

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

29 MARCH 2022

Application for a Premises Licence; Live at Lydiard, Park Farm, Hook Street, Lydiard Tregoze, Swindon, SN5 3NY

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Live at Lydiard, Park Farm, Hook Street, Lydiard Tregoze, Swindon, SN5 3NY made by The Culture Collective Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Live at Lydiard has been made by The Culture Collective Ltd. for which seven 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 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 31 January 2022 Wiltshire Council received an application for a Premises Licence and accepted as the same as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays	12:00hrs – 00:00hrs	Saturday
Films	12:00hrs – 00:00hrs	Saturday
Live music	12:00hrs – 00:00hrs	Saturday
Recorded music	12:00hrs – 00:00hrs	Saturday
Performance of dance	12:00hrs – 00:00hrs	Saturday
Provision of late-night refreshment	23:00hrs – 00:00hrs	Saturday
Sale by retail of alcohol (for consumption ON the premises)	12:00hrs – 00:00hrs	Saturday

A copy of the application from The Culture Collective Ltd is attached as **Appendix 1**. Premises plan and site plans are attached as **Appendix 2**.

2.7 A previous similar event by the same applicant took place last year (21 August 2021) at Lydiard Park (opposite side of the road in Swindon Borough Council area).

2.8 Email correspondence on 25 February 2022 between the applicant and the relevant Licensing Officer clarified this application had been reduced from ten days to just one in duration is attached as **Appendix 3**.

2.9 On 3 March 2022 the applicant made an undertaking to the Licensing Officer to liaise effectively with the Parish Council and Lydiard Park to ensure there were no other planned events likely to conflict with this application. Confirmation of agreement with condition proposed by Lydiard Tregoze Parish Council is attached as **Appendix 4**.

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 seven relevant representations have been received from two residents, two interested parties and three Responsible Authorities.

3.3 Representations Received

- Representation 1: Resident 1, Rainscombe Road, Bradbury Park, Swindon, SN3 6ER
- Representation 2: Resident 2, Birch Street, Swindon, SN1 5EU
- Representation 3: Kathryn Ashton, Licensing Manager, Swindon Borough Council
- Representation 4: Brian Pinchbeck, Director of Operations, Lydiard Park and Hotel, Swindon Borough Council

3.4 Responsible Authorities

- Representation 5: Mrs Tessa Hares, Environmental Health Officer (Noise), Wiltshire Council
- Representation 6: Mrs Sharon King, Environmental Health Officer (Health & Safety), Wiltshire Council
- Representation 7: Mrs Linda Holland, Licensing Manager, Wiltshire Council

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

Representation	Licensing Objective
1	Public safety; the protection of children from harm
2	Crime & disorder; public safety; public nuisance; protection of children from harm
3	Crime & disorder; public safety; public nuisance
4	Public safety; public nuisance
5	Public nuisance
6	Public safety
7	Public safety; public nuisance

3.6 The relevant representations are attached as **Appendix 5**. A plan of the representations has not been included as none are proximal to the event location. Attached as **Appendix 6 and 6a** is a detailed plan of the area.

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 Following the consultation, the Applicant has raised concerns with Licensing Officers regarding the potential validity of two of the representation's received.

4.4 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.

Jemma Price
Public Protection Officer – Licensing
Monkton Park, Chippenham, Wiltshire, SN15 1ER

16 March 2022

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 New Premises Licence Application**
- 2 Plans**
- 3 Amendment of Premises Licence**
- 4 Confirmation of condition as proposed by Parish Council**
- 5 Representations**
- 6 Plans of the area**