

Wiltshire Council

Western Area Licensing Sub Committee

16th APRIL 2013

**Application for a Premises Licence; Edington Farm Shop & Three Daggers
Brewery Bar, Edington, BA13 4PG**

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of the above made by Mr Adrian Clive Jenkins.

2. Background Information

2.1 An application for a Premises Licence in respect of the Edington Farm Shop & Three Daggers Brewery Bar has been made by Adrian Clive Jenkins for which 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 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 18th February 2013 separate applications for Premises Licences for the Farm Shop & Micro Brewery were received. As both venues are within the same building it was agreed with the Applicant that only one application and therefore only one licence (if granted) was required. See **Appendix 1** attached to this report.

2.6 The application as applied for is as follows:

Brewery Bar

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays (Indoors)	18:00 – 23:00	Monday to Saturday
Films (Indoors)	18:00 – 23:00 14:00 – 22:00	Monday to Saturday Sunday
Indoor sporting events	18:00 – 23:00 18:00 – 22:00	Monday to Saturday Sunday
Live music (Both)	18:00 – 23:00 18:00 – 23:30 14:00 – 23:30 14:00 – 22:00	Thursday Friday Saturday Sunday
Recorded music (Indoors)	08:00 – 23:00 08:00 – 23:30 10:00 – 22:30	Monday to Thursday Friday & Saturday Sunday
Performance of dance (Indoors)	18:00 – 23:00 18:00 – 23:30 18:00 – 22:00	Thursday Friday & Saturday Sunday
Anything of a similar description (Indoors)	10:00 – 21:00	Monday to Sunday
<u>Provision of entertainment facilities</u>		
<u>Facilities are no longer licensable</u>		
Dancing (Indoors)	18:00 – 23:00 18:00 – 23:30 14:00 – 23:30 14:00 – 22:00	Thursday Friday Saturday Sunday
Entertainment of a similar description (Indoors)	18:00 – 23:00 18:00 – 23:30 14:00 – 23:30 14:00 – 22:00	Thursday Friday Saturday Sunday

Provision of late night refreshment (Indoors)	18:00 – 01:00	Friday & Saturday
Sale by retail of alcohol (Both)	10:00 – 23:00 10:00 – 01:00 10:00 – 22:30	Monday to Thursday Friday & Saturday Sunday

Farm Shop

Licensable Activity	Timings	Days
<u>Provision of Regulated Entertainment</u>		
Live Music (Both)	14:00 – 23:00 11:00 – 16:00	Saturday Sunday
Recorded Music (Indoors)	08:00 – 23:00	Monday to Sunday
Sale by retail of alcohol (Both)	08:00 – 22:00 10:00 – 16:00	Monday to Saturday Sunday

- 2.7 The building housing the farm shop and micro brewery is currently nearing completion, with an opening date to the public sometime from mid April 2013.
- 2.8 Adjoining the site is the Paulet Arms Public House (previously known as The Lamb at Edington) which is also licensed by Wiltshire Council. Mr Jenkins also has a business interest in these premises. These premises are licensed for the supply of alcohol, regulated entertainment and late night refreshment from 10:00 to 01:00 (the following day) Monday to Sunday.
- 2.9 When the farm shop and brewery are completed, together with car parking space at the Paulet Arms, there will be parking for 45 vehicles.
- 2.10 A location plan of the premises to be licensed is attached as **Appendix 3** to this report.
- 2.11 A copy of the plans submitted by the Applicant with the application will be available at the hearing.

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 During the consultation period relevant representations have been received from local residents & Parish Council.

3.3 Representations Received

- Anna Klonsowski & Len Cassidy, Brocksway House 46 A Westbury Road, Edington
- Jo & Peter Petersen, Cowleaze, 13 Tinhead, Edington
- Marie Dodds, 46 Westbury Road, Edington
- C & J Jenkins – address not supplied
- Rachel & Andrew King, 63 Westbury Road, Edington
- Edington Parish Council
- F.E. Callaway, 6 Long Hollow, Edington,
- Gilbert Green, 48 Westbury Road, Edington

3.4 Responsible Authorities

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

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

Representation	Licensing Objective	Accepted	Comments
Noise from 'events' held both inside and outside of the premises	Public Nuisance	Yes	
Late Opening Hours	Public Nuisance	Yes	
Concerns about increased numbers of visitors to the site and the impact on the locality	Public Nuisance	Yes	

3.6 Three representation supporting the application have been received from:

- Kenneth Marshall, 57 Westbury Road, Edington
- Pauline Dorgan, 54 Westbury Road, Edington
- Caroline Hurley, 3 Berry Road, Edington

3.7 The relevant representations both for and against are attached to this report at **Appendix 2**. Also included are the amended representations submitted after changes were made to the application see sections 3.8 to 3.11.

3.8 Following communication between the Public Protection Pollution Officer Annabel Wilkinson and Mr Jenkins, concerning the Public Nuisance licensing objective of his application, on the 17th March 2013 the Applicant submitted the following changes to his application:

- **Section E live music – No live music outside. Only occasionally indoors on a Friday or Saturday night.**
- **Section G performance of dance – No performance of dance**
- **Section J provision of facilities for dancing – No provisions of facilities for dancing.**
- **Section L late night refreshment – No late night refreshment.**
- **Section M Supply of alcohol 08:00 – 23:00 Monday – Saturday, 10:00 – 22:00 Sunday**
- **Section O hours premises are open to the public – same as supply of alcohol**
- **Prevention of Public Nuisance licensing objective to add as a condition to the licence that – bottle bins will not be emptied after 21:00 and before 09:00.**

3.9 Objectors to the application were notified via email of the above changes to the application and were asked whether they wished to withdraw their original representation.

3.10 As a result of the changes the following two representations were withdrawn:

- Edington Parish Council
- Mr & Mrs King

3.11 Objectors were given the opportunity to amend their representation to reflect the changes to the application made by the Applicant.

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 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 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 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: 3rd April 2013

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 Application for a Premises Licence Under the Licensing Act 2003**
- 2 Representations for and against**
- 3 Location map of the premises to be licensed**