

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

16 JANUARY 2018

Application for a Premises Licence; Fairwood Lake Holiday Park

1. Purpose of Report

- 1.1 To outline an application for a Premises Licence in respect of Fairwood Lakes Holiday Park made by Fairwood Lakes Holiday Park Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Fairwood Lakes Holiday Park has been made by Fairwood Lakes Holiday Park Ltd for which five relevant representations have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
 - ii) To exclude from the scope of the application any licensable activity.
 - iii) To refuse to specify a person as the designated premises supervisor.
 - iv) To reject the application.
- 2.5 On 22 November 2017, an application for a new premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films		
Live music	09.00 – 00.00	Mon-Sat
Recorded music	10.00 – 00.00	Sun
Performance of dance		
Provision of late night refreshment	23.00 – 00.00	Mon-Sun
Sale by retail of alcohol (on and off sales)	09.00 – 00.00	Mon-Sun

A copy of the application from Fairwood Lakes Holiday Park Ltd and its accompanying plan is attached as **Appendix 1 and 1a respectively**.

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 five relevant representations have been received from three local residents, Dilton Marsh Parish Council and Cllr Jerry Wickham, the divisional councillor.

3.3 Representations Received

- Mrs Julia Underwood, Little Fairwood, Fairwood Road
- Mrs Kimberley Green, 26 Fairwood Road
- Mrs Priscilla Gray, 47 Fairwood Road
- Councillor Jerry Wickham
- Dilton Marsh Parish Council

3.4 Responsible Authorities

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

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

Representation	Licensing Objective	Accepted	Comments
Mrs Julia Underwood	Public Nuisance	Yes	Disturbance caused by music from the site
Mrs Kimberley Green	Public Nuisance	Yes	Regulated entertainment and sale of alcohol will increase the noise from the site
Mrs Priscilla Green	Public Nuisance	Yes	Disturbance caused by music from the site
Councillor Jerry Wickham	Public Nuisance	Yes	Disturbance caused by music from the site
Dilton Marsh Parish Council	Public Safety and Public Nuisance	Yes	Licensable events at the site will cause an influx of people which will cause a public safety issue. Music from the site will cause disturbance to local residents.

3.6 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** is a plan which shows the locations from where representations have been made.

4. **Legal Implications**

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. 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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8 January 2018

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2017)**
- **Wiltshire Council Licensing Policy 2014-2019**

Appendices

- 1 Application for a new premises licence from Fairwood Lakes Holiday Park Ltd**
- 1a Plan accompanying application**
- 2 Representations**

3 Representations Plan