

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

4 AUGUST 2020

APPLICATION FOR A VARIATION OF A PREMISES LICENCE;
THE WHITE HART, LANE END, CORSLEY, BA12 7PH

1. Purpose of Report

1.1 To determine an application for a variation of a Premises Licence in respect of The White Hart, Lane End, Corsley made by Adelle Gill.

2. Background Information

2.1 An application for a variation of a Premises Licence in respect of The White Hart, Corsley has been made by Adelle Gill for which 9 relevant representation 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 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 licence as applied for.
- ii) To modify the conditions of the licence.
- iii) To reject the whole or part of the application.

2.5 On the 11 June 2020 an application for a variation to the premises licence was received and accepted as a valid application.

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

Licensable Activities	Hours
Live Music (indoors)	17.00 – 00.00 daily <u>Non-standard timings</u> Bank Holidays 13.00-00.00 New Year's Eve from the end of permitted hours until permitted hours the following day.
Recorded Music (indoors)	08.30 – 00.00 daily <u>Non-standard timings</u> New Year's Eve from the end of permitted hours until permitted hours the following day.
Performance of Dance	<u>Non-standard timings</u> New Year's Eve from the end of permitted hours until permitted hours the following day
Late Night Refreshment (indoors and outdoors)	23.00 – 00.00 daily
Sale of Alcohol (on and off sales)	10.00 – 00.00 daily <u>Non-standard timings</u> New Year's Eve from the end of permitted hours until permitted hours the following day
Hours open to the public	8.30 – 00.30 daily <u>Non-standard timings</u> New Year's Eve from the end of permitted hours until permitted hours the following day

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

Since 2 October 2015 the premises has benefited from a premises licence issued under the Licensing Act 2003. The current licence holder has been in position since 11 July 2019. The current licence authorises the following:

Licensing Activities	Hours
Alcohol Sales (on sales)	12.00 – 23.00 daily
Hours open to the public	08.30 – 23.00 daily

The Current premises licence including the plans and current conditions are attached as **Appendix 2**.

Attached as **Appendix 3** is a location plan of the premises and **Appendix 3a** is location plans of other licenced premises in the vicinity as below.

Premises	Licensable Activity	Hours
The Royal Oak, Corsley Heath, BA12 7PR	Live Music (indoors)	12.00 – 23.00 daily <u>Non-standard timings</u> New Years Eve until 01:00hrs on 2nd January
	Recorded Music (indoors)	11.00 – 23.00 daily <u>Non-standard timings</u> New Years Eve until 01:00 on 2nd January
	Late Night Refreshment (on the premises only)	23.00 – 00.00 daily <u>Non-standard timings</u> New Years Eve until Midnight on 2nd January
	Sale of Alcohol (on and off sales)	11.00 – 00.00 daily <u>Non-standard timings</u> New Years Eve until Midnight on 2nd January
	Hours open to the public	10.00 – 01.00 daily <u>Non-standard timings</u> New Years Eve until 01:00hrs on 2nd January
The Cross Keys, Lyes Green, BA12 7PB	Live and Recorded Music (indoors)	11.00 – 23.00 daily <u>Non-standard timings</u> New Years Eve up to 0200 on 1 January
	Late Night Refreshment (indoors)	23.00 – 01.00 daily <u>Non-standard timings</u> New Years Eve up to 0200 on 2 January
	Sale of alcohol (on and off sales)	11.00 – 00.00 daily <u>Non-standard timings</u> New Years Eve up to Midnight on 2 January
	Hours open to the public	11.00 – 01.00 daily <u>Non-Standard timings</u> New Years Eve up to 0100 on 2 January

It is important to note that The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015. The 2014 Order has deregulated regulated entertainment in certain situations. Further details on the 2014 Order are attached as **Appendix 4**. A summary of exemptions for live and recorded music is attached as **Appendix 4a**.

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.

- 3.2 Due to COVID-19 restrictions, a Licensing Officer was unable to carry out a site visit and check the blue notice and as such on the 18 June 2020, the applicant was contacted and asked to provide an email with a photograph of the blue notice in-situ. The applicant promptly provided the information requested. The Licensing Officer was unable to see the date on the blue notice and contacted the applicant on 21 June 2020. The applicant gave assurances that the date 11.06.20 was handwritten in biro on the blue notice, however it was quite faint from the outside of the premises. The Licensing Officer requested that the date was written in bold so as it could be clearly seen. This request was complied with and a photograph of the amended blue notice in situ was emailed to the Licensing Officer on the same day (21 June 2020).

A notice was not published in a locally circulating publication within 10 days of submitting the application which resulted in the consultation period being extended to 14 July 2020.

- 3.3 During the consultation period 16 representations against the application were submitted of which 11 were accepted as “valid”; 10 from local residents and 1 from the parish council. Following a discussion with the applicant, 2 of the local residents withdrew their representations as their concerns had been alleviated. There are 9 valid representation against the application. The Licensing Authority also received 10 emails of support for the application, however these are not included in the report as they do not relate to the licensing objectives.

3.4 Responsible Authorities

During the consultation period Wiltshire Council’s Environmental Health Officer requested a noise management plan from the applicant. This was provided by the applicant (**attached as Appendix 5**) and accepted by the Environmental Health Officer. The applicant also provided an explanatory note of their intentions (**attached as Appendix 5a**). The Environmental Health Officer has requested that the following condition is added to the licence:

“Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. Any changes to the noise management plan must be agreed in writing by the Licensing Authority”

The applicant has agreed to this condition being added to the licence. Confirmation of which is attached as **Appendix 6**.

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

3.5 Interested Parties

- Mr & Mrs Evans, Brackens, Lane End, Corsley, BA12 7PH.
- Mr & Mrs Chudley, Squires House, Lane End, Corsley, BA12 7PH
- Mr & Mrs Selman, 2 Roddenbury View, Corsley, BA12 7PT.
- Mrs Liquorice, Heathside, Corsley Heath, Corsley, BA12 7PW.
- Mrs V Thomas, 81 Lane End, Corsley, BA12 7PE.
- Mr & Mrs Hanney, 75 Lane End, Corsley, BA12 7PG.
- Mr & Mrs Parkinson, 74 Lane End, Corsley, BA12 7PG.
- Ms Pugsley & Mr Eggleton, Chimneys, Lane End, Corsley, BA12 7PH.
- Corsley Parish Council

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

Representation	Licensing Objective	Comments
Mr & Mrs Evans	Public Nuisance	Noise from live and recorded music. Noise from vehicles at closing time
Mr & Mrs Chudley	Public Nuisance	Noise from live and recorded music. Noise from people and vehicles at closing time.
Mr & Mrs Selman	Public Nuisance	Noise from live and recorded music. Noise from people and vehicles at closing time.
Mrs Liquorice	Public Nuisance	Noise and litter from people using the takeaway service
Mrs Thomas	Public Nuisance	Noise from people collecting off sales of alcohol and takeaway. Smell from takeaway food.
Mr & Mrs Hanney	Public Nuisance	Noise and vibration from live and recorded music. Car noise from people collecting takeaway.
Mr & Mrs Parkinson	Public Nuisance	Noise from music
Ms Pugsley & Mr Eggleton	Public Nuisance	Noise from music
Corsley Parish Council	Public Nuisance Crime and disorder	Noise from music, people and vehicles. Already anti-social behaviour from pub clientele, this will increase with extended licence.

3.7 The relevant representations are attached as **Appendices 7a-i**. Attached as **Appendix 8** 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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Date of report 20 July 2020

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 and plan**
- 2 Current licence and plan**
- 3 Location plan of premises**
- 3a Location plans of other licenced premises**
- 4 Legislative Reform (Entertainment Licensing) Order 2014**
- 4a Summary of exemptions for Live and Recorded Music**
- 5 Noise management plan**
- 5a Explanatory note submitted with noise management plan**
- 6 Confirmation of agreement to noise condition**
- 7a Representation - Mr and Mrs Evans**
- 7b Representation - Mr and Mrs Chudley**
- 7c Representation - Mr and Mrs Selman**
- 7d Representation - Mrs Liquorice**
- 7e Representation - Mrs Thomas**
- 7f Representation - Mr and Mrs Hanney**
- 7g Representation - Mr and Mrs Parkinson**
- 7h Representation - Ms Pugsley and Mr Eggleton**
- 7i Representation - Corsley Parish Council**
- 8 Map of representations**