

## WILTSHIRE COUNCIL

### EASTERN AREA LICENSING SUB COMMITTEE

Date: 15th April 2013

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#### Application for a Grant of a Premises Licence; Ludgershall Development Centre, 30 Andover Road, Ludgershall SP11 9LZ

#### 1. Purpose of Report

- 1.1 To determine an application for a Grant of a Premises Licence in respect of Ludgershall Development Centre for Young People, 30 Andover Road, Ludgershall SP11 9LZ made by Wiltshire Council.

#### 2. Background Information

- 2.1 An application for a Grant of a Premises Licence in respect of Ludgershall Development Centre for Young People, for which 2 relevant representations were 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 appropriate 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 any further or modified conditions as the Sub Committee consider appropriate to promote the licensing objectives;
  - ii) To exclude from the scope of the licence any licensable activity
  - iii) To reject the application.
- 2.5 On 14 February 2013 an application for a Grant of a Premises Licence at Ludgershall Development Centre for Young People was received and accepted as a valid application.

2.6 The application applied for is summarised as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Films (indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday– Friday Saturday Sunday
Live Music (indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Recorded Music (indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Performance of Dance (indoors)	08:00 – 22:00 08:00 – Midnight 08:00 – 22:30	Monday – Friday Saturday Sunday
Late Night Refreshment (indoors)	23:00 – Midnight	Saturday

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

Representations received from local residents as attached as **Appendices 2a and 2b**.

A location map of showing Ludgershall Development Centre and the addresses that have made representations is attached as **Appendix 3a** and a location map is attached as **Appendix 3b**.

### **3. Consultation and Representations**

3.1 The application process requires the application to be advertised, by the applicant, in a local paper within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

During the consultation period 2 relevant representations have been received from local residents, and none from Responsible Authorities.

#### **3.2 Representations Received**

Mr & Mrs K McGowan – 47 Andover Road, Ludgershall, Andover SP11 9LU  
**(Appendix 2a)**.

Mr & Mrs R Atkins – 43a Andover Road, Ludgershall, Andover SP11 9LU  
**(Appendix 2b)**.

3.3 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	Public nuisance	Yes	
Anti Social Behaviour	Public Nuisance	Yes	

3.4 The relevant representations are attached as **Appendices 2a and 2b**. **Appendix 3a** is a plan which shows the locations from where representations have 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, and all persons 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 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, and those persons 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 any person 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 a person other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.

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Date of report: 25 March 2013

### **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 the Grant of a Premises Licence**
- 2a+2b Relevant Representations received**
- 3a+3b Location plans**