 29 August 2016.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Live music (In and Outdoors)	16:00 – 03:00 (the following morning)	Friday
Recorded music (In and Outdoors)	12:00 – 04:00 (the following morning)	Saturday
Performance of dance (In and Outdoors)	12:00 – 04:00 (the following morning)	Sunday
Anything of a similar description (In and Outdoors)		
Provision of late night refreshment (In and Outdoors)	23:00 – 05:00 (the following morning)	Friday
	23:00 – 05:00 (the following morning)	Saturday
	23:00 – 05:00 (the following morning)	Sunday
Sale by retail of alcohol (On the Premises)	14:00 – 03:00 (the following morning)	Friday
	11:00 – 04:00 (the following morning)	Saturday
	11:00 – 04:00 (the following morning)	Sunday

A copy of the application from Powwow Productions is attached as **Appendix 1**.

2.7 A location plan of the premises is attached as **Appendix 2** to this report.

2.8 A copy of the Event Management Plan submitted with this application is attached as **Appendix 3**.

2.9 A copy of the Site Plan submitted with this application is attached as **Appendix 4**.

### **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 no relevant representations were received from Responsible Authorities. Four relevant representations have been received from local residents and one from the Divisional Ward Councillor.

### 3.3 Representations Received

- Mr Michael Jones
- Mr Hugh Hancock
- Mrs Elizabeth Webbe
- Major Robin Wilson
- Councillor Jerry Wickham

3.5 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 Michael Jones	Public Safety Prevention of Public Nuisance	Yes	Concerns regarding noise nuisance, Consumption of alcohol & Traffic Management.
Mr Hugh Hancock	Prevention of Public Nuisance Crime & Disorder Public Safety	Yes	Concerns regarding noise nuisance, Consumption of alcohol & Traffic Management.
Mrs Elizabeth Webbe	Prevention of Public Nuisance Public Safety	Yes	Concerns regarding noise nuisance, Consumption of alcohol & Traffic Management.
Major Robin Wilson	Public Safety	Yes	Traffic Management.
Councillor Jerry Wickham	Prevention of Public Nuisance Public Safety Protection of children from harm	Yes	Concerns regarding noise nuisance, Consumption of alcohol & children being allowed to camp in the area.

3.6 The relevant representations are attached as **Appendix 5**.

3.8 A location plan detailing the distance between the premises and Edington is attached as **Appendix 6**.

3.9 The applicants were granted a time limited licence on 12 September to 13 September 2015.

The application was granted following a hearing which took place on 17 June 2015 after a valid representation was made by West Ashton Parish Council.

A copy of the decision notice from the hearing is **attached as Appendix 7**.

#### **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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Date of report: 10 May 2016

### **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

### **Appendices**

- 1 New Premises Application Form**
- 2 Location plan of the premises**
- 3 Event Management Plan**
- 4 Site Plan**
- 5 Relevant Representations**
- 6 Edington location plan**
- 7 Decision notice**