

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

5 April 2022

Application for a Premises Licence; The Hop Gardens, Broadtown Brewery, 29 Broad Town Road, Broad Town, Wiltshire, SN4 7RB

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of The Hop Gardens, Broadtown Brewery, 29 Broad Town Road, Broad Town, Wiltshire, SN4 7RB by Mr Jason Bayliffe.

2. Background Information

- 2.1 An application for a Premises Licence in respect of The Hop Gardens, Broadtown Brewery, 29 Broad Town Road, Broad Town, Wiltshire, SN4 7RB has been made by Mr Jason Bayliffe for which two 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 17 February 2022 an application for a The Hop Gardens, Broadtown Brewery was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Sale by retail of alcohol for consumption ON and OFF the premises	11:00hrs to 23:00hrs	Thursday to Sunday (to include Bank Holiday Mondays)

A copy of the application and plan is attached as **Appendix 1**.

2.7 The premises currently holds a Premises Licence (LN/000018080) for the area, the current licence and plan are attached as **Appendix 2**.

2.8 The Hop Gardens as applied for with this application are within existing Licence (A); however, this application has been made owing to the fact that The Hop Garden is a new timber framed structure subject to a separate Planning Application (in progress/consultation: PL/2021/08484 refers). In the Licensing Act 'Premises' is defined as 'any place and includes a vehicle, vessel or moveable structure'. An application can be made to the licensing authority for the area where the premises is located for any premises to be used for licensable activities. More than one premises licence may be granted for the whole or for different areas of a premises, which may be held by the same or different individuals or organisations. Every premises licence application must be accompanied by a premises plan. It is an accepted principle that significant changes to an existing licence plan may be dealt with by a variation to the existing licence or a new application. In this case, the applicant has elected to make this a new application.

2.9 There have been a number of prior applications from Broadtown Brewery: Licence (A) initial application 21/07/2020 – which remains current and in use; Variation to Licence (A) to include Sundays 16/06/2021; Further variation to Licence (A) submitted 15/10/2021 – withdrawn 19/10/2021; Further variation to Licence (A) submitted 03/11/2021 – withdrawn 14/12/2021 prior to a hearing. The prior applications are not relevant to this application.

2.10 Other premises licence in the area

Premises Location	Activities	Days
Broad Town Social Club Village Hall Broad Town Road Broad Town SN4 7RL	The supply of alcohol to a member of the club	19:00hrs to 23:00hrs Sunday 19:30hrs to 23:00hrs Monday to Thursday 19:30hrs to 01:00hrs Friday 13:00hrs to 00:00hrs Saturday

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 two relevant representations have been received from one local resident and one from a Responsible Authority.

3.3 Representations Received

1. Rep 1 – Redhills, Broad Town SN4 7RD

3.4 Responsible Authorities

1. Brett Warren, (Senior EHO - Noise) Wiltshire Council

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

Representation	Licensing Objective
(1)	Protection of Children from Harm Public Nuisance Prevention of Crime & Disorder Public Safety
(2)	Public Nuisance

3.6 The relevant representations are attached as **Appendix 3**. Attached as **Appendix 4** is a plan which shows the locations from where representations have been made. **Appendix 5** shows 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 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: Jemma Price

Monkton Park, Chippenham, Wiltshire, SN15 1ER

23 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 Current Premises Licence and Plan**
- 3 Relevant Representations**
- 4 Plan of Representation**
- 5 Plan of area**