

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

12 DECEMBER 2017

---

### Application for a Variation of a Premises Licence; Grange Farm, Bratton Road, West Ashton, Trowbridge, BA14 6AX

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Grange Farm, Bratton Road, West Ashton, Trowbridge, BA14 6AX made by Ten Gallon Events Ltd, Fringe Office, 103 Walcot Street, Bath, BA1 5BW.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Grange Farm has been made by Ten Gallon Events Ltd for which one relevant representation has been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers necessary for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.

- 2.3 The licensing objectives are:

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

- 2.4 Such steps are:

- i) To grant the licence as applied for.
- ii) To modify the conditions of the licence.
- iii) To reject the whole or part of the application.

- 2.5 On 19 October 2017 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 add Sunday to the running days of the festival

<b>Licensable Activity</b>	<b>Proposed additional hours</b>
Films, Plays, Performance of dance (indoors and outdoors)	Sun 11.00 – 00.30
Live Music (indoors)	Sun 11.00 – 01.00
Recorded Music (indoors)	Sun 11.00 – 01.30
Late Night Refreshment (indoors and outdoors)	Sun 23.00 – 02.00
Sale of Alcohol (on sales)	Sun 11.00 – 01.30
Hours open to the public	Sun 08.30 – 02.00

A copy of the original application is attached as Appendix 1.

- 2.7 Since 20 February 2016, the premises has benefited from a premises licence issued under the Licensing Act 2003. The current premises licence authorises the following:

<b>Licensable Activity</b>	<b>Current Days and Timings</b>	
Films, Plays, Performance of dance (indoors and outdoors)	Thursday	18.00 – 00.00
	Friday - Saturday	11.00 – 03.00
	Sunday	10.00 – 15.00
Live Music (indoors)	Thursday	18:00 - 00:00
	Friday – Saturday	11:00 - 02:30
Recorded Music (indoors)	Thursday	18.00 – 00.00
	Friday - Saturday	11.00 – 02.30
	Sunday	10.00 – 15.00
Late Night Refreshment (indoors and outdoors)	Thursday	23.00 – 00.30
	Friday – Saturday	23.00 – 03.00
Sale of Alcohol (on sales)	Thursday	18.00 – 00.30
	Friday – Saturday	11.00 – 03.00
Hours open to the public	Thursday	18.00 – 00.30
	Friday – Saturday	08.30 – 03.00
	Sunday	08.30 – 15.30

- 2.8 The current Premises Licence is attached as Appendix 2.

- 2.9 During the consultation period, Damaris Broad, Environmental Health Officer raised the issue of the Noise Abatement Notice which is issued to the landowners of Grange Farm. The abatement notice restricts regulated entertainment to a three day event once per year at this site. Mr Henwood of Ten Gallon Events was not aware of this when applying for the variation and has since agreed to the licence, if granted, to be restricted to a 72 hour event.

- 2.10 Confirmation of this condition from the applicant is attached as Appendix 3.

2.11 The licensing authority had received a letter from a local resident who was unhappy with the event being increased from three days to four. As the applicant has agreed to limit the event to 72 hours this was not included in the report.

### **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 together with a copy of the notice advertised in a newspaper circulating the area of the premises. During the consultation period one relevant representation has been received.

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

#### **3.3 Representations received**

- Mr P Brabner, 59 Lower Road, Bratton, BA13 4RQ

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

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Mr P Brabner	Public Nuisance	Yes	Live and Recorded Music after 11pm on a Sunday in open fields is a public nuisance

3.5 The relevant representation is attached as Appendix 4. Attached as Appendix 5 is a plan which shows the locations from where the representation has been made.

### **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, the Responsible Authority(ies) 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:**

Carla Adkins, Public Protection Officer (Licensing)  
Email : [carla.adkins@wiltshire.gov.uk](mailto:carla.adkins@wiltshire.gov.uk)  
Tel: 01249 706 438

Date of report: 29 November 2017

### **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

### **Appendices**

- 1 Application to vary a premises licence from Ten Gallon Events Ltd**
- 2 Current licence**
- 3 Correspondence between Environmental Health Officer and Applicant confirming amendment to application**
- 4 Representation**
- 5 Representation Map**