

## Wiltshire Council

### Northern Area Licensing Sub Committee

23 July 2012

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#### **Application for Review of a Premises Licence; WOMAD Charlton Park Estate Charlton Park Malmesbury, Wiltshire SN16 9DG**

### **1. Purpose of Report**

- 1.1 To determine an application for a Review of a Premises Licence in respect of Womad, Charlton Park, Malmesbury Wiltshire, made by Wiltshire Police.

### **2. Background Information**

- 2.1 An application for the Review of a Premises Licence has been made by Wiltshire Police in relation to the licence held by World in the Park Limited for Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire. Following advertisement of the review application 67 email representations in support of the licence holder have 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 appropriate 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
- 2.5 The premise benefits from a current Premises Licence LN /004566 issued under the Licensing Act 2003 since 17 June 2008 and this is attached as **Appendix 1**.

- 2.6 A premises licence LN/004180 was previously grant to World in the Park limited in 2007 for different location within Charlton Park, Malmesbury, Wiltshire, this was surrendered in 2010 but not utilised once the premises licence was granted in 2008 for the other location.
- 2.7 The current premises licence has conditions contained within in it, that relate to an event management plan being the bedrock of the licence. This document is a live working document that is amended each year prior to the event and any amendments are available through a BOXNET system on the internet for the responsible authorities to access. Availability of documents on BOXNET is highlighted from World in the Park to the Licensing Officer who emails the links and updates to the responsible authorities and other interested parties identified through the Public Event Safety Group.

### **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:
- Womad has failed to request special policing services that allow Wiltshire Police to produce an effective operational plan and have not provided within the event management plan sufficient detail by which the above licensing objectives will be promoted.
- 3.2 The application for review is attached as **Appendix 2**

### **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 67 emails in support of the licence holder have been received.

The supporting emails are set out in a table format as **Appendix 3**

**Throughout the consultation period a dialogue has been maintained between both Wiltshire Police and World in the Park Limited to try and agree the level of resources (police or another provider) and any amendment to the event management plan that this would require. At the time of writing this report both parties have not been able to reach an agreed solution**

No representations have been received from any other responsible authority. However an amendment to the event management plan has been made to include an NHS ambulance manager to provide additional cover.

A copy of the latest event management plan V2012.7 is attached as **Appendix 4**

A location map of premises and surrounding area is attached as **Appendix 5**

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

## **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 Any decision of the Licensing Sub Committee will not take effect for 21 days, therefore the 2012 WOMAD event set for 26 – 29 July will not be affected by the decision made by the Licensing Sub Committee. 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.

**Due to the exceptional circumstances, with this year's event taking place 26 – 29 July 2012, this hearing has been called very close to the end of the consultation period. Therefore this report has been compiled before the end of consultation period on 17 July 2012. A further appendix document maybe required to be sent out prior to the hearing.**

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Date of report 12 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 Wiltshire Police**
- 3 Copies of Supporting Representations**
- 4 Latest version of event management Plan**
- 5 Location Plan of the premises and surrounding area**