

Wiltshire Council

Western Area Licensing Sub Committee

25 January 2013

Application for Review of a Premises Licence; Trowbridge Cricket & Sports Club, Lower Court, Trowbridge, Wiltshire BA14 8PX

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Trowbridge Cricket & sports Club, Lower Court Trowbridge, Wiltshire, made by Wiltshire Council Environmental Protection team.

2. Background Information

- 2.1 An application for the Review of a Premises Licence has been made by Wiltshire Council Environmental Health Team in relation to the licence held by Mr Brian Scrine & Mrs Christine Davies concerning Trowbridge Cricket & Sports Club. Following advertisement of the review application one relevant representation was received from an interested party and a representation was made by a Responsible Authority, Wiltshire Council Licensing Authority in support of the review applicant.

- 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 WW1000137LAPRE issued under the Licensing Act 2003 since 6 January 2011 and this is attached as **Appendix 1**.
- 2.6 A Club Premises Certificate was previously held by the club in 2010 this certificate did not allow the club to admit the general public, that was the reason for the present license holders applying for a full Premises License.
- 2.7 The current premises licence has conditions contained within in it that were imposed by a licensing hearing on the 6th January 2011 the decision notice is attached as **Appendix 2**.
- 2.8 These conditions relate to the Members concerns over the management of noise at the premises and they were deemed necessary to address those concerns.

3. Details of the Grounds for Review

- 3.1 The review of the licence has been requested on the grounds that the premises construction is unsuitable for the provision of entertainment in the form of live amplified music and that provision has been conducted in such a manner as to prejudice the licensing objective (the prevention of public nuisance). The grounds for review are:
- Due to the nature and age of the premises structure the Trowbridge Cricket Club is an unsuitable venue for the provision of live amplified music. The management of the club have been unable to demonstrate that regulated entertainment in the form of live amplified music can take place within the premises without it constituting a public nuisance thus the licensing objective is not currently being promoted.
- 3.2 The application for review is attached as **Appendix 3**

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, County Hall, Bythesea Road, Trowbridge, Wiltshire. During the consultation period one representation was received from a Responsible Authority, Wiltshire Council Licensing Authority and one from an interested Party.

The supporting representations all concern the public nuisance licensing objective and are attached as Appendix 4

Throughout the consultation period contact has been maintained between both Wiltshire Council Environmental Protection Team and the license holders to try to examine the implications of the acoustic report

and discuss any available solutions. At the time of writing this report both parties have not been able to reach an agreed solution.

A location map 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. 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.

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Date of report 9th January 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 Current Premises Licence**
- 2 Decision notice hearing held 6th January 2011**
- 3 Application for review Wiltshire Council Environmental Protection team**
- 4 Relevant Representations received.**
- 5 Location Plan of the premises and surrounding area**