

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

28 JUNE 2011

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### Application for a Premises Licence; The Old Fire Station, The Close, Warminster, BA14 8AH

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of The Old Fire Station made by James Beanland.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of The Old Fire Station has been made by James Beanland for which 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 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 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 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 6 May 2011 an application for a Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u> (Indoors) Live music  Recorded music  Anything of a similar description (Karaoke)	1100 – 2300 1100 – 0100  1100 – 0200  1100 – 2300 1100 – 0100  1100 – 0200  1100 – 2300 1100 – 0100  1100 – 0200	Monday & Tuesday Wednesday & Thursday Friday, Saturday & Sunday  Monday & Tuesday Wednesday & Thursday Friday, Saturday & Sunday  Monday & Tuesday Wednesday & Thursday Friday, Saturday & Sunday
<u>Provision of entertainment facilities</u> (Indoors) Making music  Dancing	1900 – 2300 1900 – 0100  1900 – 0200  1900 – 2300 1900 – 0100  1900 – 0200	Monday & Tuesday Wednesday & Thursday Friday, Saturday & Sunday  Monday & Tuesday Wednesday & Thursday Friday, Saturday & Sunday
Provision of late night refreshment (Indoors)	2300 – 0130 2300 – 0300 2300 - 0200	Wednesday & Thursday Friday & Saturday Sunday
Sale by retail of alcohol (on & off the premises)	0900 – 2300 0900 – 0100  0900 – 0200 1000 – 0200	Monday & Tuesday Wednesday & Thursday Friday & Saturday Sunday

A copy of the application from James Beanland is attached as Appendix 1.

- 2.7 This is a new business, which is not yet trading. The premises are not currently licensed for any activity. The application is to licence the first floor of the premises which is at present being occupied as a photographer's studio.
- 2.8 A location plan of the area to be licensed is attached as Appendix 6 to this report.
- 2.9 A copy of the plans submitted by the Applicant 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 relevant representations have been received from one Responsible Authority and twenty-seven Interested Parties.

#### **3.2 Responsible Authority**

- Environmental Control and Protection Team, West Hub (the local authority responsible for environmental health).

#### **3.3 Interested Parties**

- |                           |                                    |
|---------------------------|------------------------------------|
| • Major J McKay MBE SCOTS | 16 The Close, Warminster           |
| • Ms T Exton              | 13 The Close, Warminster           |
| • B Glasson               | Bratton Hut, The Close, Warminster |
| • A & K Cuthbert          | 18 Kyngeston Court, The Close      |
| • J Shergold              | 5 Kyngeston Court, The Close       |
| • B Cole                  | 4 Kyngeston Court, The Close       |
| • S Young                 | 6 Kyngeston Court, The Close       |
| • S Dodson                | 3 Kyngeston Court, The Close       |
| • M Lycett                | 8 Kyngeston Court, The Close       |
| • A C R Duff              | 28 Kyngeston Court, The Close      |
| • V Allen                 | 26 Kyngeston Court, The Close      |
| • S Mathews               | 29 Kyngeston Court, The Close      |
| • D Beagles               | 27 Kyngeston Court, The Close      |
| • B Owen                  | 22 Kyngeston Court, The Close      |
| • R Bailes                | 21 Kyngeston Court, The Close      |
| • D Bell                  | 25 Kyngeston Court, The Close      |
| • I Fretwell              | 24 Kyngeston Court, The Close      |
| • P Williams              | 15 Kyngeston Court, The Close      |
| • A & S Zaliskyi          | 16 Kyngeston Court, The Close      |
| • M Batchelor             | 17 Kyngeston Court, The Close      |
| • H Riley                 | 9 Kyngeston Court, The Close       |
| • S Thomas                | 2 Old Brewery Stables              |
| • T Gilvray               | 2 Old Brewery Stables              |
| • M Brannigan             | 1 Old Brewery Stables              |
| • Ms J Tatnall            | 28 High Street                     |
| • M Brassington           | 28 High Street                     |

3.4 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>
Noise from people	Public Nuisance	Yes	
Noise from music	Public Nuisance	Yes	
Anti Social Behaviour	Crime & Disorder	Yes	
Suitability of premises/location	Public Safety/Public Nuisance	Yes	

3.5 The relevant representations are attached as Appendix 2. Attached as Appendix 6 is a plan which shows the locations from where representations have been made from Interested Parties.

3.6 Following an exchange of correspondence between the Applicant and the Wiltshire Police during the application 28 day consultation period, Mr Beanland has offered to amend his application as follows:

1. The premises capacity will be limited to 130 persons.
2. Customers will not be permitted to smoke outside the front of the premises.
3. CCTV will be installed to cover the public areas and all entrances/exits, the CCTV system will be in working order at all times. The system will be sufficient quality so as to produce images which enable identification. Images will be stored securely for a minimum of 30 days and will be made available to a police officer or an officer of the Council on request.

3.7 The Applicant has also offered the following, in relation to hours applied for:

- (i) Revised hours for licensable activities (excluding Late Night Refreshment) Sunday, Wednesday & Thursday to 2300.  
When a Sunday is followed by a public/bank holiday, the finish time on that Sunday will be 0200.  
Monday, Tuesday, Friday & Saturday to remain as applied for.
- (ii) Revised hours for Late Night Refreshment Sunday, Wednesday & Thursday to 2330.  
When a Sunday is followed by a public/bank holiday, the finish time on that Sunday will be 0230.  
Friday & Saturday to remain as applied for.

3.8 A copy of the email from the Applicant James Beanland amending his application, is attached as Appendix 3.

3.9 Copy of the letter from Licensing Wiltshire Council, sent to the Public Protection Officer and residents informing them of the Applicant's amendments, is attached as Appendix 4.

3.10 Copies of responses received, are attached as Appendix 5.

#### **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 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.

### **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 for a Premises Licence under the Licensing Act 2003.**
- 2 Copies of relevant representations.**
- 3 Amendments proposed by applicant (via email)**
- 4 Copy of letter sent to Interested Parties**
- 5 Copies of responses received from Interested Parties**
- 6 Location map of the area/premises to be licensed and includes the locations of where representations have been made.**