

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

14 NOVEMBER 2011

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### Application for a Premises Licence; The Glove Factory Cafe, Glove Factory Studios, Brook Lane, Holt, BA14 6RL

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of The Glove Factory Café, Glove Factory Studios, Brook Lane, Holt made by Mr N R Marshall and Ms A M Kirkham trading as The Glove Factory Studios.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of The Glove Factory Cafe has been made by Nicholas Robert Marshall and Alix Margaret Kirkham trading as The Glove Factory Studios 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 23 September 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 & Outdoors) Plays, Films, Live music, Performance of Dance, Anything of a similar description – Artistic Exhibitions, Business to Business networking events.	1000 – 2300 1000 – 1800	Monday to Saturday Sunday
Recorded Music	1000 – 2300	Monday - Sunday
Sale by retail of alcohol (on & off the premises)	1000 – 2300 1000 – 1800	Monday to Saturday Sunday

A copy of the application together with a letter providing additional information to support the application is attached as **Appendix 1**.

2.7 This is an existing business which is currently trading without the benefit of any licensable activity.

2.8 A location plan of the area to be licensed is attached as **Appendix 5** 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 three Interested Parties.

#### **3.2 Responsible Authority**

- None

### 3.3 Interested Parties

- C B Stevens, Holt Farm, Ground Corner, Holt
- Joe & Jenny Foster, 78 Ground Corner, Holt
- Kevin & Susie Mulvany, Garland Farm, Brook Lane, Holt

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 music	Public Nuisance	Yes	
Insufficient parking facilities	Public Safety/Public Nuisance	Yes	Currently the premises have car parking facilities for approximately 20 cars

3.5 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 5** is a plan which shows the locations from where representations have been made from Interested Parties.

3.6 Following an exchange of correspondence during the 28 day consultation period between the Applicants and the Wiltshire Council's Public Protection Senior Environmental Health Officer, the Applicants have offered to amend their application as follows:

1. During any performance of live music, the Designated Premises Supervisor (DPS) or other person authorised by the DPS shall, by standing in the vicinity of the nearest dwelling to the premises being Garlands Farm BA14 6RL, monitor and carry out a subjective assessment of the sound levels at the location of the premises and where as a result of that assessment the music is deemed to be too loud, action shall be taken to reduce the sound to an acceptable level. The following details shall be recorded in a log book: (a) the name of the person undertaking the sound assessment; (b) the date of the performance of live music; (c) the time of each assessment; the location or locations of each assessment; (d) the observations of the person carrying out the assessment; and (e) details of any action taken.
2. The windows in the café/restaurant area of the premises shall be kept closed during any performance of live music.
3. A notice will be placed on the entrance asking the public to leave quietly from the venue.
4. The licence holder will notify Wiltshire Council Public Safety Group of any events that are likely to exceed 500 people, sixty days prior to the event taking place.

3.7 The Applicants have submitted the following documents, attached as **Appendix 3**, for consideration at the Hearing:

- Petition in support of their licence application
- Aerial Photo of the premises and other locations in the vicinity

- Mission Statement
- Article printed by the magazine 'Bath Life'

3.8 A copy of the letter from Licensing Wiltshire Council, sent to the Interested Parties informing them of the Applicants' amendments as agreed with the Wiltshire Council's Public Protection Officer, is attached as **Appendix 4**.

3.9 Currently no responses to this letter have been received from Interested Parties.

#### **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.

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Date of report: 3 November 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 Application for a Premises Licence under the Licensing Act 2003.**
- 2 Copies of relevant representations.**
- 3 Applicants supporting documents.**
- 4 Copy of letter sent to Interested Parties.**
- 5 Location map of the area/premises to be licensed and includes the locations of where representations have been made.**