

# WILTSHIRE COUNCIL

## SOUTHERN AREA LICENSING SUB COMMITTEE

DATE OF MEETING: 14<sup>th</sup> May 2018

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### Application for a Premises Licence; Chalke Valley History Festival, Church Bottom, Broad Chalke, Salisbury, SP5 5DS

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Chalke Valley History Festival, Church Bottom, Broad Chalke, Salisbury, Wiltshire, SP5 5DS.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Chalke Valley History Festival, Church Bottom, Broad Chalke, Salisbury, SP5 5DS has been made by Chalke Valley History Festival Limited, 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 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 20<sup>th</sup> March 2018 an application for a time limited Premises Licence was received. Previous correspondence between the applicant and Wiltshire Council had suggested that this application was not going to be time limited; the licensing officer clarified the position with the applicant, who confirmed in writing that they did not wish for this application to be time limited. This had no effect on the consultation period, as this correspondence took place the day the application was received by Wiltshire Council; prior to the consultation period starting. The blue notices, which were displayed once the consultation period had started, reflected the permanent application.

The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Plays (Indoors & Outdoors)	09:00 – 22:00	Monday-Sunday
Films (Indoors)	09:00 - 22:00	Monday-Sunday
Live music (Outdoors)	17:00 – 23:00 12:00 – 00:00 12:00 -18:00	Friday Saturday Sunday
Anything of a similar description (Indoors & Outdoors)	09:00 – 22:00	Monday-Sunday
Sale by retail of alcohol (ON & OFF Sales)	10:00 – 23:00 10:00 – 00:00	Sunday-Thursday Friday-Saturday

2.6 A copy of the application form, along with the amendment to the time limited section in writing, is attached as **Appendix 1**.

2.7 A location plan of the premises is attached as **Appendix 2**.

2.8 A copy of the Event Management Plan submitted with this application is attached as **Appendix 3**.

2.9 A copy of the site plan is attached as **Appendix 4**.

2.10 Chalke Valley History Festival was granted a time limited licence on 21<sup>st</sup> April 2012 for Manor Farm, Ebbesbourne Wake. The premises licence was granted for the following dates; 26<sup>th</sup> June 2012 - 2<sup>nd</sup> July 2012.

2.11 A Premises Licence (not time limited) was applied the following year, for the same site and was granted on 2<sup>nd</sup> May 2013. The event continued to take place annually at this site until July 2016.

2.12 On the 1<sup>st</sup> March 2017 an application for a time limited (25<sup>th</sup> June-3<sup>rd</sup> July 2017) Premises Licence was received from Chalke Valley History Festival for a different location; Church Bottom, Broad Chalke. This Premises Licence was

granted, subject to conditions, by the Southern Area Licensing Sub Committee on the 26<sup>th</sup> April 2017. A copy of the decision notice is attached as **Appendix 5**. A copy of the 2017 time limited premises licence is attached as **Appendix 6**. Wiltshire Council received no complaints with regards to the 2017 festival from members of the public.

### 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 The applicant delayed advertising the blue notices at the site; consequently the consultation period was extended to reflect this. The last day of consultation was the 27<sup>th</sup> April 2018.

3.3 During the consultation period one relevant representation has been received from Mr David and Mrs Caroline Foster.

#### 3.4 Representations Received

- Mr David & Mrs Caroline Foster

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

Representation	Licensing Objective	Accepted	Comments
Disturbance caused by visiting large crowds and Music	Prevention of Public Nuisance	Yes	
Noise Pollution	Prevention of Public Nuisance	Yes	
Influx of large amount of vehicles in small streets by persons attending the	Public safety	Yes	
Alcohol and entertainment hours excessive	Prevention of Public Nuisance	Yes	
Light Pollution	Prevention of Public Nuisance	Yes	

3.6 The relevant representation is attached as **Appendix 7**.

3.7 During the consultation period one letter of support was received from Broad Chalke Parish Council.

#### **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 relevant 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 relevant 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 relevant 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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Date of report: 30<sup>th</sup> April 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 New Premises Application Form**
- 2 Location plan of the premises**
- 3 Event Management Plan**
- 4 Site Plan**
- 5 Decision notice**
- 6 2017 Premise Licence – Chalke Valley History Society**
- 7 Relevant representation**