

# AGENDA

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**Meeting:** Western Area Licensing Sub Committee  
**Place:** Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Monday 18 August 2014  
**Time:** 10.30 am  
**Matter:** Application for a Premises Licence, Funways, Goodwin Close,  
Warminster

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Please direct any enquiries on this Agenda to David Parkes, tel - 01225 718220 or email - david.parkes@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

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](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Nick Blakemore  
Cllr Ernie Clark

Cllr George Jeans

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# AGENDA

1 **Election of Chairman**

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

2 **Procedure for the Meeting** (*Pages 1 - 8*)

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

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

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

5 **Licensing Application** (*Pages 9 - 12*)

To determine an application for a Premises Licence in respect of Funways made by Andrew Dangerfield.

5a **Appendix 1 - Previous Londis Licence** (*Pages 13 - 16*)

5b **Appendix 2 - New Premises Licence Application Form** (*Pages 17 - 36*)

5c **Appendix 3 - Premises plan** (*Pages 37 - 38*)

5d **Appendix 4 - Email correspondence detailing conditions offered by the applicant** (*Pages 39 - 40*)

5e **Appendix 5 - Confirmation of Warminster Town Council's retraction of representation** (*Pages 41 - 42*)

5f **Appendix 6 - Relevant representations** (*Pages 43 - 44*)

## 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 Applicant, Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Applicant addresses the Sub Committee.
7. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
8. Questions to the Applicant by Members of the Sub Committee.
9. Comments by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
10. Questions by Applicant.
11. Questions to Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation by Members of the Sub Committee.
12. Summing up by Parties who have made representations.
13. Summing up by 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 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.

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## WILTSHIRE COUNCIL

### WESTERN AREA LICENSING SUB COMMITTEE

DATE OF MEETING: 18 AUGUST 2014

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**Application for a Premises Licence; Funways, Post Office, 100 Goodwin Close, Warminster, Wiltshire, BA12 0DF**

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Funways made by Andrew Dangerfield.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Funways has been made by Andrew Dangerfield for which 2 relevant representations have been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

- 2.5 On 3 June 2014 an application for a New Premises Licence was received and accepted as a valid application. The premise is currently a convenience store

attached to a Children’s indoor soft play area. Funways, the indoor soft play area has not previously been licensed. However the whole premise was previously a Londis Store which held a licence from August 2005 until September 2013. The previous licence for the Londis Store is attached at **Appendix 1**.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Sale by retail of alcohol (off-sales)	10:00 – 23:00	Daily

A copy of the application from Andrew Dangerfield is attached as **Appendix 2** with a plan attached as **Appendix 3**.

### 3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period 2 relevant representations had been received. Since the end of the consultation period and the date of the hearing 1 representation was withdrawn.

#### 3.3 Representations Received

- Cllr Christopher Newbury, 6 Leighton Green, Westbury, Wiltshire, BA13 3PN (Division – Warminster Copheap and Wylve)
- Warminster Town Council, Warminster Civic Centre, Sambourne Road, Warminster, Wiltshire, BA12 8LB

3.4 Following a site visit by Councillor Jamie Cullen on behalf of Warminster Town Council and further information and conditions offered by the applicant Warminster Town Council withdrew their representation on 31<sup>st</sup> July 2014.

Email correspondence detailing the conditions offered by the applicant is attached as **Appendix 4**. (Conditions highlighted in red.) Confirmation of Warminster Town Council’s retraction of their representation is attached as **Appendix 5**.

A copy of the information and conditions were also supplied to Councillor Newbury who wished to continue with his representation. Councillor Newbury requested that the applicant cease the sale of alcohol at 21:00hrs daily. This was declined by the applicant but an offer was made to cease the sale of alcohol at 22:00 hrs. This was declined by Councillor Newbury. The offer has since been offered again and a response from Councillor Newbury is being sought.

### 3.6 Responsible Authorities

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

3.7 A summary of the representation made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Disturbance to residents	Prevention of Public Nuisance	Yes	

3.8 The relevant representation is attached as **Appendix 6**.

3.9 In relation to shops, stores and supermarkets, the Guidance issued under Section 182 of the Licensing Act 2003 states:

‘Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.’

## **4. Legal Implications**

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

## **5. Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

## **6. Right of Appeal**

- 6.1 It should be noted that the Applicant and those persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author: Teresa Bray

Teresa Bray, Public Protection Officer (Licensing)

Date of report: 4 August 2014

### **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 Previous Londis Licence**
- 2 New Premises Licence Application Form**
- 3 Premises plan**
- 4 Email correspondence detailing conditions offered by the applicant**
- 5 Confirmation of Warminster Town Council's retraction of representation**
- 6 Relevant representations**

## Licensing Act 2003 Premises Licence

Premises Licence number

Wiltshire Council  
Licensing Team West  
165 Bradley Road  
Trowbridge  
BA14 0RD

Tel 0300 4560100

WW0500282LAPRCO

Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

Londis  
100 Goodwin Close

Post town

Warminster

Post code

BA12 0DF

Telephone number

01225 212411

Licensable activities authorised by the licence

Sale of alcohol (off sales)

Where the licence is time limited, the dates

This premises licence was originally valid from 24 November 2005  
This version of the licence is valid from 16 August 2011

The times authorised by the licence for the carrying on of licensable activities

For the sale of alcohol (off sales):

- On weekdays other than Christmas Day and Good Friday, 0800hrs until 2300 hrs
- On Sundays other than Christmas Day, 1000hrs until 2230hrs
- On Christmas Day, 1200hrs until 1500 hrs and again 1900hrs until 2230hrs
- On Good Friday, 0800hrs until 2230hrs

The time restrictions above do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the 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.

## The opening hours of the premises

When no licensable activities are taking place the premises can remain open at any time

## Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

Only off sales of alcohol are permitted

## Name, (registered) address, telephone no and email (if relevant) of holder of premises licence

Sodexo Ltd  
One Southampton Row  
London  
WC1B 5HA  
Tel: 020 7404 0110

## Registered number of holder, for example company number, charity number (where applicable)

00842846

## Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale of alcohol

Barry John Nash  
The Flat 11 Silver Street Warminster Wiltshire BA12 8PS

## Personal licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the sale of alcohol

WW0900097LAPER granted by Wiltshire Council



**Mandatory conditions****Alcohol**

Where this Licence authorises the supply of alcohol:

1. No supply of alcohol may be made under this Licence:
  - a. At a time when there is no Designated Premises Supervisor in respect of it
  - b. At a time when the Designated Premises Supervisor does not hold a Personal Licence.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

**Age Verification Policy**

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

6. (2) 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 a holographic mark.

**Door Supervision**

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

**Conditions and restrictions from transferred licences**

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

**Conditions consistent with the operating schedule**

NONE

**Conditions attached after a hearing by the licensing authority**

NONE

**Plans**

The plans that relate to this licence are attached and are stamped with the licence number and the date it was issued.

Signed

Licensing Officer  
Wiltshire Council

Licence granted on 27 August 2005

This premises licence was originally valid from 24 November 2005  
This version of the licence is valid from 16 August 2011

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- 1 JUN 2014

[Insert name and address of relevant licensing authority and its reference number (optional).]

RECEIVED  
INTERNAL POST  
3 JUN 2014 CHAN

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PUBLIC PROTECTION**

**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 **ANDREW DANGERFIELD**

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>FUNWAYS GOODWIN CLOSE WARMINSTER WILTSHIRE</b>			
Post town	WARMINSTER	Postcode	BA12 0DF

Telephone number at premises (if any)	<b>01985220111</b>
Non-domestic rateable value of premises	<b>£695</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities: or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over <input type="checkbox"/> Please tick yes					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town			Postcode		
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name FUNWAYS LTD
Address GOODWIN CLOSE WARMINSTER WILTS BA12 0DF
Registered number (where applicable) 8500485
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY
Telephone number (if any) 07427632412
E-mail address (optional) andy.funways@hotmail.com

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0 2	0 6	2 0 1 4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
**TO BE SOLD FROM CONVIENANCE STORE FOR CONSUMPTION OFF THE PREMISES.**

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><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></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)			
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed					<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)	
Thur						
Fri					<b><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></b> (please read guidance note 5)	
Sat						
Sun						

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)			
Wed						
Thur			<b><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></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

# G

Performances of dance Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon	1000	2300			
Tue	1000	2300			
Wed	1000	2300			
Thur	1000	2300			
Fri	1000	2300			
Sat	1000	2300			
Sun	1000	2300			
			<b><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></b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name ANDY DANGERFIELD	
Address 51 GOODWIN CLOSE WARMINSTER WILTS	
Postcode	BA12 0DL
Personal licence number (if known)	
Issuing licensing authority (if known)	





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**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

CHALLENGE 25 SYSTEM WILL BE PUT INTO OPERATION.

**b) The prevention of crime and disorder**

NO ALCOHOL WILL BE CONSUMBED ON PREMISES  
CCTV IN OPERATION  
CHALLENGE 25

**c) Public safety**

NO ALCOHOL WILL BE CONSUMBED ON PREMISES  
CCTV IN OPERATION

**d) The prevention of public nuisance**

NO ALCOHOL WILL BE CONSUMBED ON PREMISES

**e) The protection of children from harm**

NO ALCOHOL WILL BE CONSUMBED ON PREMISES

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or [redacted] or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the [redacted] state in what capacity.**

Signature	[redacted]
Date	27/5/14
Capacity	DIRECTOR

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

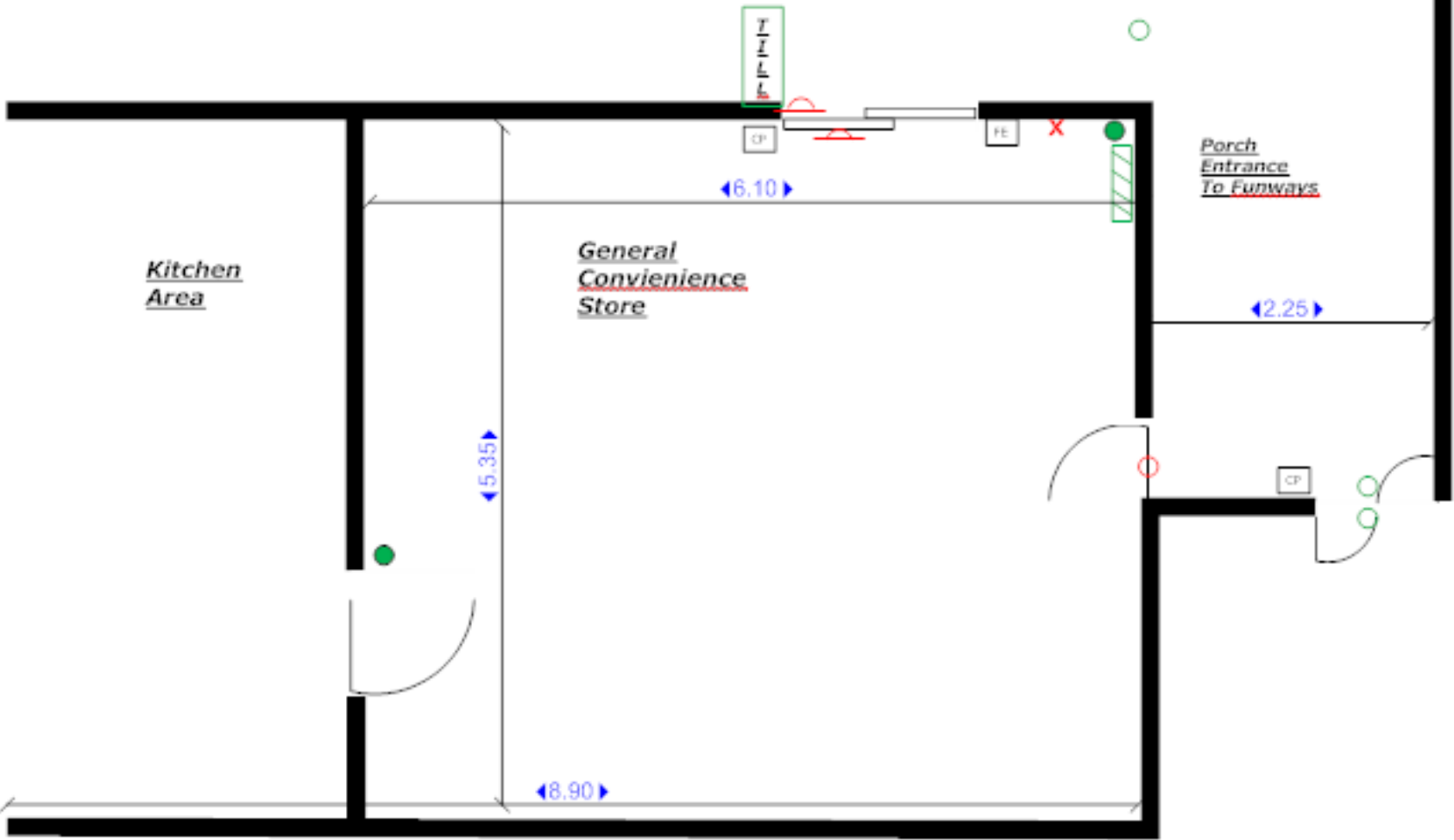
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)








[Empty space for contact name and address]			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

## Notes for Guidance

1. 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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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-  Emergency light fitting
-  Emergency flood light
-  Fire exit signage
-  Fire siren
-  Fire extinguishers
-  Call point break glass
-  CCTV

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**Parkes, David**

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**From:** andy funways [REDACTED]  
**Sent:** 04 August 2014 19:20  
**To:** Bray, Teresa  
**Subject:** Re: Protection against children from harm

Hi Teresa

Yes I am happy with the conditions placed.

Thank you

Andy (Mouse) Dangerfield  
Funways Limited  
[REDACTED]

(Sent from my iPhone)

On 4 Aug 2014, at 17:06, "Bray, Teresa" <[Teresa.Bray@wiltshire.gov.uk](mailto:Teresa.Bray@wiltshire.gov.uk)> wrote:

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Hi Andy

[REDACTED]  
I am just preparing the report for the hearing and am converting what you have offered into conditions which will be put into the licence if granted.

Can I just ask that you are happy with what I have worded? I have highlighted them in red.

Kind regards

**Teresa Bray**  
**Public Protection Officer (Licensing)** [REDACTED]

Direct Dial: 01249 706413  
Internal: 21413  
Work Mobile: 07827 976810

**From:** andy funways [REDACTED]  
**Sent:** 23 July 2014 10:15  
**To:** Bray, Teresa  
**Subject:** Re: Protection against children from harm

Hi Teresa

Reference to the licensing objectives in question in particular 'protection of children from harm',

The children centre is a soft play facility where children MUST be supervised at all times by an adult. This area is separated by a magnetic safety gate which is only opened by my staff when both parents and children enter or leave the soft play area, which at this stage the parent must sign in and out of the facility.

Once they have left the children's centre they are still with the parents. If they wish then to use the shop then they may do so via the separate door way. Please may I point out at this stage that the two areas are separate. At no point can a child from the soft play centre enter the shop without parental supervision.

CONDITION: At no point can a child from the soft play centre enter the shop without parental supervision

The alcohol sold from the shop will be of a minimum amount and placed on shelves no lower than 1 metre from the floor.

CONDITION: Alcohol sold from the shop will be placed on shelves no lower than 1 metre from the floor

As stated on the application I will be running a challenge 25 system and CCTV to cover all areas of the shop. The location of the alcohol is placed in the shop within full view of my staff at all times, unlike other shops that I have been too were alcohol is only covered by CCTV, the human eye and presence of staff is a better deterrent than a computerised periodically checked system.

CONDITION: A challenge 25 policy will be implemented

CONDITION: CCTV will cover all areas of the shop

CONDITION: The location of the alcohol shall be placed in full view of staff at all times

In summery the shop and play centre are two separate areas with the soft play facility only being accessed with parental supervision via a staff managed magnetic safety gate.

If any of the objectors would like to visit our premise I am more than happy to show them around.

Andy (Mouse) Dangerfield  
Funways Limited

(Sent from my iPhone)

On 23 Jul 2014, at 09:35, "Bray, Teresa" <[Teresa.Bray@wiltshire.gov.uk](mailto:Teresa.Bray@wiltshire.gov.uk)> wrote:

Hi Andy

Just catching up to see how you go on with what we talked about?

Kind regards

**Teresa Bray**  
**Public Protection Officer (Licensing)**

Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire

**Parkes, David**

---

**From:** Jamie Cullen [mailto: [REDACTED]]  
**Sent:** 31 July 2014 13:26  
**To:** Bray, Teresa  
**Subject:** RE: Funways licencing application

Hi Teresa,

We have had responses from 6 out of 7 of the PAC members the other is away. ~~The majority decision~~ is to withdraw our concerns regarding the granting of an alcohol license to The Funways centre, and are happy for this application to go ahead.

I hope this is sufficient for you, please contact me if you need anything further.

Kind Regards

Cllr Jamie Cullen  
Deputy chair of Warminster PAC

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**From:** Teresa.Bray@wiltshire.gov.uk  
**To:** [REDACTED]  
**Subject:** RE: Funways licencing application  
**Date:** Thu, 31 Jul 2014 08:06:25 +0000

That's great

Thanks Jamie

I am on leave tomorrow and only in the office today until 1.30pm.

So I shall pick this up again on Monday

Kind regards

**Teresa Bray**  
**Public Protection Officer (Licensing)**

Direct Dial: 01249 706413  
Internal: 21413  
Work Mobile: 07827 976810

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**From:** Jamie Cullen [mailto: [REDACTED]]  
**Sent:** 30 July 2014 23:00  
**To:** Bray, Teresa  
**Subject:** RE: Funways licencing application

Dear Teresa Bray,

An Email went out this morning to the other members of the PAC. I haven't had any responses yet but will

chase it up for you tomorrow.

Please don't hesitate to email me in the future. I'm always happy to help if I can.

Kind Regards

Jamie

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From: [Teresa.Bray@wiltshire.gov.uk](mailto:Teresa.Bray@wiltshire.gov.uk)  
To: [REDACTED]  
Subject: Funways licencing application  
Date: Wed, 30 Jul 2014 09:35:34 +0000  
Good afternoon Cllr Cullen

It was good to chat with you yesterday. I hope you don't mind me emailing you but I was just wondering if you have received any other views or comments regarding what we spoke about yesterday from any other councillors who have concerns?

Obviously if the hearing needs to be cancelled I will need to let our Democratic team know as soon as possible and let Mr Dangerfield know also.

Kind regards

**Teresa Bray**  
**Public Protection Officer (Licensing)**

Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [teresa.bray@wiltshire.gov.uk](mailto:teresa.bray@wiltshire.gov.uk)  
Direct Dial: 01249 706413  
Internal: 21413  
Work Mobile: 07827 976810  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**Parkes, David**

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**From:** Newbury, Christopher  
**Sent:** 21 July 2014 20:42  
**To:** Bray, Teresa  
**Subject:** Objection to licensing of Funways, Warminster

Dear Teresa Bray,

Please disregard my previous email, which did not make my grounds for objection clear.

Firstly, there is uncertainty about whether the Funways business is suitable to double as an off-licence. As I expect you know, Warminster Town Council's Planning Advisory Committee resolved at its meeting on 7 July 2014 "The committee has a concern that Funways is a children's soft play centre and it is not known why retail sales of alcohol are required". The two uses seem an odd combination, and I guess there must be national guidance on whether retail alcohol sales should be combined with a recreation centre for small children and that this licence may be contrary to that guidance.

Secondly, the lateness of the licence applied for, up to 11 pm, goes well beyond the present opening hours of the premises, which end at 7 pm, and could lead to the main use in this residential area being for alcohol sales. For the bona fide residents of the camp there is already a retail premises a short distance away at the Land Warfare Centre, where army personnel can buy alcohol up to 11 pm, so the main appeal of an off-licence at Funways might well be to the rest of Warminster, which so far as I know does not have an off-licence open after 9 pm. The Funways premises are in a residential area, and a licence for sales of alcohol after 11 pm would have an adverse impact on the amenity of the local residents, especially if trade were coming in from a wider area.

Yours etc.

Christopher Newbury.

Sent from my iPad

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