

# WILTSHIRE COUNCIL

## LICENSING SUB COMMITTEE

16 APRIL 2019

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### **Application for a Variation of a Club Premises Certificate; Westbury Conservative Club, Alfred Street, Westbury, BA13 3DY**

#### **1. Purpose of Report**

To determine an application for a variation of a Club Premises Certificate in respect of Westbury Conservative Club, Alfred Street, Westbury, BA13 3DY made by Westbury Conservative Club.

#### **2. Background Information**

2.1 An application for a variation of a Club Premises Certificate in respect of Westbury Conservative Club has been made by Westbury Conservative Club for which two 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 85(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps listed in 2.4 below as it considers necessary 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 Club Premises Certificate as applied for.
- ii) To modify the conditions of the Club Premises Certificate.
- iii) To reject the whole or part of the application.

2.5 On the 20<sup>th</sup> February 2019 an application for a variation to the Club Premises Certificate was received and accepted as a valid application.

2.6 The details of the variation applied for, are summarised below:

<b>Licensable Activity</b>	<b>Hours</b>
Indoor Sporting Events	Mon-Sat 17.00 – 00.00 Sun 17.00 – 22.30
Live Music (indoors)	Fri-Sat 20.00 – 00.00 Sun 12.00 – 21.30
Recorded Music (indoors)	Mon – Sat 11.00 – 00.00 Sun 12.00 – 23.00
Supply of alcohol (on supplies)	Mon – Sat 11.00 -00.00 Sun 12.00 – 23.00
<u>Non-standard timings</u>	
Christmas Day 11.00-15.00, Boxing Day 11.00 – 00.00, New Year's Eve 11.00 – 01.00 following day. ; Bank Holidays, Sunday prior to Christmas, Christmas Eve 11.00 – 23.00 and such other times as the Committee may from time to time determine.	

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

The club premises certificate was issued under the 1964 Act and was converted on 30 August 2005 to have effect from the 24 November 2005. Since this time the club has benefited from a club premises certificate issued under the Licensing Act 2003. The current certificate authorises the following:

<b>Licensing Activities</b>	<b>Hours</b>	
Supply of alcohol (ON supplies)	Monday - Thursday	11.00 – 23.00
	Friday - Saturday	11.00 – 00.00
	Sunday	12.00 - 00.00
Live Music (indoors)	Fri - Sat	19.00 – 00.00
	Sun	12.00 - 21.30
Recorded Music (indoors and outdoors)	Mon-Thurs	11.00 – 23.00
	Fri-Sat	11.00 – 00.00
	Sun	12.00 – 23.00
Indoor sporting events	Mon-Fri	19.00 – 23.00
	Sat	11.00 – 23.00
	Sun	12.00 – 23.00
<u>Non-standard timings</u>		
Christmas Day 11.00 – 14.00; Boxing Day 11.00 – Midnight; New Year's Eve 11.00 to 01.00 following day; New Year's Day 11:00 – Midnight; Bank Holidays, Sunday prior to Christmas, Christmas Eve 11.00 – 23.00 and such other times as the Committee may from time to time determine.		

The Current club premises certificate is attached as **Appendix 2**.

Attached as **Appendix 3** is a location plan of the Club, along with other licensed premises nearby.

Details of other licenced premises in the vicinity of the area are as follows:

Premises	Licensable Activity	Hours
The Ludlow Arms, Fore Street, Westbury, BA13 3AX	Sale of Alcohol (On & Off Sales) Live music, recorded music, exhibition of film (indoors and outdoors)	Sun- Thur 07.00 – 02.00 Fri - Sat 07.00 – 02.30
	Late Night Refreshment (indoors and outdoors)	Sun – Thur 23.00 – 03.00 Fri – Sat 23.00 – 03.30
The Crown Inn, Market Place, Westbury, BA13 3DE	Sale of Alcohol (On & Off Sales)	Mon – Sun 11.00 – 00.00
	Live music, recorded music (indoors)	Mon – Thur 11.00 – 23.00 Fri – Sat 11.00 – 00.00 Sun 11.00 – 22.30
	Late Night Refreshment (indoors)	Mon – Sun 23.00 – 00.00
The Trojan Horse, 3-5 Market Place, Westbury, BA13 3DE	Sale of Alcohol (On & Off Sales)	Mon- Sat 11.00 – 02.00 Sun 12.00 – 00.00
	Live music, recorded music, exhibition of film, performance of dance (indoors)	Mon- Sat 11.00 – 02.00 Sun 12.00 – 00.00
	Late Night Refreshment (indoors)	Mon – Sat 23.00 – 02.00 Sun 23.00 – 00.00
Horse and Groom, Alfred Street, Westbury, BA13 3DY	Sale of Alcohol (On & Off Sales)	Mon – Sat 12.00 – 00.00 Sun 12.00 – 23.00
	Live music, recorded music, performance of dance (indoors)	Mon – Thurs 12.00 – 23.00 Fri - Sat 12.00 – 23.30 Sun 12.00 – 22.00

### 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 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.

3.3 During the consultation period, Westbury Town Council submitted a representation however after considering advice provided from the licensing authority, withdrew. Subsequent to this, two Westbury Town Councillors submitted relevant representations in their own right as individuals.

#### 3.4 Responsible Authorities

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

### 3.5 Interested Parties

- Mr Ian Cunningham, Bridge House, Westbury Leigh, Westbury, BA13 3SH
- Mrs Jane Russ, 3 Gibbs Close, Westbury, BA13 3DT

3.6 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>
Ian Cunningham	Public Nuisance	Yes	Alfred Street is residential. Belief that extension of music will cause disturbance.
Jane Russ	Public Nuisance	Yes	Club located in a residential area. Ms Russ can already hear music coming from the club. Additional hour will cause a disturbance.
Westbury Town Council	Public Nuisance Crime and Disorder Protection of Children from Harm	Withdrawn	No evidence or examples provided.

3.7 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 4a** is a plan which shows the locations from where representations have been made.

## 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 Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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 Premises Licence Holder, the Responsible Authority(ies) and Interested Parties 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 an Interested Party 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 an Interested Party 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 Current Club premises certificate and conditions**
- 3 Location of Club in relation to other licensed premises**
- 4 Relevant representations**
- 4a Representations location map**