

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

22 October 2013

Application for a Premises Licence; Waterhouse, 5 Waterhouse Lane, Monkton Combe, Bath, BA2 7JB

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of the above made by Simon and Sue Wilsher.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Waterhouse, 5 Waterhouse Lane, Monkton Combe, Bath, BA2 7JB. Waterhouse is located within the Wiltshire area, close to the border with Bath & North East Somerset.
- 2.2 The Applicants previously submitted an application for a Premises Licence to include the supply of alcohol and regulated entertainment until 01.00 am every day, both indoors and outdoors, but withdrew it following concerns raised by local residents and Monkton Combe Parish Council.
- 2.3 Following consultation with the local community, Simon and Sue Wilsher have now submitted a revised application for the supply of alcohol only, from 11.00am until 23.59pm every day.
- 2.4 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 2.6 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.
- 2.5 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.

2.6 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 appropriate 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.

2.7 On 4th September 2013 an application for a Premises Licence for Waterhouse was received. The licence is for the supply of alcohol (on the premises) from 11.00 until 23.59 every day. See **Appendix 1** attached to this report.

2.8 The application as applied for is as follows:

Licensable Activity	Timings	Days
Supply of Alcohol (On the premises)	11.00 – 23.59	Every Day
Hours premises are open to the public	07.00 – 23.59	Every Day

2.9 A location plan of the premises to be licensed is attached as **Appendix 2** to this report.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication 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.

3.2 During the consultation period relevant representations have been received from local residents and Monkton Combe Parish Council.

3.3 Representations Received

- 50 Representations were received objecting to the application, these are attached at **Appendix 3**.
- 3 Representations were received in support of the application, these are attached at **Appendix 4**.

3.4 Responsible Authorities

- None

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

Representation	Licensing Objective	Accepted	Comments
Noise from licensable activities	Public Nuisance	Yes	
Operating Hours for Licensable activities	Public Nuisance Prevention of Crime and Disorder	Yes	
Concerns about increased numbers of visitors to the site and the impact on the locality	Public Nuisance	Yes	
Increased volume of vehicle movement and traffic congestion in the vicinity of the premises	Public Safety	Yes	
Sleep Deprivation	Protection of Children From Harm	Yes	

3.6 Out of the 50 Representations received objecting to the application, 45 of these made recommendations on restrictions that would address their concerns

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- The supply of alcohol is restricted until 23.00 in the evening to avoid public nuisance and protect children from harm.
- The supply of alcohol is limited to residents and guests only to avoid vast amounts of visitors to the venue causing concern for public safety due to the unsuitability of the access.
- Any background music is played inside of the premises and noise is not audible from the boundaries of the premises to avoid public nuisance.

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 it will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author:

Mrs Jo Hulbert, Public Protection Officer (Licensing) – Licensing Team, West

9th October 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 a Premises Licence Under the Licensing Act 2003**
- 2 Location map of the premises to be licensed**
- 3 Representations received objecting to the application**
- 4 Representations received in support of the application**