

**Wiltshire Council**

**Eastern Area Licensing Sub-Committee**

**23 October 2014**

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**Application for a Premises Licence; Sticks and Stones, Unit 3, Nursery Farm,  
Woodborough, Pewsey, Wiltshire, SN9 5PF**

**1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of Sticks and Stones made by Sticks and Stones UK Limited.

**2. Background Information**

- 2.1 An application for a Premises Licence in respect of Sticks and Stones has been made by Sticks and Stones UK Limited for which one relevant representation has 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 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 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.

2.5 On 1<sup>st</sup> September 2014 an application for a premises licence was received and accepted as a valid application. The premise is currently a kitchenware shop with an attached indoor cafe area with seating for 20 persons. There is also an outdoor seating area to both the front and rear of the premises which has capacity for up to 40 persons; it has not previously been licensed.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Films (Indoors)	10:00-19:00	Friday-Sunday
Live music (Indoors & Outdoors)	12:00-19:00	Friday-Sunday
Recorded music (Indoors & Outdoors)	10:00-19:00	Monday-Sunday
Sale by retail of alcohol (ON the premises)	10:00-19:00	Monday-Sunday
Opening Hours	10:00-19:00	Monday-Sunday

During the consultation period the applicant amended the timings for films so that they were in line with their application, as a result of them being incorrectly applied on the original application. The timings for films now read 10:00hrs-19:00hrs Friday-Sunday.

A copy of the application form from Sticks and Stones UK Limited is attached as **Appendix 1**.

2.7 The other premises which have premises licences within the vicinity of the application address are detailed as follows:

<b>Premises</b>	<b>Licensable Activities</b>	<b>Days</b>	<b>Timings</b>
Woodborough Garden Centre, Nursery Farm Woodborough Wiltshire	Alcohol Sales (ON & OFF sales)	Mon-Sat Sunday	09:00-23:00 10:30-18:00
	Live Music/ Similar to any music or dance/Similar to making music or dance (Indoors & Outdoors)	Mon-Sat Sunday	09:00-23:00 10:30-18:00

	Recorded Music (Indoors)	Mon-Sat Sunday	09:00-23:00 10:30-18:00
	Hours Open to the Public	Mon-Sat Sunday	09:00-23:00 11:00-18:00

2.7.1 The following businesses have provided documentation of support for the application:

- Unit 1, Shepherds Bookbinding Ltd, Nursery Farm, Woodborough
- Unit 2, The Wiltshire Barn Project, Daffodil Barn, Nursery Farm, Woodborough
- Unit C, 21<sup>st</sup> Century Legacy, Nursery Farm, Woodborough, Pewsey
- Unit 4, Equilibrium, Nursery Farm, Woodborough, SN9 5PF
- Unit 5, Just The Thing, Nursery Farm, Woodborough, Pewsey
- Unit 7-8, Comfy Critters, Nursery Farm, Woodborough, SN9 5PF
- Unit 9&A, Complete Interiors, Woodborough Garden Centre, SN9 5PF

The above documents of support for the premises licence application are attached as **Appendix 2** and a copy of the site plan, showing where each unit is situated; including the location of the representation, is attached as **Appendix 3**.

### 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 one relevant representation has been received from one local business. The local Councillor has also expressed his support for the representation.

#### 3.3 Representations Received

- Mrs Claire Rourke Woodborough Garden Centre, Nursery Farm, Woodborough, SN9 5PF

#### 3.4 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

3.5 A summary of the representation made is detailed in the table overleaf:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Possible Anti Social Behaviour	Crime & Disorder	Yes	

The representation raises issues in connection with use of the shared access and the hours of operation proposed in the premises licence application. Any issues arising merely from the proposed increase in hours of operation of the business are not, in themselves, matters that members should take into account in considering this application. Consideration should be restricted to any implications arising from the proposed licensable activities, as set out in the application.

3.6 The relevant representation is attached as **Appendix 4**.

#### **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.

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Date of report: 10 October 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 Application Form**
- 2 Letters of Support for the Application**
- 3 Site Plan of Units within vicinity of the area**
- 4 Representation**