

Wiltshire Council

Eastern Area Licensing Sub Committee

20 August 2013

**Application for a Premises Licence: Pop-Up Pub (now known as The Vaults),
28a St Johns Street, Devizes, SN10 1BN**

1. Purpose of Report

To determine an application for a Premises Licence in respect of The Vaults, 28a St Johns Street, Devizes, SN10 1BN made by Pop-Up Pub Co. Ltd.

2. Background Information

2.1 An application for a Premises Licence in respect of The Vaults has been made by Pop-Up Pub Co. Ltd, for which a petition containing 61 names, addresses and signatures and two further representations have been received. One representation was withdrawn following an amendment to the original application.

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 25 June 2013 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The **original** application as applied for was as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (Indoors)	11:00 – 23:00 12:00 – 22:00	Monday – Saturday Sunday
Live music (Indoors)	11:00 – 23:00 12:00 – 22:00 11:00 – 00:30 (next Day)	Monday – Saturday Sunday Christmas Eve & New Years Eve
Recorded music (Indoors)	11:00 – 23:00 12:00 – 22:00 11:00 – 00:30 (next Day)	Monday – Saturday Sunday Christmas Eve & New Years Eve
Provision of late night refreshment	23:00 – 00:30 (next Day)	Christmas Eve & New Years Eve
Sale by retail of alcohol (on site and off site)	11:00 – 23:00 12:00 – 22:00 11:00 – 00:30 (next Day)	Monday – Saturday Sunday Christmas Eve & New Years Eve
Opening Hours	11:00 – 23:00 12:00 – 22:00 11:00 – 00:30 (next Day)	Monday – Saturday Sunday Christmas Eve & New Years Eve

2.7 **Amended Application following mediation:**

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (Indoors)	11:00 – 21:00 12:00 – 21:00	Monday – Saturday Sunday

Provision of late night refreshment	23:00 – 00:30 (next Day)	Christmas Eve & New Years Eve (only)
Sale by retail of alcohol (on site and off site)	11:00 – 21:00 12:00 – 21:00 11:00 – 00:30 (next Day)	Monday – Saturday Sunday Christmas Eve & New Years Eve
Opening Hours	11:00 – 21:30 12:00 – 21:30 11:00 – 00:30 (next Day)	Monday – Saturday Sunday Christmas Eve & New Years Eve

The amended copy of the application from Pop-Up Pub Co. Ltd is attached as **Appendix 1**. Copy of e-mail confirming amendments attached at **Appendix 2**. At the request of the Environmental Health officer there were some additions to the Operating Schedule, these are attached at **Appendix 2a**.

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 a petition containing 61 relevant representations and two other relevant representations have been received from Interested Parties. One representation was withdrawn following amendment to the original application

3.2 Responsible Authorities

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

3.3 Interested Parties

Mrs S Wright – Main Petitioner

Mr & Mrs Hilderley – 28 b St Johns Street, Devizes, SN10 1BN.

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

Representation	Licensing Objective	Accepted	Comments
Noise and anti social behaviour	Public Nuisance	Yes	
Anti social behaviour	Crime & Disorder	Yes	
Anti social behaviour	Public Safety	Yes	

3.5 The relevant representations are attached as **Appendix 3** (Petition) and **3a** (representation from Mr and Mrs Hilderley). Attached at **Appendix 4** are three differently scaled plans which show the locations from where lead signatory of petition and representations have been made. The map also shows surrounding streets where other signatories on petition are located.

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 those 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 all those 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 a party making a relevant representation 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.

Report Author: Jane Cowley

Jane Cowley, Public Protection Officer

Date of report: 1 August 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 Form**
- 2 Amendment e-mail**
- 2a Operating Schedule amendments**
- 3 Petition**
- 3a Relevant Representation**
- 4 Location maps**