

## REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Date of Hearing	4 October 2010
Title of Report	Application for a Premises Licence, The Rose & Crown, 57 East Street, Warminster, BA12 9BZ
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.

### Summary of Report

An application for a Premises Licence has been made for which there are relevant representations.

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) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are: - The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and the Protection of Children from Harm.

Such steps are: -

- To modify the conditions of the licence
- To reject the whole or part of the application
- Not take any further action.

### Officer Recommendations

**None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.**

**There is no other background information from any other departments of the Wiltshire Council**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None

**Contact Officer**

Mrs Maggie Jones Policy & Licensing 0300 4560100 ext 5536  
Maggie.Jones@wiltshire.gov.uk

**1. Introduction**

An application for a premises licence by Punch Taverns (PLC) Ltd has been made for which there are relevant representations.

Wiltshire Council (as the Licensing Authority) must hold a Hearing to consider the application having regard to these representations.

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

**2. Options and Options Appraisal**

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary.

**3. Background Information**

On the 12 August 2010, an application for a Premises Licence was received and accepted as a valid application. This application, if granted, is to license:

- The supply of alcohol.
- Live music, recorded music, provision of facilities for making music, dancing and entertainment of a similar description.
- Provision of late night refreshment.
- An additional area (a function room with bar) for licensable activities. The function room is situated on the first floor, at the rear of the premises, adjacent to the outside seating/smoking area.

The application as applied for, is as follows:

Sale of Alcohol	05.00 to 02:00 daily	On & Off sales
Live Music	20:00 to 23.30 Thursday & Friday 12.00 to 23.30 Saturday & Sunday Including Bank Holidays	In & outdoors
Recorded Music	12:00 to 02:00 daily	In & outdoors
Provision of facilities for making music, dancing & entertainment of a similar description	20.00 to 23.30 Wednesday to Friday 12.00 to 23.30 Saturday & Sunday Including Bank Holidays	Indoors
Late Night Refreshment	23:00 to 02:00 daily	In & outdoors

#### 4. Representations

During the consultation period representations have been received from the following:

(a) Interested Parties:

**A K Pulford 53 East Street Warminster**  
**Ms F L Abbott 65 East Street Warminster**  
**Sara Newson-Smith 67 East Street Warminster**  
**Ms S Wooloff 4 Furlong Warminster**  
**Mr Stephen Royce-Rogers 5 Furlong Warminster**  
**Martin D Phippard 6 Furlong Warminster**  
**Laura & Alex Keay 14 Furlong Warminster**  
**Andrew Davis Wiltshire Councillor (Warminster East)**

(b) Responsible Authority:

**Wiltshire Council Public Protection Services – Pollution Team – Guy Sharp**

The following suggested conditions are detailed in the Pollution Team's representation:

- There shall be no live music provided externally at the premises.
- There shall be no recorded music provided externally at the premises
- All windows and doors shall remain closed (save access and egress) during the provision of regulated entertainment

<u>Representation</u>	<u>Licensing Objective</u>	<u>Accepted</u>	<u>Comments</u>
Noise from premises	Public Nuisance	Y	
Noise from customers leaving the premises	Public Nuisance	Y	
Antisocial Behaviour	Crime & Disorder	Y	

Copies of all representations are attached to this report as Appendix 2

The plan attached to this report as Appendix 4, includes the plotting of the locations where representations have been made.

#### 5. Legal Implications

It should be noted that both the Applicant, the Responsible Authority and the Interested Parties may appeal the decision made by the Licensing Sub Committee. The decision made by the Licensing Sub Committee, however, takes immediate effect.

The Applicant, the Responsible Authority and all Interested Parties have been informed of the date, time and location of the Hearing and their right to be represented.

## 6. Risk Analysis

Not applicable.

<b>Appendices:</b>	<ul style="list-style-type: none"><li>• 1. Application for a premises licence under the Licensing Act 2003</li><li>• 2. Copies of relevant representations</li><li>• 3. Current Premises Licence</li><li>• 4. Location map</li></ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>• The Licensing Act 2003</li><li>• The Licensing Act (Hearings) Regulations 2005</li><li>• Amended Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)</li><li>• The Licensing Policy of the Wiltshire Council</li></ul>

### Previous Decisions Connected with this Report

<b>Report</b>	<b>Committee &amp; Date</b>	<b>Minute Reference</b>
None		

Report prepared by Maggie Jones, Policy & Licensing Officer – Licensing Team, West Hub