

# WILTSHIRE COUNCIL

## SOUTHERN AREA LICENSING SUB COMMITTEE

DATE 25<sup>th</sup> April 2022

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### **Application for a Premises Licence; Victoria Park, Salisbury**

#### **1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of Victoria Park, Salisbury made by The Immersive Group Ltd

#### **2. Background Information**

- 2.1 An application for a Premises Licence in respect of Victoria Park has been made by The Immersive Group Ltd for which 14 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 22<sup>nd</sup> February 2023 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Live Music Recorded Music	10:00hrs – 22:30hrs	Monday – Sunday Outdoors
Sale by retail of Alcohol	10:00hrs – 22:30hrs	Monday – Sunday ON and OFF Sales

A copy of the application form including the Plan is attached as **Appendix 1**.

2.7 The timings of the licensable activities on the application were originally 10:00hrs – 23:00hrs. The applicant has accepted a condition proposed by Environmental Protection and Control to reduce the hours to 22:30 to allow for the site to be cleared and packed up by 23:00hrs.

### **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. Due to the Blue Notices not being displayed with the permitted time frame, the consultation date was extended to ensure the notices were displayed for the statutory time. Notices were damaged and removed during the consultation time, but these were replaced by the applicant to a satisfactory standard.

3.2 During the consultation period 14 relevant representations have been received from 13 local residents and 1 from a local Councillor.

#### **3.3 Representations Received**

- Representation 1 – Park Lane, Salisbury
- Representation 2 – Park Lane, Salisbury
- Representation 3 – Park Lane, Salisbury
- Representation 4 – Park Lane, Salisbury
- Representation 5 – Park Lane, Salisbury
- Representation 6 – Park Lane, Salisbury
- Representation 7 – Park Lane, Salisbury
- Representation 8 – The Portway Centre on behalf of 3 Park Lane, Salisbury residents
- Representation 9 – Councillor, Salisbury

- Representation 10 – Park Lane, Salisbury
- Representation 11 – Park Lane, Salisbury
- Representation 12 – Park Lane, Salisbury
- Representation 13 – Park Lane, Salisbury
- Representation 14 – Park Lane, Salisbury

### 3.4 Responsible Authorities

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

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

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>
Representation 1	The Prevention of Public Nuisance Crime and Disorder	24 <sup>th</sup> March 2023
Representation 2	The Prevention of Public Nuisance The Protection of Children from Harm	24 <sup>th</sup> March 2023
Representation 3	The Prevention of Public Nuisance	27 <sup>th</sup> March 2023
Representation 4	The Prevention of Public Nuisance The Protection of Children from Harm	30 <sup>th</sup> March 2023
Representation 5	The Prevention of Public Nuisance	30 <sup>th</sup> March 2023
Representation 6	The Prevention of Public Nuisance Crime and Disorder	30 <sup>th</sup> March 2023
Representation 7	The Prevention of Public Nuisance	31 <sup>st</sup> March 2023
Representation 8	The Prevention of Public Nuisance Crime and Disorder	31 <sup>st</sup> March 2023
Representation 9	The Prevention of Public Nuisance	31 <sup>st</sup> March 2023
Representation 10	The Prevention of Public Nuisance The Protection of Children from Harm	30 <sup>th</sup> March 2023
Representation 11	The Prevention of Public Nuisance The Protection of Children from Harm	30 <sup>th</sup> March 2023
Representation 12	The Prevention of Public Nuisance The Protection of Children from Harm	30 <sup>th</sup> March 2023
Representation 13	The Prevention of Public Nuisance	31 <sup>st</sup> March 2023
Representation 14	The Prevention of Public Nuisance The Protection of Children from Harm	31 <sup>st</sup> March 2023

3.6 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the locations from where representations have been made. **Appendix 4** shows a detailed plan of the area. **Appendix 5** is the response from the applicant sent to those that have made representations.

## 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.

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Public Protection (Licensing)

Date of Report 13<sup>th</sup> April 2023

### **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 Plan**
- 2 Representations**
- 3 Map of Location of Representations**
- 4 Map of Area**
- 5 Response to Representations from Applicant**