

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

3rd JULY 2019

Application for a Variation of a Premises Licence; Cholderton Rare Breeds Farm, Beacon House, Amesbury Road, Cholderton, Wiltshire, SP4 0EW

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Cholderton Rare Breeds Farm, Beacon House, Amesbury Road, Cholderton, Wiltshire, SP4 0EW made by Miss Sophie McConnell.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Cholderton Rare Breeds Farm has been made by Miss Sophie McConnell 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 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 8th June 2019 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:

1. To vary the plans attached to the premises licence so as to extend the licensed area to cover the farm and vineyards in its entirety and to include a storage area; where alcohol will be appropriated to the contract in the case of internet sales.
2. To allow live music, recorded music and performance of dance to be held outdoors up to 15 times a year, as per the hours currently on the licence for indoor regulated entertainment. The licensing authority will be notified in writing 14 days prior to the event. Neighbours who reside on Amesbury Road will be notified in writing 14 days prior to the event.
3. To include additional conditions on the premises licence.

2.7 A copy of the application form with the accompanying plans is attached as **Appendix 1**. The applicant has also submitted a noise management plan; this is attached as **Appendix 1(a)**.

2.8 Since 3rd November 2009, the premise has benefited from a Premises Licence issued under the Licensing Act 2003. The current licence holder has held this position since 15th April 2014.

2.9 The premises licence was subsequently varied in March 2019 to include OFF sales for alcohol; this application was granted on the 4th April 2019.

2.10 The current premises licence authorises the following:

Licensable Activity	Location	Hours
Perform Play Exhibit Film	Indoors & Outdoors	Monday-Sunday: 10:00hrs-23:00hrs The showing of films to cease at 18:00hrs when outdoors.
Live music	Indoors	Monday-Sunday: 12:00hrs-23:00hrs
Recorded music	Indoors	Monday-Sunday: 10:00hrs-23:00hrs
Perform dance	Indoors	Monday-Sunday: 10:00hrs-23:00hrs Our special Christmas dance during the festive season to cease at midnight.
Sale of alcohol	(ON and OFF Sales)	Monday-Sunday: 12:00hrs-00:00hrs
Opening hours	-	Monday-Sunday: 08:00hrs-00:30hrs

- 2.11 The current Premises Licence, with the accompanying conditions and plans is attached as **Appendix 2**.
- 2.12 A noise complaint was received in July 2017; the event in question was authorised by means of a Temporary Events Notice. Environmental Health wrote to the licence holder and advice was given.
- 2.13 Attached as **Appendix 3** is a location plan of the premises.

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 newspaper within 10 working days, starting on the day the authority receives the application. During the consultation period five relevant representations have been received from five Interested Parties

3.2 Responsible Authorities

- None

3.3 Interested Parties

- Mr & Mrs Richard & Kathryn Shipway, Charnwood, Amesbury Road, Cholderton, Salisbury, Wiltshire, SP4 0ER.
- Mrs Anne Midgley, 1 Ann's Farm Cottages, Amesbury Road, Cholderton, Salisbury, Wiltshire, SP4 0EN.
- Mrs Christine Randall, 3 Ann's Farm Cottages, Amesbury Road, Cholderton, Salisbury, Wiltshire, SP4 0EN.
- Mr David Randall, 3 Ann's Farm Cottages, Amesbury Road, Cholderton, Salisbury, Wiltshire, SP4 0EN.
- Mr & Mrs John & Catherine McGuire, Beacon Way, Amesbury Road, Cholderton, Salisbury, Wiltshire, SP4 0ER.

3.4 The relevant representations are 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 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 the Applicant, Responsible Authorities and Interested Parties 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, the Responsible Authority 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 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: 20th June 2019

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 form**
- 1(a) Noise management plan**
- 2 Current premises licence & plans**
- 3 Location plan**
- 4 Relevant representations**