

WILTSHIRE COUNCIL

EAST AREA LICENSING SUB COMMITTEE

MEETING DATE: 15th June 2011

Application for a Premises Licence: Tidworth Development Centre
St Andrews Hall, Bulford Road, Tidworth SP9 7RZ

1. Purpose of Report

To determine an application for a Premises Licence in respect of Tidworth Development Centre for Young People – (St Andrews Hall) made by Integrated Youth Service, Wiltshire Council.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Tidworth Development Centre - St Andrews Hall has been made by Integrated Youth Service, Wiltshire Council 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 18 (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 representation, 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 subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers necessary for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
 - ii) To exclude from the scope of the application any licensable activity.
 - iii) To refuse to specify a person as the designated premises supervisor.
 - iv) To reject the application.

2.5 On 18th April 2011 an application for a Premises Licence without Alcohol was received and accepted as a valid application. **Due to an error in the applicants advertising of this application, the consultation period was extended to 31st May 2011 as advertised.**

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live Music (Indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Recorded music (Indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Performance of dance(Indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Anything of a similar description (Indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
<u>Provision of entertainment facilities</u>		
Making music (Indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Dancing (Indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Entertainment of a similar description (Indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Provision of late night refreshment	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday

A copy of the application from Wiltshire Council is attached as **Appendix 1a.**

- 2.7 The application is for a premise which is used as a Youth Development Centre.
- 2.8 A location plan of the premises to be licensed is attached at **Appendix 2b** to this report.
- 2.9 A copy of the plans submitted by the Applicants with the application will be available at the Hearing.

3. Consultation and Representations

- 3.1 The application process requires a public notice to be posted on the premises for a period of 28 days, in addition to a notice in a local publication. During the consultation period one relevant representation had been received from an Interested Party.

Following representation, a discussion took place between the licensing officer, Mrs Jane Cowley and the applicants representative, Ms D Lymer, regarding the number of events proposed for any calendar year, as a result of this an amendment (**Appendix 1b**) to the Operating Schedule was received from the applicants representative, Debbie Lymer, Senior Support Officer, Integrated Youth Service, on 19th May 2011 via e-mail as follows:

- a limit to the number of events held to maximum of 15 per year;

Also, following representation, an e-mail was sent to the applicants representative, from Mrs V Brown, Environmental Control Officer, as a result of this, an amendment (**Appendix 1b**) to the Operating Schedule was received from the applicants representative, Debbie Lymer, Senior Support Officer, Integrated Youth Service, on 19th May 2011 via e-mail as follows:

- during events all windows and doors to remain closed except for access and egress;
- Organisers will prevent music from being played at a level that will cause nuisance to neighbouring residents.

This amendment to the Operating Schedule was circulated by the Licensing Officer to the all the Responsible Authorities via e-mail on 19th May 2011. The objector was verbally informed of the amendment, but declined to withdraw their objection.

3.2 Responsible Authorities

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

3.3 Interested Parties

- Mr & Mrs Green – Hamilton Cottage, Bulford Road Tidworth SP9 7RZ

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

Representation	Licensing Objective	Accepted	Comments
Noise	Prevention of Public Nuisance	Yes	

3.5 The relevant representation is attached as **Appendix 2a**. Attached as **Appendix 2b** is a plan which shows the location from where representation has 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, 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 Applicant, 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.

Report Author: Jane Cowley

Mrs Jane Cowley, Licensing Officer – Licensing Team East Hub

Date of report: 1st June 2011

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(a) Application for a Premises Licence under Licensing Act 2003**
- 1(b) Amendment to application following representations**
- 2(a) Copy of relevant representations**
- 2(b) Location map of area/premises to be licensed including location of representations**