

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

16 NOVEMBER 2022

Application for a Variation of a Premises Licence; The Bath Arms, Crockerton, Warminster, Wiltshire, BA12 8AJ

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of The Bath Arms, Crockerton made by The Chaffinch Pub Company Ltd.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of The Bath Arms, Crockerton has been made by The Chaffinch Pub Company Ltd for which 14 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 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 the 23 September 2022 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The details of the variation applied for, are summarised below:
- To extend the licensable area to include the outside space
 - To extend the timings for the sale of alcohol to 00.30hrs daily and remove the non-standard timings.

- For the addition of an outside bar.

A copy of the application form including the updated plan is attached as **Appendix 1**.

Since 24 November 2005 the premises has benefited from a premises licence issued under the Licensing Act 2003. (The premises has held a licence prior to this under the authorisation of earlier legislation). The current licence authorises the following:

Licensing Activities	Hours
Sale of Alcohol (on and off sales)	<p>Mon – Sat 11:00 – 23:00 Sun 12:00 – 22:30 Good Friday 12:00 hrs to 22:30 hrs Christmas Day 12:00 hrs to 15:00 hrs and 19:00 hrs to 22:30 hrs New Year’s Eve from the end of permitted hours until the start of permitted hours the following day Alcohol, hot food and hot drink may be sold or supplied for one hour following the hours set out above and on Christmas day, between 1500hrs and 1900hrs to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>
Recorded Music (indoors)	11:00 – 01:00 daily
Live Music (indoors and outdoors)	<p>23:00 – 01:00 daily <i>(N.B – Live Music is exempt from licensing between 08:00-23:00 on a premises which is licensed for on sales of alcohol)</i></p>

The Current premises licence including the plan is attached as **Appendix 2**.

Attached as **Appendix 3** is a location plan of the premises.

Details of other licenced premises in the vicinity of the area are as follows:

Premises	Opening Hours	Sale of Alcohol <i>(all on and off sales)</i>
Bath Arms, Horningsham	11:00 – 00:30 daily	11:00 – 00:00 daily
George Inn, Longbridge Deverill	10:00 – 01:30 daily	10:00 – 01:00 daily
The Woolpack, Sutton Veny	12:00 – 00:30 Sun-Thur 12:00 – 01:30 Fri-Sat	12:00 – 00:00 Sun-Thur 12:00 – 01:00 Fri- Sat
The Bradley Hare	10:00 – 00:30 Sun-Thur 10:00 – 01:30 Fri - Sat	11:00 – 00:00 Sun-Thur 11:00 – 01:00 Fri-Sat

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 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 16 relevant representations were received; 15 from local residents and one from Mrs Trish Morse, Wiltshire Council's Environmental Control & Protection Officer. A number of conditions were proposed by Mrs Morse to mitigate potential noise nuisance from the premises. The applicant agreed to the conditions and as such Mrs Morse withdrew her representation (Appendix 4). The applicant requested that an email was sent to all those who made a representation outlining their intentions and their agreement with the proposed condition (Appendix 5), as a result of this communication one person withdrew their representation. There are currently 14 relevant representations against the variation application.

3.3 Responsible Authorities

No Responsible Authority has made a representation in connection with this application; however conditions have been proposed and agreed with by the applicant.

3.4 Interested Parties

- Rep 1 – Potters Hill, Crockerton
- Rep 2 – Crockerton
- Rep 3 – Clay Street, Crockerton
- Rep 4 – Clay Street, Crockerton
- Rep 5 – Paradise Lane, Crockerton
- Rep 6 – Clay Street, Crockerton
- Rep 7 – Crockerton
- Rep 8 – Clay Street, Crockerton
- Rep 9 - Junction With Shear Cross North To Junction With Paradise Lane
- Rep 10 – Clay Street, Crockerton
- Rep 11 – Crockerton
- Rep 12 – Clay Street, Crockerton
- Rep 13 - Junction With Shear Cross North To Junction With Paradise Lane
- Rep 14 – Parsons Lane, Crockerton

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

Representation	Licensing Objective	Comments
1,5,8,11,13,14	Public Nuisance	Noise disturbance caused by the use of the extended licensable area which includes the outside space.
2,3,4,6,7,9,10,12	Public Nuisance	Noise and light disturbance caused by the use of the extended licensable area which includes the outside space.

- 3.6 Many of those who made representations commented on a perceived change to the opening hours of the premises. The current premises licence allows the premises to open until 01:00hrs daily, the variation application does not seek to change this.
- 3.7 Many of the representations also referred to lack of parking facilities, the lack of street lighting, the narrow roads and lack of footpaths in the village of Crockerton; these points are not considerations under the Licensing Act 2003.
- 3.8 The relevant representations are attached as **Appendices 6a – 6n**. Attached as **Appendix 7** 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 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.
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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 Current premises licence and plan**
- 3 Location plan of premises**
- 4 Proposed conditions**
- 5 Response from Applicant**
 - 6a Representation 1**
 - 6b Representation 2**
 - 6c Representation 3**
 - 6d Representation 4**
 - 6e Representation 5**
 - 6f Representation 6**
 - 6g Representation 7**
 - 6h Representation 8**
 - 6i Representation 9**
 - 6j Representation 10**
 - 6k Representation 11**
 - 6l Representation 12**
 - 6m Representation 13**
 - 6n Representation 14**
- 7 Map of representations**