

REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Report No:

Date of Meeting	08 June 2010
Title of Report	Variation of Premises Licence Prince of Wales, Coped Hall, Wootton Bassett
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter is governed by the Licensing Act 2003 (Hearings) Regulations 2005. 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.

Summary of Report

An application to vary a premises licence has been made by Mr & Mrs Freeman for which there are relevant representations.

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to the representations.

In accordance with Section 34 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are: -

- The Prevention of Crime and Disorder,
- Public Safety,
- The Prevention of Public Nuisance
- The Protection of Children from Harm.

Such steps are: - To modify the conditions of the licence or to reject the whole or part of the application.

Officer Recommendations

None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
Contact Officer	Mrs Linda Holland Licensing Enforcement Officer 01249 706410 linda.holland@wiltshire.gov.uk			

1. Introduction

An application to vary a premises licence has been made for which there are relevant representations.

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to these representations.

In accordance with Section 34 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

2. Options and Options Appraisal

In accordance with Section 34 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

3. Background Information

The premises currently holds a premises licence for the supply of alcohol – for consumption on and off the premises, an application to transfer the licence to Ian and Jacqueline Freeman was received on the 17th March 2010, this application went through the required legal process and was granted.

A copy of the licence is attached as Appendix 2

On the 24th March 2010 an application to vary the licence, was received by the licensing authority, to vary the hours, and add regulated entertainment and late night refreshment.

The application was accepted as a valid application by the Licensing Officer.

A copy of the variation application is attached as Appendix 1

4. Summary of Application

The application is to vary the hours of alcohol sales and add regulated entertainment and late night refreshment to the licence as follows:

To permit the sales of alcohol:

Sunday - Thursday 10:00 - 00:00
Friday - Saturday 10:00 - 01:00

To permit the following forms of regulated entertainment:

Plays	Daily	18:00 - 00.00 in and our of doors
Films	Daily	18:00 - 00:00 in and out doors
Indoors sporting events	Daily	18:00 - 00:00 indoors only
Live Music	Daily	18:00 - 00:00 indoors only
Recorded Music	Mon - Thurs	11:00 - 00:00 indoors only
	Fri - Sun	11:00 - 01:00 indoors only
Anything of a similar	Daily	11:00 - 00:00 indoors only
Making Music	Daily	11:00 - 00:00 indoors only
Facilities for Dancing	Daily	11:00 - 00:00 indoors only
Facilities for entertainment	Daily	11:00 - 00:00 indoors only

Non standard timings as set out in the application

Late night refreshment from 23:00 until 05:00 indoors and outdoors

5. Relevant Representations

During the consultation period relevant representations were received from:

4 Residents living in the vicinity of the premises

Mr Harold Jones	3 Elm Close Wootton Bassett
Ms Erica Campbell	5 Elm Close Wootton Bassett
Mr & Mrs Crutchley	5 Carrington Gardens Wootton Bassett

No representations were made by Responsible Authorities however agreement was reached between Ian & Jacqueline Freeman and the Environmental Protection Team Wiltshire Council over of areas concern in the application during the consultation period as follows

The applicants agreed amend their application as set out below:

Plays	to take place indoors only	
Films	to take place indoors only	
Late night refreshment now to read:	Sunday – Thursday	23:00 - 00:00
	Friday - Saturday	23:00 – 01:00

In light of the representation received from the residents, and following discussion with the Licensing Officer Ian and Jacqueline Freeman proposed the following amendment to their application:

To reduce their opening hours and therefore their licensable hours to the following:

Monday to Thursday	10:00am until 23:00
Friday and Saturdays	10:00am until 00:00
Sunday	10:00am until 23:00

All residents who made representations were advised of the proposed offer to amend the application by Mr & Mrs Freeman, in writing, and where asked if they still wished to continue with their representation. Only Mr & Mrs Crutchley felt the proposed amendments met their concerns.

As not all parties making representations agreed to the proposed amendments, the applicants have now withdrawn their offer to amend their application in relation to the opening hours and wish the hearing to consider their application as first submitted taking in to account the agreement they have reached with the Environmental Protection Officer.

Copies of the representations are attached as Appendix 3

Copy of email received from Mr & Mrs Freeman proposing the amendments to their application. Appendix 4

Copy of the letter sent to the residents is attached as Appendix 5

Copy of responses received are attached at Appendix 3

6. Legal Implications

It should be noted that both the premises licence holder and the interested parties may appeal the decision made by the licensing sub committee. The decision made by the Licensing sub committee however takes immediate effect.

The Premises Licence Holder and all interested parties have been informed of the date, time and location of the hearing and their right to be represented.

7. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none">• 1. Application to vary a premises licence under the Licensing Act 2003• 2. Current premises licence• 3. Copies of relevant representations and copies of responses from residents• 4. Amendments proposed by applicant (Via Email)• 5. Copy of letter sent to residents• 7. Location map
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• The Licensing Act 2003• The Licensing Act (Hearings) Regulations 2005• Guidance issued under sect 182 of the Licensing Act 2003