

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

26 July 2016

**Application for a Variation of a Premises Licence; The Foresters Arms,
Sandridge Road, Melksham, SN12 7BN**

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Foresters Arms, Sandridge Road, Melksham, SN12 7BN made by Star Pubs & Bars Limited.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Foresters Arms, Sandridge Road, Melksham, SN12 7BN made by Star Pubs & Bars 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 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 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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 27 May 2016 an application for a variation of the existing premises licence, was received and accepted as a valid application.
- 2.6 The variations applied for are summarised as follows:

Licensable Activity	Hours
Live Music (indoors only) Recorded Music (indoors only) Performance of dance (indoors only)	Sunday to Thursday 09.00 hrs – 23.00 hrs Friday & Saturday 09.00 hrs – 00.30 hrs (Next Day)
Late Night Refreshment (indoors only)	Friday & Saturday 23.00 hrs – 03.00 hrs (Next Day)
Supply of Alcohol (on and off the premises)	Sunday to Thursday 09.00 hrs – 23.00 hrs Friday & Saturday 09.00 hrs – 00.30 hrs (Next Day)
Hours premises are open to the public	Sunday to Thursday 09.00 hrs – 23.30 hrs Friday & Saturday 09.00 hrs – 01.00 hrs (Next Day)

- To remove those old conditions converted from the Public Entertainment Licence which are no longer necessary or appropriate given they are covered by existing primary legislation.

A copy of the application form is attached as **Appendix 1**.

2.7 Since 24 November 2005, the premises benefits from a Premises Licence issued under the Licensing Act 2003. The original licence allowed the following:-

Licensable Activity	Hours
Supply of Alcohol (on and off the premises)	Monday to Saturday 11.00 hrs – 23.00 hrs Sunday 12.00 hrs – 22.30 hrs
Live Music Recorded Music Performance of dance Facilities for dancing Anything similar to making music/dance	Monday to Saturday 11.00 hrs – 23.00 hrs Sunday 12.00 hrs – 22.30 hrs
Hours premises are open to the public	Monday to Saturday 11.00 hrs – 23.30 hrs Sunday 12.00 hrs – 23.00 hrs

The current Premises Licence is attached as **Appendix 2**

- 2.8 On 2 October 2007 a variation application was received by the Licensing Authority for which five relevant representations were received. The application was submitted to
- Extend the hours for sale of alcohol, live music, recorded music
 - To permit karaoke
 - Extend the hours on Easter weekend, Christmas Eve, boxing day, New years even and New Years Day
 - Remove restrictions on children being allowed into the premises.

A hearing was held on 19 November 2007. A copy of the decision notice for this hearing is attached as **Appendix 3**.

3. Consultation and Representations

- 3.1 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days together with a publication of notice in a local news paper within 10 working days, starting on the day the authority receives the application. During the consultation period one relevant representation was received from a local resident.

3.4 Responsible Authorities

No representations were received by any of the responsible authorities.

3.5 Other Representations

Mr Phillip Llewellyn – 65 Sandridge Road, Melksham, Wiltshire SN12 7BL.

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

Representation	Licensing Objective	Accepted	Comments
Noise	Public Nuisance	Yes	Concerns regarding noise from customers leaving the premises in the early hours of the morning.

- 3.7 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 5** is a map which shows the location of the relevant representations in relation to the premises.

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 Responsible Authority 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 The Applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other 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 and those who have made relevant 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 will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Teresa Bray

Teresa Bray, Public Protection Officer (Licensing)

Date of report 11 July 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 Variation Application**
- 2 Current Premises Licence**
- 3 Hearing Decision Notice**
- 4 Representations**
- 5 Location Map**