

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: The Salisbury Room - County Hall, Trowbridge
Date: Monday 9 July 2018
Time: 10.15 am
Matter: Application for a Variation of a Premises Licence - The Toast Office,
116 Top Lane, Whitley, Melksham

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email committee@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell
Cllr Trevor Carbin

Cllr Ian Thorn

Substitutes:

Cllr Jim Lynch

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** *(Pages 5 - 12)*

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Licensing Application** *(Pages 13 - 16)*

To consider and determine an application for a variation of a Premises Licence in respect of The Toast Office, 116 Top Lane, Whitley, Melksham made by Toast Office Whitley Limited. The report of the Public Protection Officer (Licensing) is attached.

6a **Appendix 1 - Application with updated plan** *(Pages 17 - 34)*

6b **Appendix 2 - Current Premises Licence with current plan** *(Pages 35 - 42)*

6c **Appendix 3 - Location Plan of the Premises** *(Pages 43 - 44)*

6d **Appendix 4 - Legislative Reform (Entertainment Licensing) Order 2014 explanatory notes** *(Pages 45 - 48)*

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible

Authority or their Representative or any person who has made a Relevant Representation or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Person making a Relevant Representation” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;

- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
- 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
- 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
- A refuse to permit them to return;
 - B permit them to return only on such conditions as the Committee may specify;
 - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations .

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - A the options available to it;
 - B the considerations that are relevant in reaching its decision.
 - 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
 - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
 - A the grounds of the representation to the Application; and
 - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation . If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
- 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
- 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
13. Closing submissions by the Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits (5 working days).

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WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

9 July 2018

Application for a Variation of a Premises Licence; The Toast Office, 116 Top Lane, Whitley, Melksham, Wiltshire, SN12 8QU

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Toast Office, 116 Top Lane, Whitley, Melksham, Wiltshire, SN12 8QU made by Toast Office Whitley Limited.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Toast Office has been made by Toast Office Whitley Limited for which one relevant representation has 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 17 May 2018, an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The details of the variation applied for, are summarised below:

- Add live music (indoors and outdoors) Monday to Sunday from 09:00 – 24:00; Christmas Eve and New Year’s Eve until 02:00
- Add late night refreshment (indoors and outdoors) Monday to Sunday from 23:00 – 24:00; Christmas Eve and New Year’s Eve until 02:00
- Add ON sales for the sale of alcohol and amend the current hours to Monday – Sunday from 06:00 – 24:00; Christmas Eve and New Year’s Eve until 02:00
- Amend opening hours to Monday – Sunday from 06:00 to 24:00; Christmas Eve and New Year’s Eve until 02:30
- To update plan attached to premises licence.

2.7 A copy of the application form including the updated plan is attached as **Appendix 1**.

2.8 Since 8 July 2017 the premises has benefited from a premises licence issued under the Licensing Act 2003. The current licence authorises the following:

Licensing Activities	Hours
Supply of Alcohol (OFF Sales)	Monday – Sunday 06:00 – 23:00
Hours open to the public	Monday – Sunday 06:00 – 23:00

2.9 The current premises licence including the plan is attached as **Appendix 2**.

2.10 Attached as **Appendix 3** is a location plan of the premises.

2.11 Details of other licenced premises in the vicinity of the area are as follows:

Premises	Licensable Activity	Hours
Pear Tree Inn Top Lane, Whitley, Melksham, Wiltshire, SN12 8QX	Alcohol Sales (ON and OFF sales)	<ul style="list-style-type: none"> • Monday – Sunday 10:00 – 24:00 • New Year’s Eve from the end of permitted hours until the start of permitted hours the following day • Christmas Day an additional hour
	Recorded Music (Indoors)	<ul style="list-style-type: none"> • Monday – Sunday 00:00 – 00:00
	Late Night refreshment (indoors)	<ul style="list-style-type: none"> • Monday – Sunday 23:00 – 24:00

		<ul style="list-style-type: none"> Residents staying within the letting rooms and their bona fide guests will be permitted late night refreshment from 23:00 - 05:00
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2.12 The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015. The 2014 Order has deregulated regulated entertainment in certain situations. Further details on the 2014 Order are 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 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 2 relevant representations were received; 1 from a local resident and 1 from the parish council. Following a discussion with the applicant the local resident withdrew their representation as their concerns had been alleviated.

3.3 Representation received:

- Melksham without Parish Council

3.4 The relevant representation is attached as **Appendix 5**. The Parish Council have another meeting on 2 July and have indicated that they may wish to submit further comments to their representation following that meeting. Any further comments will be circulated as Appendix 6 (to follow).

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 Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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 an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.
-

Report Author: Emma Batchelor
Public Protection Officer – Licensing
01249 706414

Date of report: 21 June 2018

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 with updated plan**
- 2. Current Premises Licence with current plan**
- 3. Location plan of the Premises**
- 4. Legislative Reform (Entertainment Licensing) Order 2014 explanatory notes**
- 5. Relevant representation**

Wiltshire Council

Where everybody matters

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We The Toast Office Whitley Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/000013504

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
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116 Top Lane, Whitley,

Post town	Melksham	Postcode	SN12 8QU
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Telephone number at premises (if any)	01225 635190
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Non-domestic rateable value of premises	£ 3450
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Part 2 – Applicant details

Daytime contact telephone number	██████████
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E-mail address (optional)	██████████
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Current postal address if different from premises address	
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Post town		Postcode	
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

- Amendment of Plan
- To Include on-sale of alcohol
- To include live music
- Extending hours open to the public
- To include late night refreshments

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) Main focus is for live music indoors but with occasional outdoor live music. Live music is to be small band/ live singer with amplified speakers. <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) Christmas Eve and New Years Eve, live music extended to 2am. <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Mon	09:00	24:00			
Tue	09:00	24:00			
Wed	09:00	24:00			
Thur	09:00	24:00			
Fri	09:00	24:00			
Sat	09:00	24:00			
Sun	09:00	24:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	23:00	24:00	To provide hot drinks such as coffee to those not consuming alcohol after 23:00.		
Tue	23:00	24:00			
Wed	23:00	24:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	24:00	Christmas Eve and New Years Eve 23:00 - 02:00		
Fri	23:00	24:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	23:00	24:00	Christmas Eve and New Years Eve 23:00 - 02:00		
Sun	23:00	24:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
				Both	<input checked="" type="checkbox"/>	
Mon	06:00	24:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) Christmas Eve and New Years Eve - extended hours to 2am			
Tue	06:00	24:00				
Wed	06:00	24:00				
Thur	06:00	24:00		<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) Christmas Eve and New Years Eve - extended to 2am		
Fri	06:00	24:00				
Sat	06:00	24:00				
Sun	06:00	24:00				

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6) Christmas Eve and New Years Eve remain open to 02:30
Day	Start	Finish	
Mon	06:00	24:00	
Tue	06:00	24:00	
Wed	06:00	24:00	
Thur	06:00	24:00	
Fri	06:00	24:00	
Sat	06:00	24:00	
Sun	06:00	24:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) Christmas Eve and New Years Eve remain open to 02:30

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

In addition to the current steps I will include the following:

- CCTV covering any outdoor areas highlighted for the consumption of alcohol
- Staff to be fully trained and training 'refreshed' every 6 months on how to identify intoxication
- Prices and policies to limit consumption of off-sale alcohol on site.

b) The prevention of crime and disorder

- All staff shall be briefed and be aware of their responsibilities and relevant company operating procedures before they commence paid duty at the premises.
- Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises
- Staff will be trained with identifying and dealing with any person who becomes too intoxicated and becomes disruptive.

c) Public safety

Staff training shall include procedures to deal effectively with emergency incidents, including:

- i) reporting an emergency to the relevant emergency service
- ii) safe evacuation of customers

d) The prevention of public nuisance

Live music and background music sound levels to be monitored by staff. A test will be conducted for any changes in volume by the sound level being checked from neighbouring properties. This will be repeated if any changes are made to increase the volume. If found to be too loud, it will be decreased to a suitable level. All windows and external doors shall be kept closed between 20:00 hours and 06:00 hours except for the immediate access and egress of persons.

e) The protection of children from harm

The continued use of a challenge 25 scheme to ensure no under-age sales can occur.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	██████████
Date	20/04/2018
Capacity	MD / License Holder

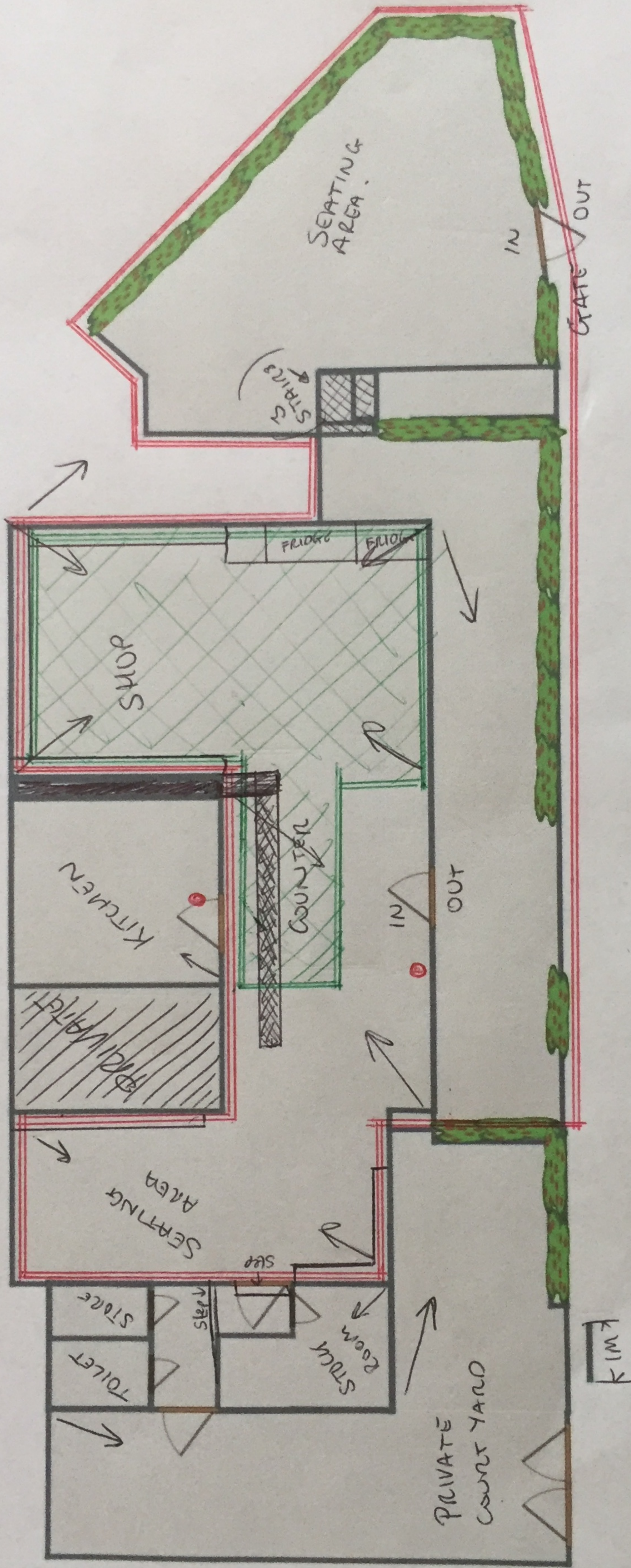
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			

THE TOAST OFFICE
 116 TOP LANE
 WHITLEY
 SM12 8QU



KEY

- FIRE EXTINGUISHER
- CCTV
- ALL ALCOHOL RELATED SALES/CONSUMPTION WITHIN RED BORDER
- OFF-SALE ALCOHOL CONSUMPTION

Licensing Act 2003
Premises Licence

LN/000013504

ISSUING LOCAL AUTHORITY



PART 1 – PREMISES & LICENCE HOLDER DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Post Office Stores, 116 Top Lane, Whitley, Melksham, Wiltshire, SN12 8QU

NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE

Toast Office Whitley Limited
18 Blythe Close, Enham Alamein, Andover, Hants, SP11 6HX

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER

10704823

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Luke Johnson
[REDACTED]

ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Test Valley BC - PERS/17/1599

WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES

Not Applicable

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

OFF Sales

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Where applicable the provisions of Section 145 of the Licensing Act 2003 apply

PART 2 – LICENSABLE ACTIVITIES & TIMINGS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE						
Licensable activities	Location	Day	Time From	Time To	Time From	Time To
Alcohol Sales	OFF Sales	Sunday	06:00	23:00		
		Monday	06:00	23:00		
		Tuesday	06:00	23:00		
		Wednesday	06:00	23:00		
		Thursday	06:00	23:00		
		Friday	06:00	23:00		
		Saturday	06:00	23:00		
Non Standard Timings & Seasonal Variations						
Hrs premises open to public		Sunday	06:00	23:00		
		Monday	06:00	23:00		
		Tuesday	06:00	23:00		
		Wednesday	06:00	23:00		
		Thursday	06:00	23:00		
		Friday	06:00	23:00		
		Saturday	06:00	23:00		
Non Standard Timings & Seasonal Variations						

Licence Commencement Date

8 July 2017

Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Supply of Alcohol

1. Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence
- (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:-
- (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Irresponsible Promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

Free Tap Water

1. The responsible person must ensure that free potable tap water is provided on request to customers where it is reasonably available. (*This means that responsible persons at all premises must ensure customers are provided with potable (drinking) water for free if they ask for it.*)

Age Verification Policy

1.
 - (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - i. a holographic mark, or.
 - ii. an ultraviolet feature.

Drink Volume Measures

1. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
2. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and.
3. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Permitted Price

1.
 - (a) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (b) For the purposes of the condition set out in paragraph 1—
 - A. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - B. “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - C. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - D. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - E. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
2. Where the permitted price given by Paragraph B of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
3. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph B of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

- i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2A – CONVERTED CONDITIONS

INSERT CONVERTED CONDITIONS HERE

ANNEX 2B – OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- All staff shall be trained to deal with all situations.

PUBLIC SAFETY

- All staff shall be trained in fire safety procedures and the use of fire safety equipment and fire fighting equipment.

PROTECTION OF CHILDREN FROM HARM

- A Challenge 25 policy will be adopted by the premises, all staff to receive regular training to prevent under age sales. A refusals record and training record to maintain by the premise and will be made available for inspection to an officer of a responsible authority.

PREVENTION OF CRIME AND DISORDER

- CCTV to be installed at the premises, the system shall be installed so as to cover all entrances and exits. The system is to be maintained and in full working order during all licensable hours. The system is to be of sufficient quality so as to enable identification. Images must be retained for a minimum of 28 days and produced to a Police Officer or a Wiltshire Council Licensing Officer on request
- Staff will undertake appropriate training in all aspects of relevant licensing legislation. This training will be recorded and refreshed every 6 months.
- Maintain an Incident log/book for – Incidents and refusals.

ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING

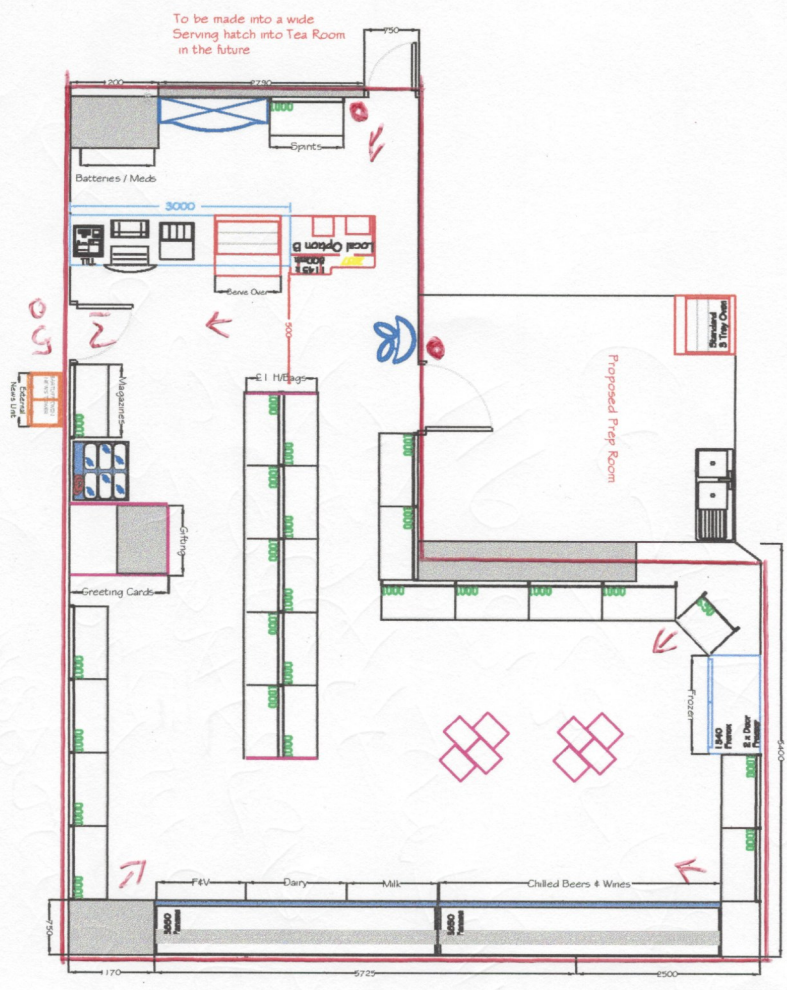
None

ANNEX 4 – PLANS

Attached Separately

Dated: 30/05/2017

ALSOKE DISHIN THACHHON SPAN WITH 2 RES BODER



View
 ALAN LAMEN
 EXHIBIT 15 RVL →

SUPPLIER EQUIPMENT:

JOB TITLE:

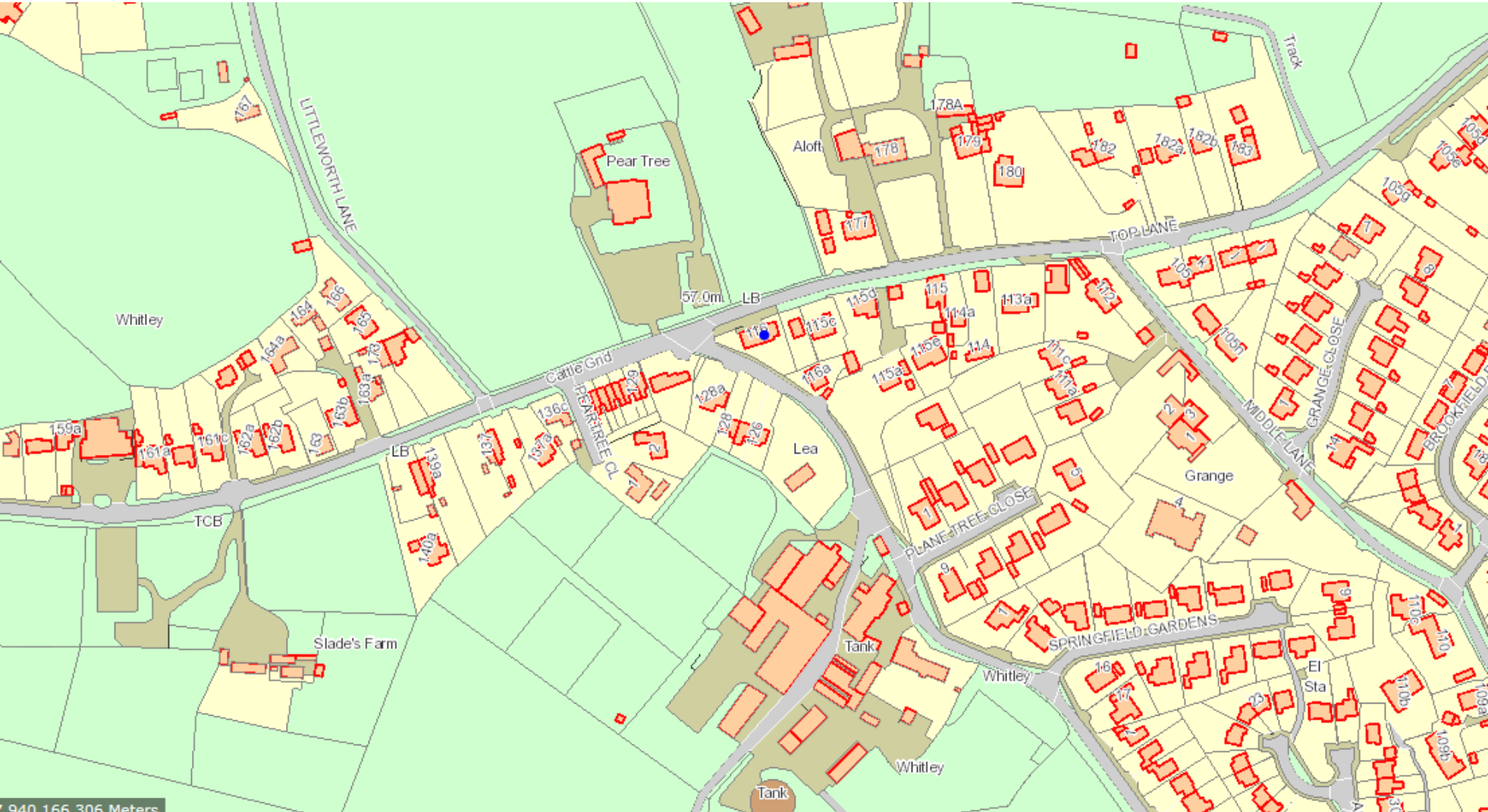
estma
 Top Lane
 Whitley
 SN12 8QU

REVISION: C DATE: 30/05/17

- Tobacco
- E-Cigs
- Medicines
- Batteries
- Spreads
- Mints/Gum
- Chilled Beers/Ciders
- Ambient Beer
- Ambient Wine
- Chilled Soft Drinks
- Take Home Crisps
- Impulse Snaps
- P.I. Promos
- P.2. Promos
- Seasonal
- Clearance
- Confectionery
- Kids Confectionery
- Hanging Bags - Branded
- Hanging Bags - £1
- Hanging Bags - Bonds
- £1 Zone - Ambient
- Coffee
- Hot Tower
- Savoury Tower
- Cakes
- Breads
- Biscuits
- Hot Beverages
- Cereals
- Home Baking
- Tinned Grocery
- Pet Food
- Tapenware
- Baby
- Healthcare
- Household
- Newspapers
- Magazines
- Frozen Food
- Sandwiches
- Milk
- Dairy
- Chilled meat
- Chilled Produce
- Ambient Produce

1-100 @ A14

Location plan of premises



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Licensing Act 2003 – Entertainment Exemptions

The Legislative Reform (Entertainment Licensing) Order 2014 comes into force on 6 April 2015. This adds a few more exemptions to the Act relating to regulated entertainment.

Licence Exemptions:-

The following activities no longer require a licence from 6th April 2015:-

Live Music: (no licence required for):-

- A performance of unamplified live music between 08:00 and 23:00 on any day, on any premises
- A performance of amplified live music between 08:00 and 23:00 on any day on premises licensed to sell alcohol ON the premises, provided that the audience does not exceed 500
- A performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on the premises, provided that the audience does not exceed 500.
- A performance of amplified live music between 08:00 and 23:00 on any day
 1. In a Church
 2. Village Hall
 3. Community Hall
 4. Or other similar community premises

That is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser get consent from a person responsible for the premises.

- A performance of amplified live music between 08:00 and 23:00 on any day, at the:-
 1. Non-residential premises
 2. Local authority
 3. School
 4. Hospital

Provided that the organiser gets consent on the relevant premises: the local authority concerned, the school or the health care provider for the hospital.

Recorded Music: (no licence required for):-

- Any playing of recorded music between 08:00 and 23:00 on any day on a premises that is licensed to sell alcohol ON the premises, provided that the audience does not exceed 500
- Any playing of recorded music between 08:00 and 23:00 on any day in a:-
 1. Church hall
 2. Village hall
 3. Community hall
 4. Or other similar community premises

That is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser get consent from a person responsible for the premises.

- Any playing of recorded music between 08:00 and 23:00 on any day, at the:-
 5. Non-residential premises
 6. Local authority
 7. School
 8. Hospital

Provided that the organiser gets consent on the relevant premises; the local authority concerned, the school or the health care provider for the hospital.

Plays:-

- Performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500

Dance:-

- Performances between 08:00 and 23:00 on any day provided that the audience does not exceed 500

Films:-

- a “not-for-profit” film exhibition held in a community premises between 08:00 – 23:00 on any day provided that the audience does not exceed 500 and the organiser gets consent from a person responsible for the premises and ensures that such screening abides by age classification ratings.

Indoor sporting event:-

- an event that takes place between 08:00 and 23:00 on any day provided that those present do not exceed 1000.

Boxing or Wrestling entertainment:-

- a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 – 23:00 on any day, provided that the audience does not exceed 1000.

Cross activity exemptions; no licence is required between 08:00 and 23:00 on any day, with no limit on audience size for:-

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that:-
 1. it takes place within moveable structure that accommodates the audience
 2. that the travelling circus has not been located on the same site for more than 28 consecutive days.

Any activities that takes place before 08:00 or after 23:00 will require either a premises licence or a Temporary Event Notice.

Other Deregulations

Personal licence renewals

The requirement to renew a personal licence has now been abolished with effect from 1st April 2015. Personal Licences will remain in effect continuously unless surrendered or revoked.

Sale of liqueur confectionery to children under 16: abolition of offence

The Deregulation Act has abolished the offence of selling liquor confectionery to children under 16 with effect from 26th May 2015, after that date, a person of any age can purchase liquor confectionery (Chocolate Liquors) in England and Wales

Requirement to report lost or stolen licences

The requirement to report lost or stolen licences to the police before applying for a duplicate licence has been abolished with effect from 26th May 2015

Temporary Event Notices

The limit on the number of temporary events that can be held at a premise will be increased from 12 to 15 per year with effect from 1st January 2016. This is unlikely to have any adverse impact on the workload of Licensing Officers and an insignificant impact on income.

Agenda Item 6e

From: [Teresa Strange](#)
To: [Batchelor, Emma A](#)
Subject: REPRESENTATION FOR: Premises Licence variation - The Toast Office, 116 Top Lane, Whitley, Melksham, SN12 8QU
Date: 14 June 2018 18:36:47
Attachments: [image001.png](#)
[image002.png](#)

Hi Emma

I am struggling with printer errors this end, and have been unable to print out the representation form from the website to fill in. Therefore please find below the response from Melksham Without Parish Council on the above application, following their consideration on Monday evening. Three members of the public attended the meeting with concerns about this application, including the Chairman of the local Community Action: Whitley & Shaw group representing the views of its members.

Premises: The Toast Office, 116 Top Lane, Whitley, Melksham, Wiltshire, SN12 8QU
Your Name: Melksham Without Parish Council
Postal address: First Floor, Crown Chambers, 7 Market Place, Melksham, Wiltshire, SN12 6ES
Contact Tel no and Email: 01225 7057000 clerk@melkshamwithout.co.uk

I am a person representing residents – Melksham Without Parish Council and the views of their residents, including Community Action: Whitley & Shaw.

Licensing objective: The prevention of public nuisance

Evidence: *the proposals will exacerbate parking issues already experienced at this narrow section of Top Lane (now with the new D3 bus service there are 50 bus journeys each way per day) and the council feel it is inappropriate to have live music and entertainment until midnight in a residential area.*

Suggested actions: detailed in extracts of minutes below, for context.

Extracts from draft Minutes of the Melksham Without Parish Council meeting held on Monday 11th June 2018.

Mike Booth, Chairman of CAWS (Community Action: Whitley & Shaw) spoke on the Toast Office Premises Licence variation. CAWS support the Toast Office and is happy that it is thriving in the community. CAWS do however have concerns over the late-night music until 24:00 and extended opening hours from 06:00 until 24:00 and feel that it would bring noise to the local area at night and bring more traffic into the residential area. It was reported that the Toast Office does not have any parking which means that cars would have to park on the side of an already busy road, which could mean that it congests the area. The Toast Office had approached the public house on the other side of the road to see if they could come to an arrangement with their car park, but this had not been progressed as a competitive business. There were two other CAWS members present who agreed with the comments made by the CAWS Chair.

Premises Licence Variation:

The planning committee reviewed the Toast Office proposed application to vary their

premises licence. The Chairman drew to the attention of members the guidance to making representation on licence applications, including the reasons for objections and that it has to be evidence based, and not the fear of what may happen in the future.

The application has been made to include the following:

- Live music (indoors and outdoors) Daily 09:00- 24:00
- Late Night Refreshments (indoors and outdoors) Daily 23:00- 24:00
- Sale of Alcohol (ON sales) Daily 06:00- 24:00
- Extension to opening hours daily 06:00- 24:00

There was a detailed discussion about the proposed live music at night, car parking issues and the affect this would have on residents in the area. Cllr. Pile reported that she had spoken to a few residents who were concerned about the live music until 24:00 and that the noise that residents would be hearing would go on beyond midnight whilst customers left the building and noted that noise travels at night. The WHO (World Health Organisation) defined night time noise as between 11pm and 7am and that it should be no louder than conversation.

There was also concerns that it would bring more cars into the area because people will be traveling from longer distances and would be parking on the road. Members agreed that there was already a problem with parking on Top Lane, Whitley and that outdoor live music in a residential area was unacceptable to have until 24:00 and a gross interruption of the daily lives of the residents nearby. Members acknowledged that they wanted to see this business thrive but did not want to see residents disturbed.

Recommended: *The Parish Council make written representation against the licencing application that they feel that live music indoors and outdoors should finish at 11pm and that the outdoor music is acceptable as long as it is not amplified. Late night refreshments outside should only be served until 11pm. The sale of alcohol should only be served from 9am until 11pm. The opening hours outdoors should be from 6am-12pm with the last hour to be spent indoors only. These suggestions are related to the prevention of public nuisance as the proposals will exacerbate parking issues already experienced at this narrow section of Top Lane (now with the new D3 bus service there are 50 bus journeys each way per day) and the council feel it is inappropriate to have live music and entertainment until midnight in a residential area.*

Regards,
Teresa

Teresa Strange
Clerk
Melksham Without Parish Council
First Floor
Crown Chambers
7 Market Place
Melksham
Wiltshire SN12 6ES
01225 705700
clerk@melkshamwithout.co.uk
www.melkshamwithout.co.uk

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From: Batchelor, Emma A <EmmaA.Batchelor@wiltshire.gov.uk>

Sent: 17 May 2018 15:00

To: Teresa Strange <clerk@melkshamwithout.co.uk>

Subject: Premises Licence variation - The Toast Office, 116 Top Lane, Whitley, Melksham, SN12 8QU

Good Afternoon,

The licensing authority have received an application from The Toast Office Ltd to vary the premises licence at The Toast Office, 116 Top Lane, Whitley, Melksham, SN12 8QU.

The application has been made to include the following:

Live Music (indoors and outdoors)

Daily 09.00 – 24.00

Late Night Refreshment (indoors and outdoors)

Daily 23.00 – 24.00

Sale of Alcohol (ON sales)

Daily 06.00 – 24.00

Extension to Opening Hours

Daily 06.00 – 24.00

Any representation for or against the application must be submitted in writing to the licensing authority by **14th June 2018**

Full applications can be viewed Monday-Thursday 9am to 5pm and Friday 9am to 4pm by appointment only. Please ring 01249 706414

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to £5000

Should you have any queries with regards to this, please do not hesitate to contact me on the number below.

Kind regards

Emma Batchelor

Public Protection Officer – Licensing

County Hall | Trowbridge | Wiltshire | BA14 8JN

T. 01249 706414 | www.wiltshire.gov.uk



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