

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

07 AUGUST 2012

Application for a Premises Licence; Wilton Development Centre for Young People, The Hollows, Wilton, SP2 0JE

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Wilton Development Centre for Young People by Wiltshire Council.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Wilton development Centre for Young People has been made by Wiltshire Council for which 1 relevant representation has 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 27 June 2012 an application for a premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Days	Timings
B - Films E - Live music F - Recorded music G - Performance of dance H - Anything of a similar description to that falling within (e), (f) or (g). I – Provision of facilities for making music J – Provision of facilities for dancing K – Provision of facilities for entertainment of a similar description to that falling within (i) or (j)	Monday to Friday	18:30 to 21:30
	All of the above regulated entertainment on five Saturdays throughout the year.	18:30 to 21:30

Although the applicant filled in timings for late night refreshment this is only required for the sale of hot food or drink between 23:00 and 05:00 the following day; therefore this licensable activity is not required.

A copy of the application from Wiltshire Council is attached as **Appendix 1**.

When the application was received by the licensing authority the licensing officer noted that the applicant had requested permission for the premises to be open from 18:30 to 21:30 on five Saturdays throughout the year. The applicant had not requested the regulated entertainment for these times. The Senior Licensing Officer contacted Ms Lymer on 27 June 2012 to clarify this matter. Ms Lymer informed the Senior Licensing Officer this had been an oversight and the application should have included this on all of the requested regulated entertainment. Ms Lymer confirmed these times, to the licensing officer, by email. The application was amended accordingly and the responsible authorities were notified.

3. Consultation and Representations

3.1 The application process requires the application to be advertised in a local paper within 10 working days, starting on the day after the authority receives it and a public notice (on pale blue paper) to be posted on the premises for a period of 28 consecutive days, starting the day after the authority receives the application. During the consultation period 1 relevant representation has been received from an Interested Party, and none from Responsible Authorities.

3.2 Responsible Authorities

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

3.3 Interested Parties

- Mr H & Mrs R Whatley 22 The Hollows, Wilton, SP2 0JD

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

Representation	Licensing Objective	Accepted	Comments
Anti social behaviour	Crime & Disorder	Yes	
Noise nuisance	Public Nuisance	Yes	

3.5 The relevant representation is attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the location from where the representation has been made.

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(ies) 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: 25 July 2012

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 New premises licence application**
- 2 Representation received from an interested party**
- 3 Location plan**