

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

4 October 2016

Application for a Variation of a Premises Licence; Center Parcs, Longleat Forest, Warminster, Wiltshire, BA12 7PU

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Center Parcs, Longleat Forest, Warminster, Wiltshire, BA12 7PU made by Center Parcs Limited.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Center Parcs, Longleat Forest has been made by Center Parcs 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.
 - iii) To grant the application as applied for.
- 2.5 On 1 August 2016 an application for a variation of the existing premises licence, was received and accepted as a valid application.

2.6 The details of the variation applied for, are as follows:

- Update licensed area, to exclude accommodation, car park & arrivals lodge.
- Update plans of each individual unit, with unit name changes reflected.
- Addition of indoor sporting events.
- Increase numbers, from 4,999 to 8,700 to include ‘changeover days’.
- Add the following condition:
 “Temporary bars will be placed in various locations within the perimeter of Center Parcs licensed areas for special events, including:
 - Winter Wonderland (Nov-Dec): temporary bar outside of the Sports Café and at Village Square
 - New Year’s Eve: temporary bar outside the Jardin Des Sports
 - Sporting events: temporary bars in each of the above locations
 For any additional temporary bars, Center Parcs will notify Wiltshire Council at least 7 days in advance of the event and confirm the location of the temporary bar, the date(s) it will be in place and the hours of operation.”

A copy of the application form is attached as **Appendix 1**. The plans accompanying the application are attached as **Appendix 2**.

2.7 Since 24 November 2005, the premise has benefited from a Premises Licence issued under the Licensing Act 2003. The original licence allowed the following:

Licensable Activity	Hours
Films (Indoors)	Monday-Sunday 00:00-24:00
Live Music (Indoors & Outdoors)	Monday-Sunday 00:00-24:00
Recorded Music (Indoors & Outdoors)	Monday-Sunday 00:00-24:00
Performances of Dance (Indoors & Outdoors)	Monday-Sunday 00:00-24:00
Anything of a similar description to that falling within (e), (f) or (g) (Indoors & Outdoors)	Monday-Sunday 00:00-24:00
Late Night Refreshment (Indoors & Outdoors)	Monday-Sunday 23:00-05:00 (Next Day)
Supply of Alcohol (On and Off)	Monday-Sunday 00:00-24:00

2.8 The Premises Licence was subsequently varied in July 2006. The application was to carry out the following:

1. Vary the existing licensed area to include an additional area.
2. Remove the conditions and embedded restrictions from licenses transferred under the transitional provisions of the Licensing Act 2003.

3. Replacement of existing conditions with conditions set out in the application.
4. To allow outdoor dancing in the areas shown on the plan.

- 2.9 The Premises Licence was varied again in January 2007. This application was to carry out the following:
1. Vary the licensed area to delete reference to specific areas.
 2. Variation of conditions.
 3. Addition of plays to licensable activities.

The current Premises Licence is attached as **Appendix 3**.

- 2.10 A general licensing inspection was carried out at the premises on 25 February 2016. It was following this inspection that I advised Center Parcs that they needed to apply for a variation. This was as a result of some of the plans attached to the premises licence being outdated and the 5,000 person limit on the site at any one time potentially being exceeded.

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 has been received from Horningsham Parish Council.

3.2 Responsible Authorities

- None

3.3 Interested Parties

- Horningsham Parish Council

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

Representation	Licensing Objective	Accepted	Comments
That the traffic from the further 3700 persons will cause even more public safety issues than were being had at present.	Public Safety	Yes	-

- 3.5 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 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 At the hearing the applicant and the Responsible Authority who have made 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 the Responsible Authority 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 will not normally be granted within the first 12 months except for the most compelling circumstances.

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Date of report: 20 September 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 Plans accompanying application**
- 3 Existing premises licence**
- 4 Parish Council representation**