

AGENDA

Meeting: Northern Area Licensing Sub Committee
Place: Committee Rooms C and D - Wiltshire Council Offices, Monkton Park, Chippenham SN15 1ER
Date: Friday 5 October 2018
Time: 10.15 am
Matter: Variation of a Premises Licence - Whitehall Garden Centre, Corsham Road, Lacock

Please direct any enquiries on this Agenda to Kieran Elliott, tel 01225 718504 or email committee@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email

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 Trevor Carbin
Cllr Peter Evans

Cllr Ian Thorn

Substitutes:

Cllr Sue Evans

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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 - 18*)

To consider and determine an Application for a variation of a Premises Licence by Whitehall Garden Centres Ltd in respect of Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, SN15 2LZ. The report of the Public Protection Officer (Licensing) is attached.

6a **Appendix 1 - Variation Application** (*Pages 19 - 50*)

6b **Appendix 2 - Conditions agreed by Whitehall Garden Centre**
(*Pages 51 - 52*)

6c **Appendix 3 - Relevant Representations** (*Pages 53 - 64*)

6d **Appendix 4 - Location of Representations** (*Pages 65 - 66*)

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

NORTHERN AREA LICENSING SUB COMMITTEE

5 October 2018

Application for a Variation of a Premises Licence; Whitehall Garden Centre, Corsham Road, Lacock, Chippenham, SN15 2LZ

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Whitehall Garden Centre, Corsham, Lacock, Chippenham made by Whitehall Garden Centre Ltd.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Whitehall Garden Centre, Lacock, Chippenham, has been made by Whitehall Garden Centre Ltd for which four 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 10 August 2018, an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The variation applied for is summarised as follows:

- To amend the current ON Sales hours to mirror those of the OFF Sales, 08:00hrs to 23:00hrs Monday to Saturday, 12:00hrs to 22:30hrs Sunday.
 - Include the Lavender Lodge for the sale of alcohol ON Sales.
 - Include the Ice Rink Café for sale of alcohol ON Sales – October to January.
 - To allow a pop up bar in the garden for ON Sales one weekend in April, May, June, July, August and September.
 - To remove the current Non Standard Timings for ON Sales;
 - a) On Good Friday, 12:00hrs to 22:30hrs.
 - b) On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs.
 - c) On New Year’s Eve, (except on a Sunday) 10:00hrs to 23:00hrs.
 - d) On New Year’s Eve (on a Sunday) 12:00hrs to 22:00hrs.
 - e) On New Year’s Eve from the end of permitted hours on New Year’s Eve to the start of permitted hours on the following day.
- For OFF Sales;
- a) Good Friday 08:00hrs to 22:30hrs
 - b) Christmas Day 12:00hrs to 15:00hrs - 19:00hrs to 22:30hrs

A copy of the application form is attached as **Appendix 1**. The plan is attached as **Appendix 1a**.

2.7 Whitehall Garden Centre has held a Premises Licence under the Licensing Act 2003 since 24 November 2005; this is attached as **Appendix 1b**.

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music Recorded music Performance of dance Anything of a similar description	10:30hrs to 17:00hrs 08:30hrs to 21:00hrs	Sunday Monday to Saturday
Retail of Alcohol OFF Sales	10:00hrs to 22:30hrs 08:00hrs to 23:00hrs	Sunday Monday to Saturday
Non Standard Timings	08:00hrs to 22:30hrs	Good Friday
	12:00hrs to 15:00hrs 19:00hrs to 22:30hrs	Christmas Day
Retail of Alcohol ON Sales	12:00hrs to 22:30hrs 11:00hrs to 23:00hrs	Sunday Monday to Saturday
Non Standard Timings	12:00hrs to 22:30hrs	Good Friday
	12:00hrs to 15:00hrs 19:00hrs to 22:30hrs	Christmas Day

The current Licence permits the Sale of Alcohol for ON Sales in the main restaurant and the Sale of Alcohol for OFF Sales from the Farm Shop.

- 2.8 During the consultation period the Applicant withdrew the request to allow pop up bars in the garden and agreed to further conditions being placed on their licence following conversation with both Wiltshire Council Licensing Authority and Wiltshire Police Licensing. These conditions are attached as **Appendix 2**.
- 2.9 A further amendment was made after the consultation period to reduce the hours permitted in the Ice Rink Café for the sale of alcohol to;
- Monday to Saturday 09:00hrs to 19:30hrs
 - Sunday 10:30hrs to 16:30hrs.

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days. During the consultation period four relevant representations have been received from Interested Parties.

3.2 Responsible Authorities

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

3.3 Interested Parties

- Mr and Mrs C R Barrett, Wickfield, Corsham Road, Lacock, Chippenham, SN15 2LZ.
- Mrs J Briggs, Axfords Patch, Corsham Road, Lacock, Chippenham, SN15 2LZ.
- Mr and Mrs Newbury, Kent House, Corsham Road, Lacock, Chippenham, SN15 2LZ.
- Mrs S Atkins, Meadow View, Corsham Road, Lacock, Chippenham, SN15 2LZ.

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

Representation	Licensing Objective
Mr and Mrs Barrett	Prevention of Public Nuisance
Mrs J Briggs	Prevention of Public Nuisance
Mr and Mrs Newbury	Prevention of Public Nuisance
Mrs S Atkins	All Licensing Objections

3.5 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** 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 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 Premises Licence Holder, and Interested Parties 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 or not 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: Jemma Price

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

Date of report: 25 September 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 Variation Application**
 - a. Plan for New Locations**
 - b. Current Premises Licence**
- 2 Conditions agreed by Whitehall Garden Centre**
- 3 Representations**
- 4 Location of Representations**
- 5 Map of Area**

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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 Whitehall Garden Centres Ltd

(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/3208
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Whitehall Garden Centres Ltd Corsham Road Lacock			
Post town	Chippenham	Postcode	SN15 2LZ

Telephone number at premises (if any)	01249 730204
Non-domestic rateable value of premises	£ 302,500.00

Part 2 – Applicant details

Daytime contact telephone number	01249 730204		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post town		Postcode	

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)
2) We would like to sell alcohol for consumption on the premises in our tea room Lavender Lodge and also in our seasonal ice rink from October through to January each year. See attached plan.

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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			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 (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	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur								
Fri						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 (please read guidance note 7)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur			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 (please read guidance note 7)		
Fri					
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	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
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

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) To amend the current ON sales hours to mirror those of OFF sales on the current license. To include Lavender Lodge for the sale of Alcohol ON Sales. To allow for pop bar in the gardens one weekend in April, May, June, July, August and September. To permit the sale of alcohol in the Ice Rink Cafe during the months of October-January. To remove the current Non Standard Timings for ON Sales: On Good Friday 12.00hrs to 22.30hrs On Christmas Day, 12.00hrs to 15.00hrs and 19.00hrs to 22.30hrs On New Years Eve (except on a Sunday) 10.00hrs-23.00hrs On New Years Eve (on a Sunday) 12.00hrs-22.00hrs On New Years Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. For Off Sales: Good Friday 08.00hrs - 22.30hrs Christmas Day 12.00hrs to 15.00hrs - 19.00hrs to 22.30hrs		
Mon	08.00	23.00	<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)		
Tue	08.00	23.00			
Wed	08.00	23.00			
Thur	08.00	23.00			
Fri	08.00	23.00			
Sat	08.00	23.00			
Sun	12.00	22.30			

K

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			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 (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

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)

b) The prevention of crime and disorder

CCTV
Out of hours security monitoring
Removal of intoxicated persons from the premises
Refusal to serve intoxicated person

c) Public safety

Ice rink risk assessments are carried out for the ice rink.

d) The prevention of public nuisance

e) The protection of children from harm

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	10/08/2018
Capacity	M. DIRECTOR

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)

Alison Harding
Whitehall Garden Centre
Corsham Road
Lacock

Post town	Chippenham	Post code	SN15 2LZ
Telephone number (if any)	01249 730204		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Data Protection: *Wiltshire Council will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. Further information can be found at <http://www.wiltshire.gov.uk/community-safety-privacy-notice>*

You are providing your information to Wiltshire Council, contact details publicprotectionnorth@wiltshire.gov.uk. The Council's Data Protection Officer can be contacted via dataprotection@wiltshire.gov.uk.

Your information is collected for the purpose of processing your licence application as required to fulfil the council's duties under the legislation, statutory or contractual requirement or obligation.

Legislation Context

Licensing Act 2003 for the processing of licensing applications and the prevention of fraud

The information may be shared with Police, Fire Brigade and teams within Wiltshire Council, as statutory consultees, the Home Office to ascertain the right to work and HM Revenue and Customs, at their request, to identify potential fraud.

Notes for Guidance

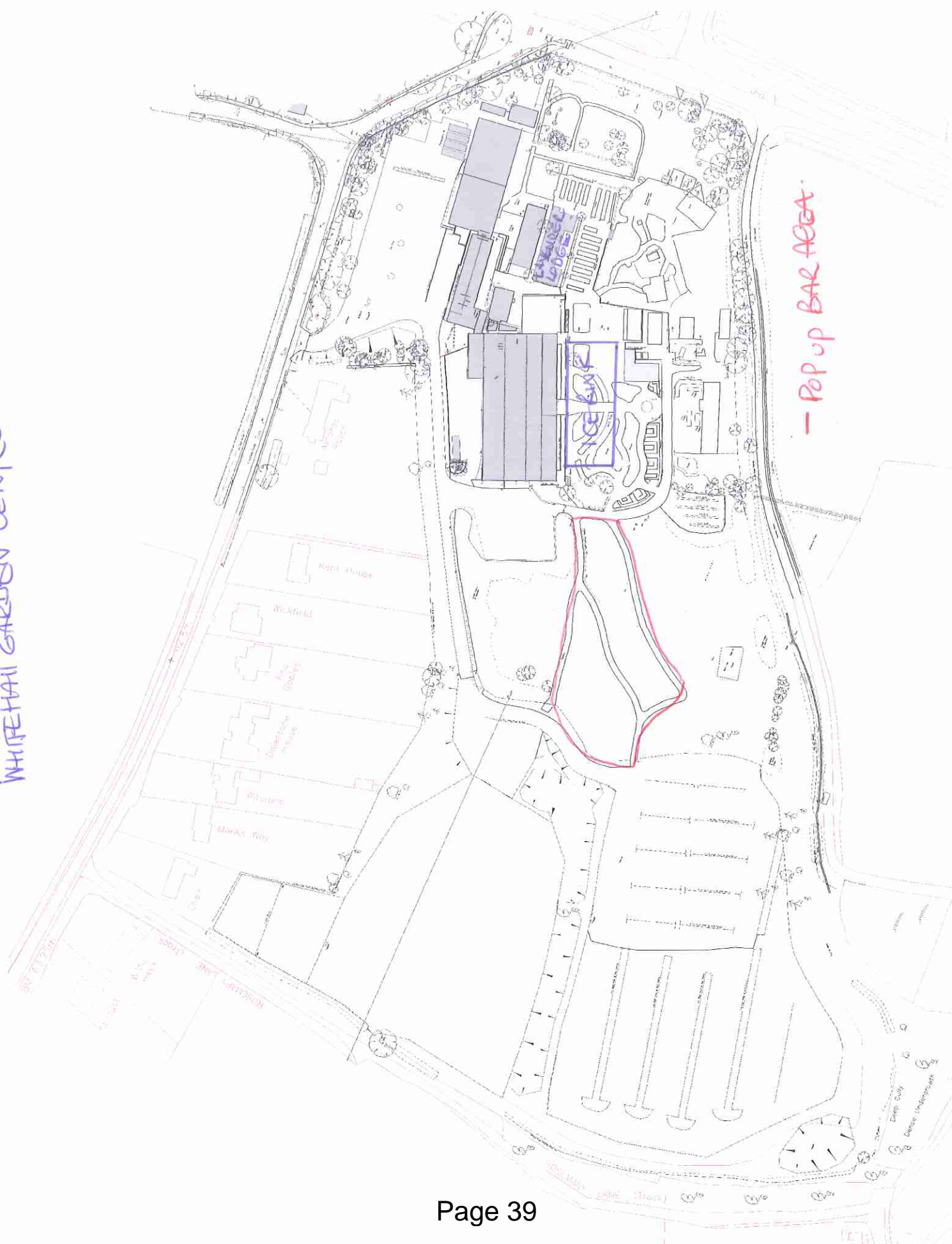
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

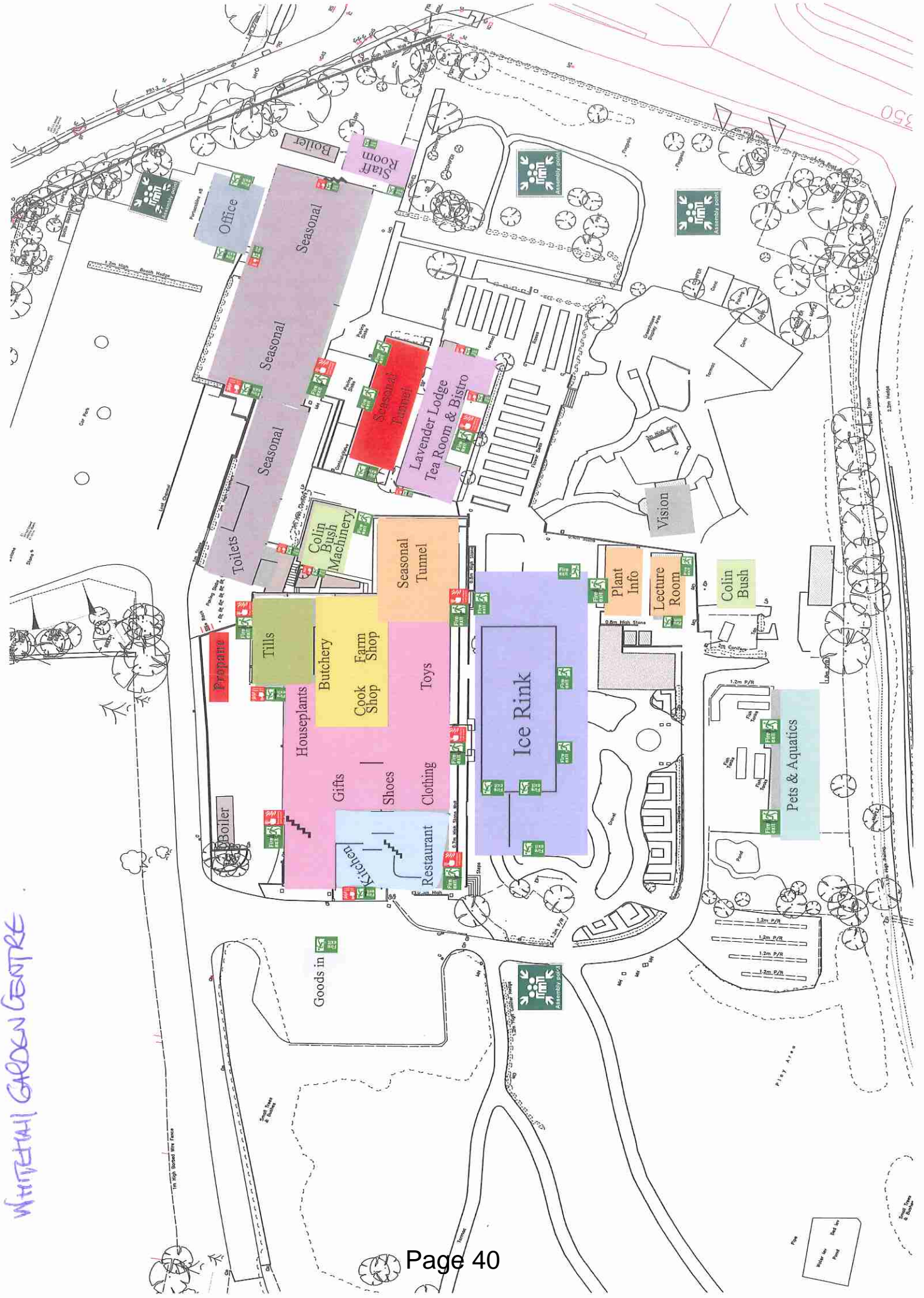
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is 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 authorised to sell alcohol for consumption on those 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 those 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 church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - 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.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - 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; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

WHITEHALL GARDEN CENTRE

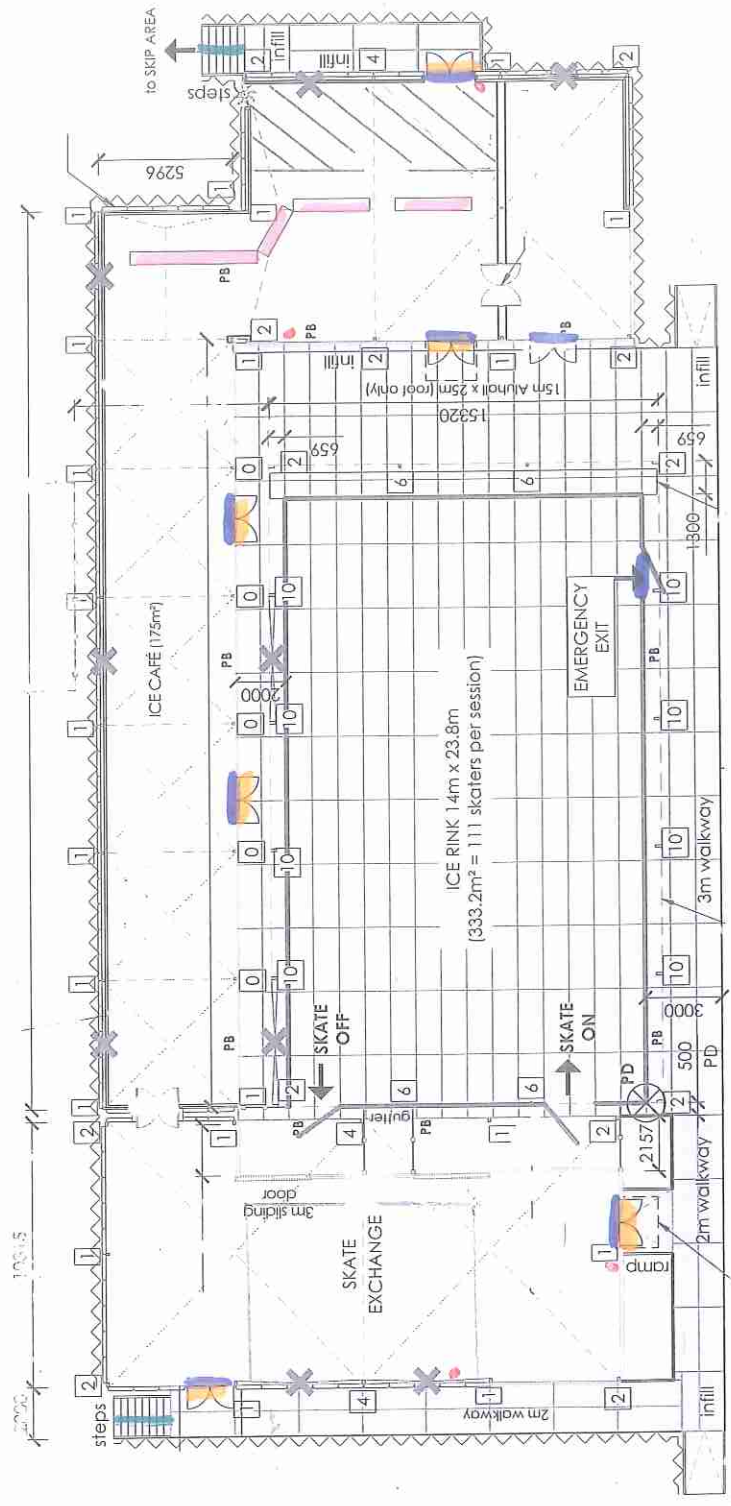




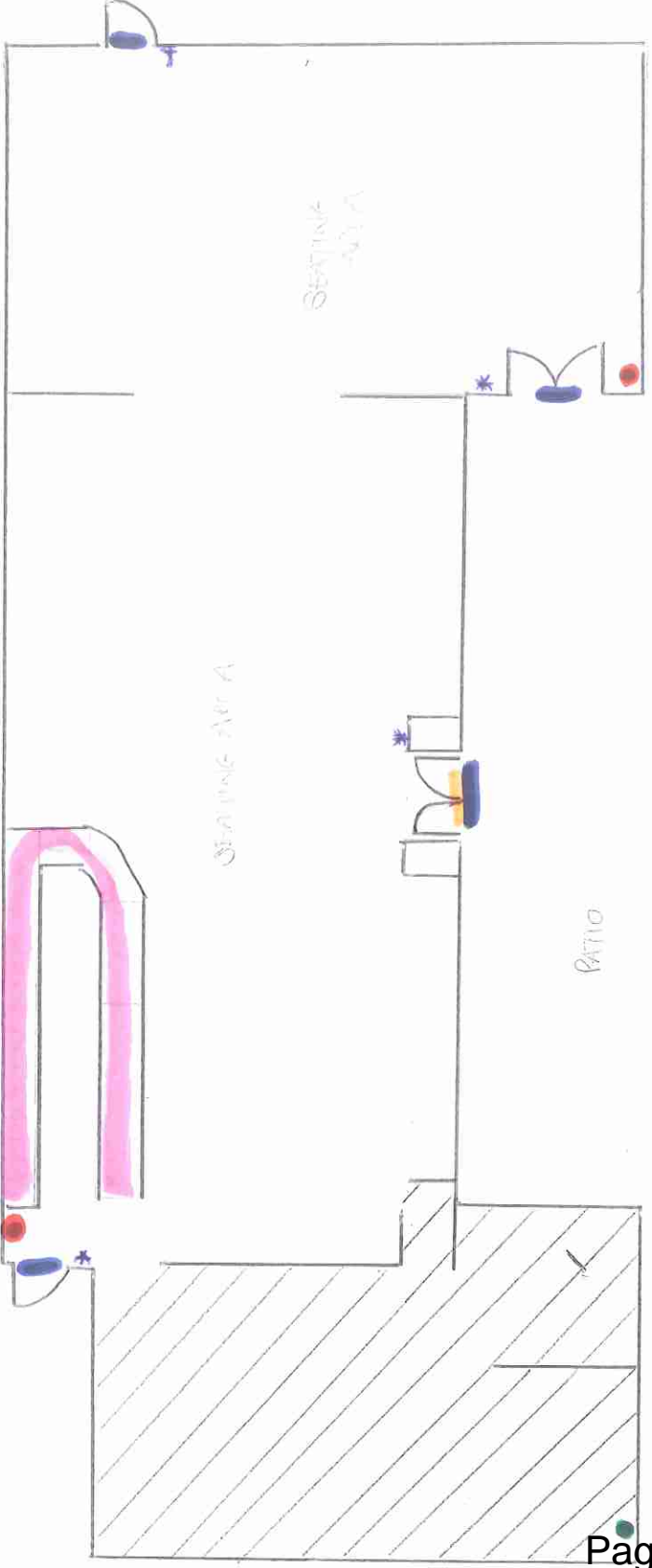
ICE RINK

- CAFE FRONT COUNTERTOP
- ENTRANCES / EGRESS
- STEPS
- KITCHEN
- FIRE EXITS
- FIRE EXTINGUISHER

51007 (approx)



LAVENDER LODGE



- FRONT COUNTER
- FIRE EXITS
- FIRE EXTINGUISHERS
- KITCHEN
- ENTRANCE / EXIT
- FIRE BLANKET
- FIRE ALARM CALL POINT

ISSUING LOCAL AUTHORITY



PART 1 – PREMISES & LICENCE HOLDER DETAILS

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

Whitehall Garden Centre Ltd, Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ

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

Whitehall Garden Centres Ltd,
Corsham Road, Lacock, Chippenham, Wiltshire, SN15 2LZ
Tel: 01249 730204

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

4981754

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

Mr Peter Rowland Self
[REDACTED]

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

Wiltshire Council LN/10483

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

ON and 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
Live Music Recorded Music Perform Dance Similar to any Music or Dance	ON the premises	Sunday	10:30	17:00		
		Monday	08:30	21:00		
		Tuesday	08:30	21:00		
		Wednesday	08:30	21:00		
		Thursday	08:30	21:00		
		Friday	08:30	21:00		
		Saturday	08:30	21:00		
Non Standard Timings & Seasonal Variations						
Alcohol Sales	ON Sales	Sunday	12:00	22:30		
		Monday	11:00	23:00		
		Tuesday	11:00	23:00		
		Wednesday	11:00	23:00		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non Standard Timings & Seasonal Variations	a) On Good Friday, 12:00hrs to 22:30hrs. b) On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs. c) On New Year's Eve, (except on a Sunday) 10:00hrs to 23:00hrs. d) On New Year's Eve (on a Sunday) 12:00hrs to 22:00hrs. e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.					
Alcohol Sales	OFF Sales	Sunday	10:00	22:30		
		Monday	08:00	23:00		
		Tuesday	08:00	23:00		
		Wednesday	08:00	23:00		
		Thursday	08:00	23:00		
		Friday	08:00	23:00		
		Saturday	08:00	23:00		
Non Standard Timings & Seasonal Variations	Good Friday 08:00hrs to 22:30hrs Christmas Day 12:00hrs to 15:00hrs - 19:00hrs to 22:30hrs					

Hrs premises open to public	Sunday	10:30	17:00		
	Monday	08:30	21:00		
	Tuesday	08:30	21:00		
	Wednesday	08:30	21:00		
	Thursday	08:30	21:00		
	Friday	08:30	21:00		
	Saturday	08:30	21:00		
Non Standard Timings & Seasonal Variations					

Licence Commencement Date

24th November 2005

Licensing Officer

Current Licence Date

23rd September 2015

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.

(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.

1. 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.

2. (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

The restrictions relating to the permitted hours for the sale and supply of alcohol do not prohibit:

- a. Consumption of the alcohol on the premises by, or the taking, sale or supply of alcohol to any person residing in the licensed Premises.
- b. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
- c. The sale of alcohol to a trader or club for the purposes of the trade or club.
- d. The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
- e. The taking of alcohol from the premises by a person residing there.
- f. The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied.
- g. The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
- h. Alcohol shall not be sold or supplied for consumption off the premises except in a sealed container.

ANNEX 2B – OPERATING SCHEDULE

PREVENTION OF PUBLIC NUISANCE

- None

PUBLIC SAFETY

- None

PROTECTION OF CHILDREN FROM HARM

- None

PREVENTION OF CRIME AND DISORDER

- None

ANNEX 3 – CONDITIONS ATTACHED AFTER HEARING

- No Live Music is to be amplified through the tannoy system.

ANNEX 4 – PLANS

Attached Separately

Dated: August 2007

Appendix 2 – Conditions agreed by Whitehall Garden Centre

GENERAL

- An Event Management Plan or Risk Assessment will be completed for every event that sells alcohol, including the Ice Rink.

PROTECTION OF CHILDREN FROM HARM

- A Challenge 25 policy shall be operated at the Premises. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, photo driving licence or PASS accredited card. Where proper verification is not provided the sale shall be refused. A record of the refusal shall be kept in a refusals book, identifying the member of staff who refused the sale. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy and this shall be recorded in training records and kept on the premises. Notices of the scheme shall be prominently displayed in all areas where alcohol is sold.

PREVENTION OF CRIME AND DISORDER

- Sufficient SIA to be contracted, as appropriate, for all events as determined by Risk Assessment. The Risk assessment will be made available on request. A record of the Company used and Badge Numbers will be recorded and be made available upon request.
- SIA staff and stewards will be fully briefed on all Emergency/Evacuation Procedures.
- An Incident/Refusals log book shall be kept and staff made aware of its existence. Entries shall be made of any incidents; the details recorded will include time and date, the location of incident/refusal, the name of the member of staff dealing with the incident/refusal, a brief description of the incident/refusal, and action taken. The book shall be kept on the premises and shall be produced to any Police Officer or Wiltshire Council Officer, on request.
- Staff training - Instruction, training and supervision on the Licensing Act 2003, and related best practice will be provided to all staff on induction and refresher training undertaken every 6 months. Records of which will be maintained and made available to police or authorised local authority officers, on request.
- A CCTV system will be installed and fully maintained at the Premises covering all permanent trading areas, entrances and exits when the premises is open to the Public. The CCTV will be of sufficient quality so as to produce images which will enable identification. External camera images will be stored for 30 days; internal camera images will be stored for 14 days. CCTV images will be produced to any Police Officer or Wiltshire Council Officer, on request.

PREVENTION OF PUBLIC NUISANCE

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

PUBLIC SAFETY

- Staff to monitor public areas regularly during events and when the ice rink bar is open, any issues relating to alcohol to be reported to the management team and appropriate action taken immediately.
- The use of plastic or toughened glass will be risk assessed for each event and the appropriate measures will be put into place. Glass glasses are used in Lavender Lodge as this is a table service restaurant.

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper. Please contact the Licensing team to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which representation is being made	WHITEHALL GARDEN CENTRE APPLICATION REF WK/201819255
Your Name	M/R CR and MRS P BARRETT
Postal Address	WICKFIELD, CORSHAM ROAD, LACOCK, CHIPPENHAM, WILTS. SN15 2LZ
Contact Telephone Number and Email address	[REDACTED]
<p>Are you (please tick):</p> <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	

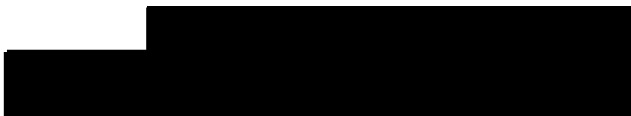
The prevention of public nuisance	PLEASE SEE ATTACHED STATEMENT
The prevention of crime and disorder	
Public safety	

Please list below any suggested actions that you feel the applicant could take to address your concerns:

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's report, which is a public document published on the Council's website and circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.



Date..... 4/9/2018

Please return this form, along with any additional sheets, to the relevant Wiltshire Council Office listed below or return by email to publicprotectionnorth@wiltshire.gov.uk:

Salisbury Area– (Salisbury, Amesbury, Downton, Mere, Hindon and Tilshead as well as the rest of the old Salisbury District Council Area), please send to:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

All other areas please send to the address below:

The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Monkton Park
Chippenham
Wiltshire, SN15 1ER

Addendum to Representation Form

The Prevention of Public Nuisance

If this application is approved it will create a public nuisance for people living in the area. It is steering the business from a garden centre, albeit with other family experience attractions, towards a licensed eating and drinking venue, serving food and alcohol up to 15 hours per day.

Because it is a big site with the potential for large numbers of people attending, a pop-up bar in the extensive grounds could service hundreds of customers. The noise and traffic generated is sure to be detrimental to what is now a quiet rural area, especially in the evenings.

In addition, egress from the site in the late evening would result in traffic queues at the A350 traffic lights, causing drivers to divert through Notton.

The proposal is inappropriate for this site because of the public nuisance it will cause to the local area.

RECEIVED
5 SEP 2018
PUBLIC PROTECTION

Axfords Patch
Corsham Road
Lacock
Nr Chippenham
Wilts
SN15 2LZ

The Licensing Officer
Licensing Department
Wiltshire County Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Application reference: WK/201819255
Variation of premises licence conditions Whitehall Garden Centre, SN15 2LZ

4th September 2018

Dear Sir/Madam,

I am writing in order to make representations with regard to the above application for an extension and increase of on sales hours and outlets on site and to allow 'pop up' bars in the garden centre (presumably out doors in the months April to Sept) and the provision indoors in the ice rink in the winter months.

This will cause grave public nuisance to all residents close to the premises on the grounds of noise; on, off and accessing the site at late hours of the night, seven days a week, all year round.

The traffic at all hours on a site that has poor access and already causes serious traffic congestion, can only increase this and give rise to public health and safety concerns. There is currently unsatisfactory all weather parking on site for existing usage without extending this congestion, which will in turn lead to car parking on roads close to and accessing the site and pedestrians visiting licensed premises making noisy exits late at night and crossing the busy and fast moving Lacock bypass or passing houses on the Corsham road.

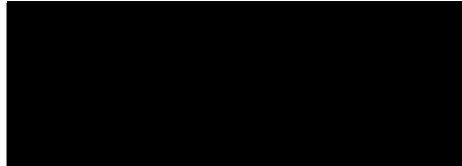
I also understand that should such variation to the licence be agreed the operators of the site can apply for Temporary Event notices ('TEN's) of between 12 and 15 per annum which the Licensing authority cannot refuse. This would incur even greater public nuisance with live entertainment events being provided in the middle of a semi-rural residential area at least once a month with outdoor open air pop up bars. A

very different activity to that of a nursery and garden centre on the outskirts of a National Trust village.

As I have advised previously, I have limited access to secretarial support and do not use email, except through my son, Henry Briggs at [REDACTED]. I authorise him to act as my agent and you to correspond with him in this and any other matter handled by Wiltshire Council.

I understand that you may not be able to reply to this letter, but that this letter will be scanned and placed onto the Council's website.

Yours faithfully

A large black rectangular redaction box covering the signature of Mrs JM Briggs.

Mrs JM Briggs

Kent House

Corsham Road

Lacock

CHIPPENHAM

Wilts SN15 2LZ

The Licensing Officer

Licensing Department Wiltshire Council

Monkton Park

CHIPPENHAM

SN15 1ER

18th September 2018

Ref: WK/201819255 Variation of Premises Licence Whitehall Garden Centre

Dear Sir/Madam

I object to the proposed variation of premises Licence under the Prevention of Public Nuisance.

I would wish to reiterate my comments with regard to the sale of alcohol in the Ice Cafe in that by serving alcohol in this area it is likely to attract more customers who will stay longer on site over this already busy Christmas period. Numbers of customers have increased year on year, and as a result we have already experienced serious traffic implications on the Corsham Road and the nearby Notton Lane and main through route, A 350.

The reasons for this are 2 fold. The car parking area at the Garden Centre is not all weather and customers finding a wet, muddy and unlit car park will by choice, park in Notton Lane and on the Corsham Road. Both roads are 2 vehicle wide and parking causes an obstruction to two way traffic, resulting in slow traffic that then backs up onto the A350 creating congestion and queuing at the traffic lights. The cones used in past years and short length of double yellow lines make little difference.

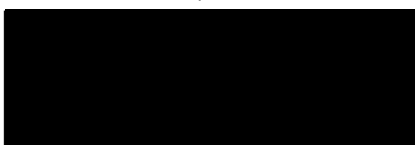
The Ice Rink coincides with the Christmas display and shop and the Father Christmas Grotto when customer use is already heavy. The customer car parks fill quickly and traffic within the site, slowing to find parking spaces, clogs up the internal routes, backing-up to the one narrow entrance / exit gate onto the site and then onto the Corsham Road. The applicant is aware of this problem and has been advised that he should be looking to providing a second access/egress to the site in case of an emergency.

Attracting more customers who in turn then spend more time within the complex will compound the existing problems which have already led to the serious traffic implications on the surrounding highways, as shown by the parking chaos on the Corsham Road experienced in 2017. *Please see attached dated and timed photos.*

Until such time that more satisfactory car parking arrangements, better traffic routing within the site and a second entrance / exit is provided onto the site, it would be inadvisable to allow the business to attract more customers.

For the above reasons, I object to this part of the application and would ask the Committee to refuse the sale of alcohol in the Ice Cafe.

Yours faithfully



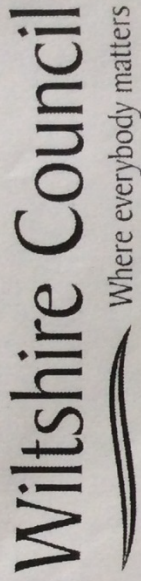
M. G. Newbury



3rd December 2017

3rd December 2017





REPRESENTATION FORM

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Premises about which representation is being made	
Your Name	Mrs. SUSANNA ATKINS
Postal Address	MEADOW VIEW, CORSHAM ROAD, LACOCK, WILTSHIRE. SN15 2LZ.
Contact Telephone Number and Email address	[REDACTED]
Are you (please tick): <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? • A person representing residents or businesses? • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? 	
If you are representing residents or businesses who have asked you to represent them?	✓

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

LICENSING OBJECTIVES	EVIDENCE
The protection of children from harm	I feel concerned that the children who attend the Green Centre during these events, will be subject to risk from lively behaviour not regularly from their families but for others "Enjoying themselves". Children are impressionable and this may cause problems in the future with up to the size and open in Oct -> for. Because of alcohol may lead to the kind of accidents Corsham is a fine for celebrities not visit to the APE dept.

<p>The prevention of public nuisance</p>	<p>For the residents in the immediate vicinity noise and light pollution would be detrimental to their way of living. This is an area of outstanding beauty as reflected in the ancient village of Idcoot which is steeped in history. The ability to sell alcohol for 15 hours a day seems at odds with a tranquil area.</p>
<p>The prevention of crime and disorder</p>	<p>There is concern that large amounts of visits with access to alcoholic beverages would impact on our overstretched Police force who would have to attend any disorder that may occur.</p>
<p>Public safety</p>	<p>My main concern is the amount of traffic exiting the village after an evening entertainment and dispersing onto country roads late in the evening. There is not much room between the Jordan Centre and the traffic lights at the A350 which could mean traffic moving to a route through the narrow village of North.</p>

Please list below any suggested actions that you feel the applicant could take to address your concerns:

Everyone will have to think very seriously on a number of issues. I am sure that many of us would like this popular Jordan Centre to remain as the happy place it is at present.

With regards -

Mrs. Sore Atkins.

If a hearing needs to be held to determine the Premises Licence Application, the Licensing Sub-committee will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

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[Redacted Signature]

Signature

Date..... 5.09.2018

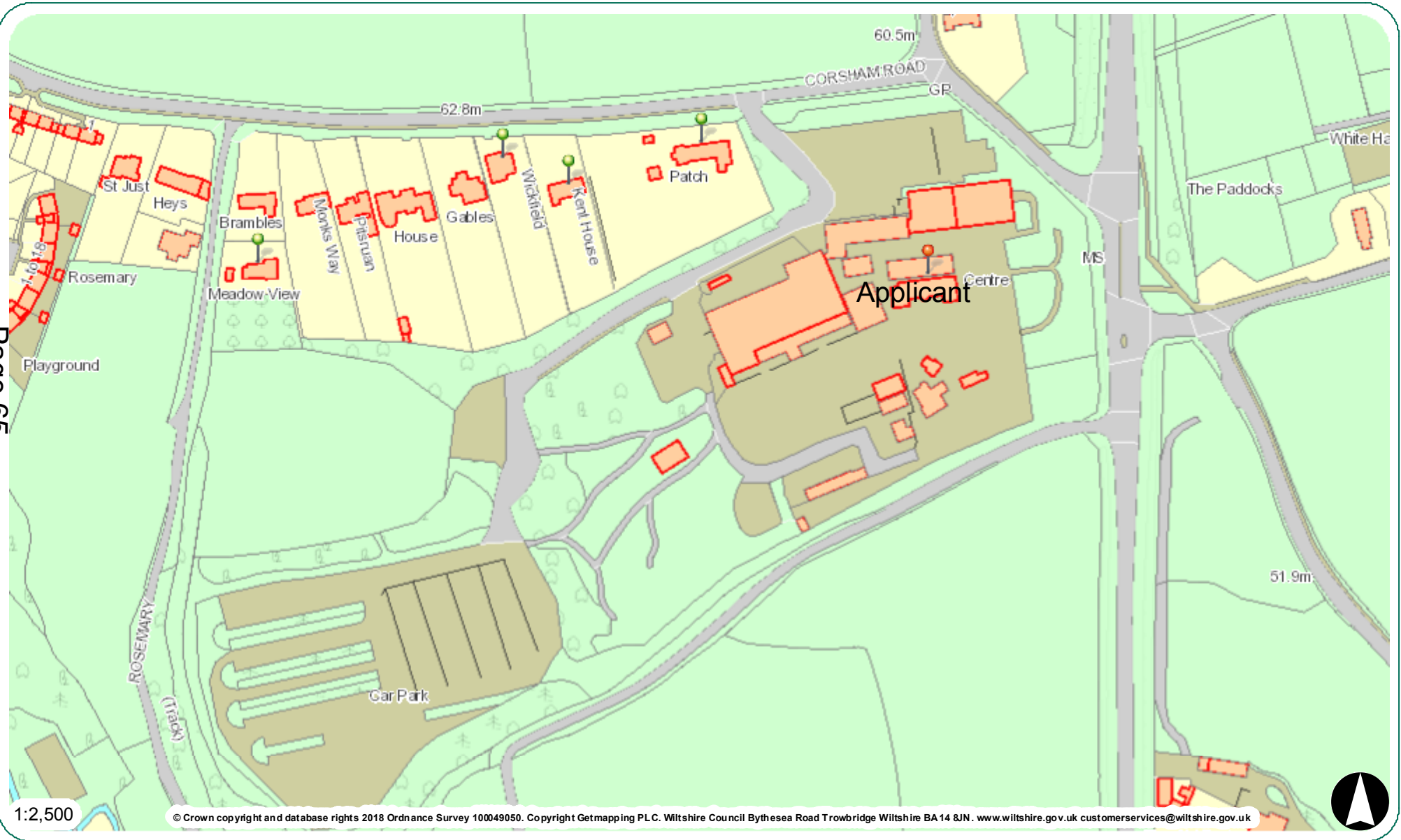
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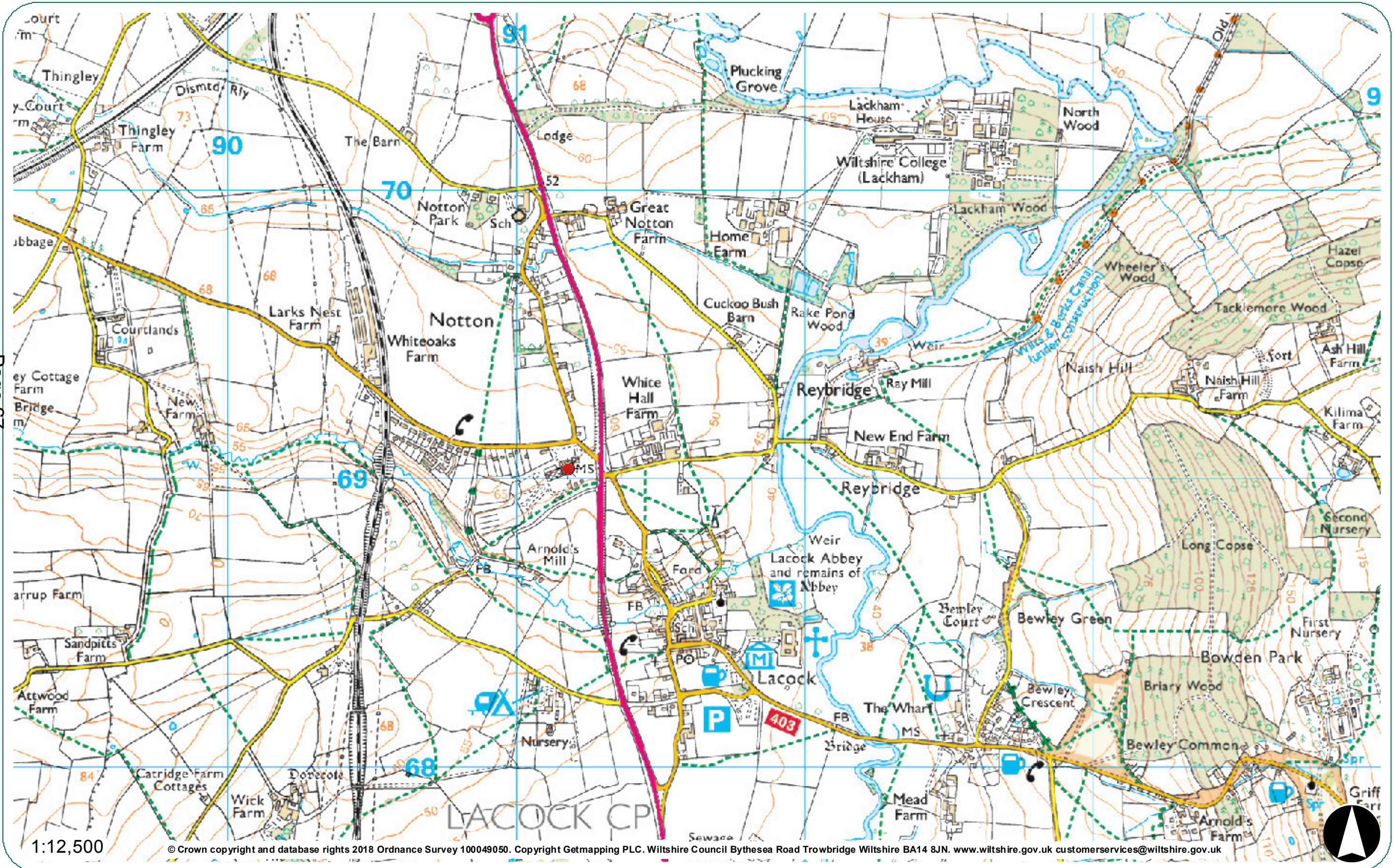
The Licensing Officer
Wiltshire Council
Public Protection Services and Licensing
Bourne Hill
Salisbury
Wiltshire, SP1 3UZ

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Wiltshire, SN15 1ER



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