

## **Wiltshire Council**

### **Northern Area Licensing Sub Committee**

**11 April 2012**

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#### **Application for a Variation of a Premises Licence; Pace Show Meadow, Swindon Road, Royal Wootton Bassett**

### **1. Purpose of Report**

- 1.1 To determine an application for a variation of a Premises Licence in respect of Pace Show Meadow made by Pace Petroleum Limited.

### **2. Background Information**

- 2.1 An application for a variation of a Premises Licence in respect of Pace Show Meadow has been made by Pace Petroleum Limited for which 22 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 modify the conditions of the licence
  - ii) To reject the whole or part of the application.
- 2.5 On 16th February 2012 an application for a variation to the premises licence at Pace, Show Meadow, Swindon Road, Royal Wootton Bassett was received and accepted as a valid application.
- 2.6 The variations applied for are summarised as follows:

<b>Licensable Activity</b>	<b>Current Days and Timings</b>	<b>Proposed Days and Timings</b>
Provision of late night refreshment	N/A	Daily 23:00 to 05:00
Sale by retail of alcohol off sales only	<p>On weekdays, other than Christmas Day, 8 am to 11 pm</p> <p>On Sundays, other than Christmas Day, 10 am to 10.30 pm</p> <p>On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm</p> <p>On Good Friday, 8 am to 10.30 pm</p>	Daily 24 Hours

A copy of the application from Pace Petroleum Limited is attached as **Appendix 1**.

- 2.7 The premise has been licensed under the Licensing Act 2003 since 2005, when the licence was granted under Grandfather Rights from the previous magistrate system. The hours of alcohol off sales have remained consistent with the Justices Licensing Hours under the 1964 Act until this variation application was applied for.
- 2.8 The premises is a Petrol station with a retail shop on the main Swindon Road out of Royal Wootton Bassett
- 2.9 No Responsible Authority associated with Wiltshire Council has any complaint history relating to this premise as a licensed premise.

### **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. During the consultation period 22 relevant representations have been received from Interested Parties, and none from Responsible Authorities.

#### **3.2 Responsible Authorities**

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

### 3.3 Interested Parties

- Mr Johnathan Bourne Royal Wootton Bassett Town Council
- Messer's P, R and Mrs A Gell 1 Meadow Close Royal Wootton Bassett
- D Ockwell 2 Meadow Close Royal Wootton Bassett
- Mr P Nash 2 Meadow Close Royal Wootton Bassett
- A Heddle 3 Meadow Close Royal Wootton Bassett
- Mr P Eslick 4 Meadow Close Royal Wootton Bassett
- Mr M & Ms D Amor 5 Meadow Close Royal Wootton Bassett
- Ms H Edwards 6 Meadow Close Royal Wootton Bassett
- Mr S Wallis 5 Sheridan Drive Royal Wootton Bassett
- Ms J Townsend 16 Fairfield Royal Wootton Bassett
- Mr Tang 96 Longleaze Royal Wootton Bassett
- Mrs M Sweet 1 Kingsley Avenue Royal Wootton Bassett
- Mrs Epps 3 Kingsley Avenue Royal Wootton Bassett
- P & V Northcott 4 Kingsley Avenue Royal Wootton Bassett
- Lee, Mark & Morgan Manning 6 Kingsley Avenue Royal Wootton Bassett
- R & D Croucher 13 Kingsley Avenue Royal Wootton Bassett
- Mr J & Ms J Curtis 15 Kingsley Avenue Royal Wootton Bassett
- Mr S & Ms S Wells 11 Kingsley Avenue Royal Wootton Bassett
- Mrs S Iles 20 Kingsley Avenue Royal Wootton Bassett
- Ms D Hunt 21 Kingsley Avenue Royal Wootton Bassett
- M Lang 22 Kingsley Avenue Royal Wootton Bassett
- Mr & Mrs S Fulling 23 Kingsley Avenue Royal Wootton Bassett

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

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Anti social behaviour	Crime and Disorder	Yes	
Noise Nuisance from patrons and gatherings	Public Nuisance	Yes	
Litter	Public Nuisance	Yes	
Light Intrusion	Public Nuisance	Yes	

3.5 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. 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. Recommendation**

5.1 Members are asked to determine the application.

## **6. Right of Appeal**

6.1 It should be noted that the Premises Licence Holder, the Responsible Authorities 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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Date of report: 26 March 2012

### **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 Premises variation application submitted by Pace Petroleum**
- 2 Representations received from interested parties**
- 3 Location Plan**