

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

16 APRIL 2018

Application for a Variation of a Premises Licence; The Waterhouse Hotel, 5 Waterhouse Lane, Monkton Combe, Bath, Wiltshire, BA2 7JB

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Waterhouse Hotel, 5 Waterhouse Lane, Monkton Combe, Bath, Wiltshire, BA2 7JB, made by Simon Wilsher.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Waterhouse Hotel has been made by Simon Wilsher for which 13 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 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 as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On 15 February 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:

The variation application proposed to remove the conditions (stated below), imposed at the Hearing for the original application, in order to permit the sale of alcohol to “passing trade” on a Saturday and Sunday.

1. That the sale of alcohol shall only be made to persons:
 - a. Residing at Waterhouse and their bona fide guests;
 - b. Attending pre-booked conference/training events at the premises, or
 - c. Who are members of any other pre-booked groups attending the premises.

During the consultation, the applicant amended this further to restrict the hours permitted to sell alcohol to “passing trade” on a Saturday and Sunday from 11:00hrs to 00:00hrs, to 12:00hrs to 19:00hrs.

A copy of the application form is attached as **Appendix 1**; the amendment is attached as **Appendix 2**.

2.7 On 4 September 2013 the original application for the New Premises Licence was received by Wiltshire Council Licensing Team. This attracted 50 representations against the application and three in support of it. At the hearing on 22 October 2013, additional conditions were imposed onto the licence by the Licensing Sub Committee. The hearing decision notice is attached as **Appendix 3**. The current licence is attached as **Appendix 4**.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises.

3.2 Responsible Authorities

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

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

	Representation	Licensing Objective
1	Mr and Mrs Donovan Brook Cottage, Waterhouse Lane, Monkton Combe, Bath, BA2 7JA	Public Safety and Public Nuisance
2	Mr Dunn 5 Mill Lane, Monkton Combe, Bath, BA2 7HD	Public Safety and Public Nuisance
3	Mr and Mrs Johnson Fayard House, Waterhouse Lane, Monkton Combe, Bath, BA2 7JA	Public Safety

4	Ms Ryan Monkswell Cottage, Mill Lane, Monkton Combe, Bath, BA2 7HD	Public Nuisance
5	Mr Franks 7 Mill Lane, Monkton Combe, Bath, BA2 7HD	Public Safety and Public Nuisance
6	Mr and Mrs Gray The Stables, Waterhouse Lane, Monkton Combe, Bath, BA2 7JA	Public Safety
7	Mr and Mrs Aldridge Millbrook, 1 Waterhouse Lane, Monkton Combe, Bath, BA2 7JA	Public Safety
8	Monkton Combe Parish Council c/o Des Wighton Dunelm House, Mill Lane, Monkton Combe, Bath, BA2 7HD	Public Safety and Public Nuisance
9	Mrs and Miss Demski 2 Station Cottages, Mill Lane, Monkton Combe, Bath, BA2 7HD	Public Safety
10	Dr Knight and Mr Boden The Barn, 4 Waterhouse Lane, Monkton Combe, Bath, BA2 7JA	Public Safety
11	Mr Wells Waterhouse, Waterhouse Lane, Monkton Combe, Bath, BA2 7JB	
12	Mr Aveling Waterhouse, Waterhouse Lane, Monkton Combe, Bath, BA2 7JB	
13	Mr Sturgess-Durden 1 Mount Pleasant, Monkton Combe, Bath, BA2 7HW	

3.4 The relevant representations against the application are attached as **Appendix 5a**. The relevant representations in support of the application are attached as **Appendix 5b**. Attached as **Appendix 6** 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. 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 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

Date of report: 28 March 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**
- 2 Email from Applicant amending application**
- 3 Decision Notice - 2013 Hearing**
- 4 Current Premises Licence**
- 5a Representations against Application**
- 5b Representations for Application**
- 6 Location of Representations**