

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

17 January 2014

Application for a Variation of a Premises Licence; Harvey's Night Club & Sports Bar (formerly Putters Mini Golf Bar) 35 Church Street, Trowbridge, BA14 8DN

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Harvey's Nightclub & Sports Bar (formerly Putters Mini Golf Bar), 35 Church Street, Trowbridge, BA14 8DN made by Jason David Norris.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Harvey's Night Club (Putters Mini Golf Bar) has been made by Jason David Norris for which two relevant representations have 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 35(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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 26th November 2013 an application for a variation of the existing premises licence, was received and accepted as a valid application.
- 2.6 The variations applied for are summarised as follows:

Licensable Activity	Hours
Live Music	Monday to Tuesday 12.00 hrs – 23.00 hrs Wednesday to Saturday 12.00 hrs – 03.00 hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs
Recorded Music	Monday to Tuesday 12.00 hrs – 23.00 hrs Wednesday to Saturday 12.00 hrs – 03.00 hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs
Performances of Dance	Monday to Tuesday 12.00 hrs – 23.00 hrs Wednesday to Saturday 12.00 hrs – 03.00 hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs
Late Night Refreshment	Wednesday to Saturday 23.00 hrs – 03.00 hrs (Next Day)
Supply of Alcohol	Monday to Tuesday 12.00 hrs – 23.00 hrs Wednesday to Saturday 12.00 hrs – 03.00 hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs
Hours premises are open to the public	Monday to Tuesday 12.00 hrs – 23.30 hrs Wednesday to Saturday 12.00 hrs – 03.30 hrs (Next Day) Sunday 12.00 hrs – 22.30 hrs
Non Standard Timings	Bank Holiday Weekends, Sundays 12.00 hrs – 03.00 hrs (Next Day)

A copy of the application form is attached as **Appendix 1**.

- 2.7 Since July 2013, the premises benefits from a Premises Licence issued under the Licensing Act 2003. The original licence allowed the following:-

Licensable Activity	Hours
Indoor Sports Event	Monday to Saturday 10.00 hrs – 23.00 hrs Sunday 10.00 hrs – 22.00 hrs
Recorded Music	Monday to Sunday 10.00 hrs – 23.00 hrs
Similar to any Music or Dance	Monday to Saturday 10.00 hrs – 23.00 hrs Sunday 10.00 hrs – 22.00 hrs
Late Night Refreshment	Monday to Saturday 10.00 hrs – 23.00 hrs Sunday 10.00 hrs – 22.00 hrs
Alcohol Sales	Monday to Saturday 11.00 hrs – 23.00 hrs Sunday 12.00 hrs – 22.00 hrs
Hours premises are open to the public	Monday to Saturday 10.00 hrs – 23.00 hrs Sunday 10.00 hrs – 22.00 hrs

The current Premises Licence is attached as **Appendix 2**

3. Consultation and Representations

3.1 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days together with a publication of notice in a local news paper within 10 working days, starting on the day the authority receives the application. During the consultation period two relevant representations were received , one from a Responsible Authority and one from local residents.

3.2 During the consultation period the applicants submitted further conditions relating to the operating schedule in conjunction with Wiltshire Police attached as **Appendix 3**

3.3 Planning Department

During the application process clarity over the permitted planning use for the building has been the subject of lengthy debate and record checking. The current position is that the historical permitted use as a club, granted in 1978 is still valid and there are no restrictive conditions regarding opening hours.

3.4 Responsible Authorities

Public Protection – Environmental Health

3.5 Other Representations

Mr Skinner & Miss M Carter – 37 Church Street, Trowbridge, BA14 8DN

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

Representation	Licensing Objective	Accepted	Comments
Noise	Public Nuisance	Yes	
Antisocial Behaviour	Crime and Disorder	Yes	

3.7 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 5** is a plan, which shows the location of the premises

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 Responsible Authority 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 The Applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other 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 Premises Licence Holder and those who have made relevant 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.

Report Author: Jo Hulbert

Jo Hulbert, Public Protection Officer (Licensing)

Date of report 7 January 2014

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 Variation Application**
- 2 Existing Premises Licence**
- 3 Further Conditions relating to the operating schedule as agreed with Wiltshire Police**
- 4 Representations**
- 5 Location Plan**