

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

8 April 2013

Application for a Premises Licence; Durrington Development Centre for Young People, The Ham, Durrington, SP4 8HW

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of Durrington Development Centre for Young People made by Wiltshire Council.

2. Background Information

2.1 An application for a Premises Licence in respect of Durrington Development Centre for Young People has been made by Wiltshire Council 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 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 necessary 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 15 February 2013 an application for a premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films	08:00 to 22:00	Monday to Sunday
Live music	08:00 to 22:00	Monday to Sunday
Recorded music	08:00 to 22:00	Monday to Sunday
Performance of dance	08:00 to 22:00	Monday to Sunday
Anything of a similar description	08:00 to 22:00	Monday to Sunday

Opening hours – Monday to Sunday 08:00 to 22:00

A copy of the application from Wiltshire Council is attached as **Appendix 1**.

2.4 The applicant, Wiltshire Council, was notified of the representations that had been received by the Licensing Authority. On 20 March 2013 the applicant amended the original application in the following way:

Reduced the hours requested for regulated entertainment on Saturday from midnight to 22:00 and Sunday from 22:30 to 22:00.

Removed the request for late night refreshments on any day of the week.

A copy of the email amending the application is attached as **Appendix 2**.

3. Consultation and Representations

3.1 The application process requires the application to be advertised in a local paper within 10 working days, starting on the day after the authority receives it and a public notice (on pale blue paper) to be posted on the premises for a period of 28 consecutive days, starting the day after the authority receives the application. During the consultation period 1 relevant representation was received from a Responsible Authority and 13 from other persons.

3.2 Responsible Authorities

- Public Protection Services - Mr Peter McMillan, Senior Environmental Health Officer

3.3 Other Representations

- Mrs H R Jones – Hamm Lodge, The Ham, SP4 8HW
- Mr J & Mrs D Fields – Kyrenia, The Ham, SP4 8HW

- Ms K Pottage – Rivermead, The Ham, SP4 8HW
- Mr C & Mrs J Pottage, Rivermead, The Ham, SP4 8HW
- Mr K & Mrs T Burningham, Braemar, The Ham, SP4 8HW
- Mr E & Mrs A Reeves, Riverside Rise, The Ham, SP4 8HW
- Mr & Mrs T Adaway, Lezane, The Ham, SP4 8HW
- Mr Jones, 208 Bulford Road, SP4 8HB.

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

Representation	Licensing Objective	Accepted	Comments
Noise nuisance	Public nuisance	Yes	
Anti social behaviour	Crime & disorder	Yes	

3.5 The relevant representations are attached as **Appendix 3**. Attached as **Appendix 4** 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, all Responsible Authorities and other 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 Responsible Authorities and other persons 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 Applicant, the Responsible Authority(ies) and other persons 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 any other 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 someone other than a Responsible Authority 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 Premises licence application**
- 2 Email of amendments to the application**
- 3 Relevant representations**
- 4 Plan of the premises and locations of representations**