

# WILTSHIRE COUNCIL

## NORTHERN AREA LICENSING SUB COMMITTEE

11<sup>TH</sup> AUGUST 2011

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### Application for Review of a Premises Licence; The Black Horse Public House, 62 New Road, Chippenham

#### 1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of The Black Horse Public House made by Mr Ian Keasey a resident living in the vicinity of the premises.

#### 2. Background Information

- 2.1 An application for the Review of The Black Horse Premises Licence has been made by Mr Ian Keasey. Following advertisement of the application 3 relevant representations have also been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary for the promotion of the licensing objectives.
- 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 exclude a licensable activity from the scope of the licence.
  - iii) To remove the designated premises supervisor.
  - iv) To suspend the licence for a period not exceeding three months.
  - v) To revoke the licence.
  - vi) To determine that no steps are necessary.

Government Guidance issued under s.182 of the Licensing Act states that:

“Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of

the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

2.5 The premise benefits from a Premises Licence issued under the Licensing Act 2003 since 24<sup>th</sup> November 2005 and this is attached as **Appendix 1**.

2.6 Over the past two years the Environmental Protection Team has received multiple complaints from residents living in the vicinity of the premises regarding excessive noise from amplified music events in a marquee at the premise over the Folk Festival Weekend.

### **3. Details of the Grounds for Review**

3.1 The review of the licence has been requested on the grounds that the premises have been conducted in such a manner as to prejudice the licensing objectives. The grounds for review are:

- Noise nuisance caused by entertainment held outside at the rear of the licensed premise.

3.2 The application for review is attached as **Appendix 2**.

3.3 During the consultation period Mrs C Francis, Public Protection Officer (Pollution) Wiltshire Council, met with Mr Olsen the Premises Licence Holder on site and her observations are attached as **Appendix 3**.

### **4. Consultation and Representations**

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park, Chippenham. During the consultation period 2 relevant representations have been received from residents living in the vicinity of the premises, and 1 from a local divisional member.

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|------------------------|--------------------------------|
| • Mrs Northam Evans    | 15 St Mary's Place, Chippenham |
| • Mr A Coombs          | 7 St Mary's Place, Chippenham  |
| • Councillor C Caswill | Local Divisional Member        |

The relevant representations are attached as **Appendix 4**.

4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

- 4.3 The following suggestions have been made by the parties making a representation on how to address the concerns raised.

Limit the number of events taking place outside.

Limit the type of music played.

Remove the use of the outside area from the licence for regulated entertainment.

## **5. Legal Implications**

- 5.1 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.

## **6. Officer Recommendations**

- 6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

## **7. Right of Appeal**

- 7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or 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.
- 7.2 The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.
- 7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

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Date of report: 28<sup>th</sup> July 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 Current Premises Licence**
- 2 Application for a Review by Mr I Keasey**
- 3 Observations of Mrs C Francis, Public Protection Officer, Wiltshire Council**
- 4 Copies of Relevant Representations**
- 5 Location plan of the premises and surrounding area**