

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

21 SEPTEMBER 2015

Application for a Variation of a Premises Licence; The Royal Sports Bar & Cue Club, Ivy Road Industrial Estate, Chippenham, SN15 1SB

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Royal Sports Bar & Cue Club made by Mr Gordon Smart.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Royal Sports Bar & Cue Club has been made by Mr Gordon Smart for which three 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 necessary 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 as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On 24 July 2015 an application for a variation of the Premises Licence was received by the Licensing Authority. The application was accepted as a valid application on 28 July 2015, when notices of the application were advertised at the premises.

2.6 The variation applied for is summarised as follows:

Licensable Activity	Timings	Days
Recorded Music (Indoors)	12:00 – 22:30 12:00 – 23:00 12:00 – 01:00 Until 02:00	Sunday Monday – Thursday Friday & Saturday Non Standard Timings: New Year's Eve

A copy of the application from Mr Gordon Smart is attached as **Appendix 1**.

2.7 As a result of deregulatory changes that have amended the Licensing Act 2003; no licence is required for the following activities:

Recorded Music: no licence permission is required for any playing of recorded music between 08.00 and 23.00 on any day, on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

As a premises authorised to sell alcohol, the application for the Royal Sports Bar & Cue Club is therefore effectively to authorise Recorded Music from **23:00 – 01:00 on Friday and Saturday evenings**.

2.8 The other premises which are licensed for recorded music, within the vicinity of the application address, are detailed as follows:

Premises	Licensed Hours for Recorded Music	Days
The Brunel, 55 New Road, Chippenham, SN15 1ES	09:00 – 00:00 09:00 – 02:00	Sunday–Wednesday Thursday–Saturday
The Black Horse, New Road, Chippenham, SN15 1ES	10:00 – 01:45 10:00 – 02:45	Sunday–Wednesday Thursday–Saturday
Constitutional Club, Foghamshire, Chippenham, SN15 1HB	12:00 – 22:30 10:30 – 23:00 10:30 – 01:00	Sunday Monday – Thursday Friday & Saturday
E11evn, 11 The Bridge, Chippenham, SN15 1HA	11:00 – 02:00 11:00 – 03:00 11:00 – 04:00	Sunday Monday – Thursday Friday & Saturday
SN15/The Palace, 17 Station Hill, Chippenham, Wiltshire, SN15 1EQ	11:00 – 02:00 11:00 – 03:00	Sunday–Wednesday Thursday–Saturday

A map showing the location of the above premises is attached as **Appendix 2**

- 2.9 The Royal Sports Bar & Cue Club, has held a Premises Licence under the Licensing Act 2003 since November 2005. Mr Gordon Smart has been named as the Premises Licence holder since transferring the Licence on 10 March 2015. The current Premises Licence covers the following Licensable Activities:

Licensable Activity	Licensed Hours	Days
Alcohol Sales (On and Off Sales)	11:00 – 23:00 11:30 – 23:00 11:30 – 01:00	Sunday Monday – Thursday Friday – Saturday
Late Night Refreshment	23:00 – 23:30 23:00 – 00:00 23:00 – 02:00	Sunday Monday – Thursday Friday – Saturday

A copy of the current Premises Licence 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, 3 relevant representations against the application have been received from 2 local residents and the Wiltshire Councillor for Chippenham Monkton Ward.

3.3 Representations Received

- Gisela Norman, 7 Ivy Cottages, Ivy Lane, Chippenham, SN15 1HE
- Stephen & Pauline Harrison, 6 Ivy Road Cottages, Chippenham SN15 1HE
- Cllr Chris Caswill, Councillor for Chippenham Monkton Ward.

3.4 Responsible Authorities

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

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

Representation	Licensing Objective	Accepted
Noise disturbance	Prevention of Public Nuisance	Yes

3.7 The relevant representations are attached as **Appendix 4**. Attached as **Appendix 5** is a map which shows the locations from where representations have been made.

3.8 The Environmental Health Officer, John Freegard, visited the premises and has no adverse comments with regards to the application and possible noise nuisance. See **Appendix 6**.

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: Roy Bahadoor, Public Protection Officer – Licensing

Date of report: 3 September 2015

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**
- **Live Music Act 2012**

Appendices

- 1 Variation of a Premises Licence Application Form**
- 2 Map of licensed premises in vicinity**
- 3 Current Premises Licence**
- 4 Representations**
- 5 Map of Representations**
- 6 Comments from Environmental Control & Protection**