

# WILTSHIRE COUNCIL

## EASTERN AREA LICENSING SUB COMMITTEE

26 July 2023

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### Application for a Premises Licence; Calne Bike Meet, Recreation Ground, Anchor Road, Calne.

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Calne Bike Meet, Recreation Ground, Anchor Road, Calne made by The National Association for Bikers with a Disability (NABD).

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Calne Bike Meet, Recreation Ground, Anchor Road, Calne has been made by The National Association for Bikers with Disability (NABD) for which one 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 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 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 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 appropriate 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 12 July 2023 an application for a New 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>
Sale by retail of alcohol (ON and OFF sales only)	16:00 – 00:00 (Midnight)	Friday
	18:00 – 00:00 (Midnight)	Saturday
Live Music (Indoors and Outdoors)	19:00 – 23:30	Friday and Saturday
Recorded Music (Indoors and Outdoors)	18:00 – 00:00 (Midnight)	Friday and Saturday
Performance of Dance (Indoors)	23:30 – 00:00 (Midnight)	Saturday
Late Night Refreshment	23:00 – 00:00	Friday
	00:00 (Midnight) – 05:00 and 23:00 – 00:00 (Midnight)	Saturday
	00:00 (Midnight – 05:00	Sunday
Hours open to the public	From 10:00 on Friday to 12:00 Sunday	

The event is for 28 July 2023 to 30 July 2023: - this application is not for a time limited event but to cover the event each year.

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

The Event Management Plan (EMP) is attached as **Appendix 2**

A location map showing the proximity of the licensed premises is attached as **Appendix 3**.

2.7 On the 28 February 2023 a feedback meeting was held prior to an ESAG (Event Safety Advisory Group) meeting held on 31 March 2023, with all partner agencies to give advice and guidance in relation to the event; this included advice that the intended area for the event required a premises licence to be applied for to cover licensable activities due to the numbers attending.

### **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 pale 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 the Blue Notices not being displayed correctly at the time of submission of the application the consultation was extended, and the application accepted in its entirety on the 14 June 2023.

3.3 During the consultation period one relevant representation have been received from a resident. No representations were received from any Responsible Authorities.

3.3 Representations Received

- Representation 1 – Resident

3.4 Responsible Authorities

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

Although no Responsible Authorities made representations; concerns were raised by the Senior Officer for Environmental Health Noise Team in relation to the Noise Management Plan (NMP). Advice was given to the organisers by the EH Officer to implement further steps to mitigate a noise nuisance. Statement from Vicky Brown SEHO attached as **Appendix 4**.

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

Representation	Licensing Objective
Representation 1	Prevention of Public Nuisance

3.6 The relevant representation is attached as **Appendix 5**.

3.7 During the consultation period and mediation between the SEH Officer and organisers, the applicant modified the application to the following:-

- **Reduce the hours of regulated entertainment to the following:-  
Friday evening 19:00 to 23:00. This will be acoustic entertainment on the main stage area, followed by a recorded music from 22:30, until close at 23:00.  
Saturday evening 19:00 to 23:00. This will be live music (Bands) entertainment on the main stage area, followed by a recorded music from 22:30, until close at 23:00.**
- **Amendments to the Noise Management Plan**
- **A Flyer outlining details of the event to be circulated to residents**

Modified Noise Management Plan is attached as **Appendix 6** and resident flyer attached by **Appendix 7**.

**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 persons 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 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 and those persons 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 it will not normally be granted within the first 12 months except for the most compelling circumstances.

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14<sup>th</sup> July 2023

### **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**
- 2 Event Management Plan (EMP)**
- 3 Location Map**
- 4 Senior Environmental Health Officer Statement**
- 5 Relevant Representation**
- 6 Modified Noise Management Plan**
- 7 Resident Flyer with information about event**