

Wiltshire Council

North Area Licensing Sub Committee

13 December 2011

Application for a Variation of a Premises Licence; Rudloe Hall Hotel, Leafy Lane, Rudloe, Corsham, Wiltshire, SN14 0PA

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Rudloe Hall Hotel made by West Register (Hotels No.3) Limited.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Rudloe Hall Hotel has been made by West Register (Hotels No.3) Limited for which 1 relevant representation 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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
 - iii) To grant the variation as applied for.
- 2.5 On 20 October 2011 an application for a variation to the premises licence at Rudloe Hall Hotel was received and accepted as a valid application.

<u>Provision of entertainment facilities</u>			
Dancing		Mon	10:00 – 00:00
		Tue	10:00 – 00:00
		Wed	10:00 – 00:00
		Thur	10:00 – 00:00
		Fri	10:00 – 00:00
		Sat	00:00 – 01:00
			10:00 – 00:00
		Sun	00:00 – 01:00
			10:00 – 00:00
Provision of late night refreshment		Mon	23:00 – 23:30
		Tue	23:00 – 23:30
		Wed	23:00 – 23:30
		Thur	23:00 – 23:30
		Fri	23:00 – 23:30
		Sat	23:00 – 23:30
		Sun	23:00 – 23:30
Sale by retail of alcohol (on site and off site?)		Mon	10:00 – 00:00
		Tue	10:00 – 00:00
		Wed	10:00 – 00:00
		Thur	10:00 – 00:00
		Fri	10:00 – 00:00
		Sat	00:00 – 01:00
			10:00 – 00:00
		Sun	00:00 – 01:00
			10:00 – 23:30

A copy of the application from West Register (Hotels No 3) Limited is attached as **Appendix 1**.

- 2.7 A premises licence is currently held for Rudloe Hall Hotel for the licensable activity of supply of alcohol for the following permitted hours:

Weekdays and Saturdays excluding Christmas Day, Good Friday and New Year's Eve	11:00 – 23:00
Sundays excluding Christmas Day, Good Friday and New Year's Eve	12:00 – 22:30
Good Friday	12:00 – 22:30
Christmas Day	12:00 – 15:00 19:00 – 22:30
New Year's Eve except on a Sunday	10:00 – 23:00
New Year's Eve on a Sunday	12:00 – 22:30
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day	

2.8 Up until this point of applying for a variation to the licence, to accommodate weddings and birthday parties, Temporary Event Notices were applied for to allow for regulated entertainment. In 2010 four temporary event notices were applied for and in 2011 eight temporary event notices were applied for.

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 posted at the offices of Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER. During the consultation period 1 relevant representation has been received from 1 Interested Party

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

3.3 Interested Parties

- Janice Macbeth, 17 Ashwood Road, Rudloe, Corsham, Wiltshire, SN13 0LF

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

Representation	Licensing Objective	Accepted	Comments
Loud Music from Previous Functions	To Prevent Public Nuisance	Yes	None

3.5 The relevant representations are attached as **Appendix 2a**. Attached as **Appendix 2b** 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 Licence Application**
- 2a Relevant Representation**
- 2b Location Plan**
- 3 Notice Displayed at the Premises**