

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

26 November 2014

Application for a Premises Licence; SN15, 17A Station Hill, Chippenham, SN15 1EQ

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of SN15, 17A Station Hill, Chippenham made by SN15 Leisure Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of SN15, 17A Station Hill, Chippenham has been made by SN15 Leisure Ltd for which eight representations have been received. This application is made pursuant to the granting of a Provisional Statement in April 2013.
- 2.2 Subject to the determination as to whether or not the representations are to be treated as excluded representations (see paragraph 2.9 below), Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to those 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 6 October 2014 an application for a New Premises Licence was received and accepted as a valid application. Also included with this application were the management plan, associated schedule of works and further documentation submitted with the Provisional Statement application see 2.7 of this report.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (Indoors)	11:00 hrs – 02:00 hrs 11:00 hrs – 03:00 hrs	Sunday – Wednesday Thursday – Saturday
Live music (Indoors)	11:00 hrs – 02:00 hrs 11:00 hrs – 03:00 hrs	Sunday – Wednesday Thursday – Saturday
Recorded music (Indoors)	11:00 hrs – 02:00 hrs 11:00 hrs – 03:00 hrs	Sunday – Wednesday Thursday – Saturday
Performance of dance (Indoors)	11:00 hrs – 02:00 hrs 11:00 hrs – 03:00 hrs	Sunday – Wednesday Thursday – Saturday
Anything of a similar description (Indoors)	11:00 hrs – 02:00 hrs 11:00 hrs – 03:00 hrs	Sunday – Wednesday Thursday – Saturday
Sale by retail of alcohol (On Sales)	11:00 hrs – 01:30 hrs 11:00 hrs – 02:30 hrs	Sunday – Wednesday Thursday – Saturday
Opening Hours	11:00 hrs – 02:00 hrs 11:00 hrs – 03:00 hrs	Sunday – Wednesday Thursday – Saturday
Non standard timings (for all Licensable Activities listed above)	<p>On New Year's Eve, from the end of permitted hours until the commencement of permitted hours on New Year's Day.</p> <p>An additional hour commencing at the end of permitted hours, on the day when British Summertime commences.</p>	

A copy of the application and accompanied documentation from SN15 Leisure Ltd is attached as **Appendix 1**.

- 2.7 On the 19 February 2013 the Licensing Authority received an application for a Provisional Statement, management plan and associated schedule of works, this application was submitted by SN15 Leisure Ltd.
- 2.8 Subsequent to the application for the Provisional Statement, a Hearing was held on 12 April 2013 due to relevant representations received. Following the Hearing, the Northern Area Licensing Sub Committee granted the Provisional Statement, attached **Appendix 2**.
- 2.9 As this application is made pursuant to the Provisional Statement granted on 12 April 2013, Section 32 of the Licensing Act 2013 is relevant to this application.

Section 32. Restriction on representations following provisional statement

- (1) This section applies where a provisional statement has been issued in respect of any premises (“the relevant premises”) and a person subsequently applies for a premises licence in respect of—
- (a) the relevant premises or a part of them, or
 - (b) premises that are substantially the same as the relevant premises or a part of them.
- (2) Where—
- (a) the application for the premises licence is an application for a licence in the same form as the licence described in the application for the provisional statement, and
 - (b) the work described in the schedule of works accompanying the application for that statement has been satisfactorily completed, representations made by a person (“the relevant person”) in respect of the application for the premises licence are excluded representations for the purposes of section 18(6)(d) if subsection (3) applies.
- (3) This subsection applies if—
- (a) given the information provided in the application for the provisional statement, the relevant person could have made the same, or substantially the same, representations about that application but failed to do so, without reasonable excuse, and
 - (b) there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises since the provisional statement was made.

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, eight representations have been received from local residents and Responsible Authorities.

3.3 Representations Received

- Marian Day, HPH Ltd, 6 Kingsmead Square, Bath, BA1 2AB. On behalf of HPH Properties on Station Hill & New Road, Chippenham
- Rev Millett, 20 Station Hill, Chippenham, SN15 1EG. On behalf of St Marys Catholic Church Parishioners (petition)
- Robert Burford, 11 Station Hill, Chippenham, SN15 1EQ. On behalf of local Businesses/Residents. (petition)
- Ian Keasey, 8 St Marys Place, Chippenham, SN15 1EN
- Cllr Nick Murry, 11 Turnberry Close, Monkton Park, Chippenham, SN15 3XQ
- Cllr Chris Caswill, 19 The Street, Cherhill, SN11 8XP.

3.4 Responsible Authorities

- Wiltshire Police
- Wiltshire Council, Environmental Control & Protection

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

Representation	Licensing Objective
Management of premises	Prevention of Crime & Disorder
Noise	Public Nuisance
Antisocial Behaviour	Prevention of Crime & Disorder, Protection of Children from Harm, Public Nuisance, Public Safety
Criminal Damage	Prevention of Crime & Disorder, Public Safety

3.6 During the consultation period the Licensing Authority received a letter from Wiltshire Fire & Rescue Service advising that based on their inspection carried out on 29 October 2014 they have no adverse comments, however they have noted that not all the issues in the Fire Precautions Survey Report by Roger Tombs dated 7 November 2012 have been resolved. Attached **Appendix 3**.

3.7 The applicant has confirmed that the schedule of works proposed in the acoustic report by Ian Sharland Ltd dated 10 November 2012 has been completed, see attached confirmation email from Richard Sharland of Ian Sharland Ltd **Appendix 4**.

Wiltshire Council Environmental Control & Protection and Licensing carried out commissioning exercises on 3 April 2014 & 28 April 2014, during which noise levels were set and agreed (referred to in **Appendix 4**). This inspection was carried out with all doors and windows closed. Subsequently, following confirmation by the applicant concerning use of the rear exits for patrons, and without confirmation that the agreed noise levels are to be included as conditions, Wiltshire Council Environmental Control & Protection have indicated that they are not satisfied that the licensing objective of public nuisance can be controlled under the current structure and therefore have submitted a representation.

- 3.8 To clarify points raised within the covering letter from TLT Solicitors with this application, a list of proposed conditions were produced by the Licensing Officer, consistent with the Provisional Statement Decision Notice (**Appendix 2**) which made reference to the management plan, operating schedule and the previous Premises Licence held at 17a Station Hill held by Constantine Leisure Ltd, for ease of reference. Attached **Appendix 5**. There has been no formal agreement to these conditions.
- 3.9 Representations are attached as **Appendix 6**. Attached as **Appendix 7** is a plan which shows where the premises is located.

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 representation have been informed of the date, time and location of the hearing and their right to attend and be represented, subject to their representations being accepted as not being excluded representations under section 32.
- 4.3 As stated in paragraph 2.9 above, representations made in respect of this application cannot be considered if they are excluded under the provisions of section 32 of the Licensing Act. The Sub Committee will, therefore, be asked to determine, as a preliminary point, which of the representations that have been received are to be excluded. If all representations are considered to be excluded, then the premises licence, as applied for, will be granted, subject to any conditions that are in accordance with the provisional statement and the operating schedule. If any or all of the representations are deemed not to be excluded, then the hearing will proceed. All those who have made representations that are not excluded will then be entitled to address the Sub Committee on those representations 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 If the application proceeds to a full hearing, then 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: Roy Bahadoor, Public Protection Officer - Licensing

Date of report: 13th November 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 and accompanying documents**
- 2 Provisional Statement Decision Notice**
- 3 Letter from Wiltshire Fire & Rescue Service**
- 4 Email from Richard Sharland of Ian Sharland Ltd.**
- 5 List of draft conditions**
- 6 Representations**
- 7 Location Plan**