

REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Report No:

Date of Meeting	12 July 2010			
Title of Report	Application for a Premises Licence by Mrs B Pollard for Abbey House & Gardens, Market Cross, Malmesbury			
Link to Corporate Priorities	None - this is a statutory requirement			
Public Report	Yes – This matter is governed by the Licensing Act 2003 (Hearings) Regulations 2005. 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.			
<p>Summary of Report</p> <p>An application for a premises licence has been made by Mrs Pollard for which there are relevant representations.</p> <p>Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to the representations.</p> <p>In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.</p> <p>The licensing objectives are: -</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder, • Public Safety, • The Prevention of Public Nuisance • The Protection of Children from Harm. <p>Such steps are: - To modify the conditions of the licence or to reject the whole or part of the application.</p>				
<p>Officer Recommendations</p> <p>None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.</p>				
Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
Contact Officer	Mrs Linda Holland Licensing Enforcement Officer 01249 706410 linda.holland@wiltshire.gov.uk			

1. Introduction

An application for a premises licence has been made for which there are relevant representations.

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to these representations.

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

2. Options and Options Appraisal

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

3. Background Information

On 6th May 2010 an application for a Premises Licence for the Abbey House and Gardens was received.

The application was accepted as a valid application by the Licensing Officer.

The premise has been granted approved status for civil marriage / civil partnerships and has been using their full compliment of Temporary Events Notices to facilitate the licensable activities associated with the ceremonies.

A copy of the application is attached as Appendix 1

4. Summary of Application

The application is to permit the sales of alcohol, regulated entertainment and late night refreshment as follows:

To permit on the sales of alcohol on the premises:

Monday - Thursday 11:00 - 23:00
Friday - Sunday 11:00 - 01:00

The applicant at the time of application requested both on and off sales, however on further consideration Mrs Pollard requested via email on the 20th May 2010 that the sales of alcohol be amended to on sales only:

To permit the following forms of regulated entertainment:

Plays	Mondays Tues - Sundays	14:00 - 23:00 17:00 - 23:00	In and outdoors " " "
Films	Mondays Tues - Sundays	14:00 - 23:00 17:00 - 23:00	Indoors only " " "
Live Music	Mondays Tues - Thurs Fri - Sundays	14:00 - 23:00 17:00 - 23:00 17:00 - 01:00	In and outdoors " " " " " "

Recorded Music	Mondays Tues – Thurs Fri – Sun	14:00 – 23:00 17:00 – 23:00 17:00 – 01:00	In and outdoors “ “ “ “ “ “
Performance of dance	Mon – Fri Sat – Sun	14:00 – 23:00 11:00 – 23:00	In and outdoors “ “ “
Anything of a similar	Mon – Fri Sat – Sun	14:00 – 23:00 11:00 – 23:00	In and outdoors “ “ “
Making Music	Mon – Sun	11:00 – 23:00	In and outdoors
Facilities for Dancing	Mon – Sun	11:00 – 23:00	In and outdoors
Facilities for entertainment	Mon – Sun	11:00 – 23:00	In and outdoors
Late and night refreshment	Fri – Sun	23:00 – 01:00	In and outdoors

5. Relevant Representations

During the consultation period relevant representations were received from:

11 Residents living in the vicinity of the premises

Mr J M Dibb	1 Abbots Gardens, Malmesbury
Mr & Mrs Davies	St Michael's House, Market Cross, Malmesbury
Mrs S Foster	2 Stable Flats, Abbey House, Market Cross, Malmesbury
Mr & Mrs Lewis	Latch Cottage, Oxford Street, Malmesbury
Mr & Mrs Mumford	St Michael's Cottage, Market Cross, Malmesbury
Mr P Oura	Two Abbot's Garden, Malmesbury
Mr P Lindrea	The Old Brewery House, Market Cross, Malmesbury
Ms J Harding	22 Oxford Street, Malmesbury

No representations were made by Responsible Authorities.

Copies of the representations are attached as Appendix 2

2 representations were received after the 28 day consultation deadline and were not accepted due to late service.

During the consultation period 6 letters of support from local business and organisations were received.

Malmesbury & District Chamber of Commerce.
Burton Hill Caravan Park
The Kings Arms Public House, High Street Malmesbury
Abbey Taxis
The Whole Hog Public House, 6 Market Cross Malmesbury
The Old Bell Hotel, Abbey Row, Malmesbury.

Copies of the letters of support are attached as Appendix 3

6. Legal Implications

It should be noted that both the premises licence holder and the interested parties may appeal the decision made by the licensing sub committee. The decision made by the Licensing sub committee however takes immediate effect.

The Premises Licence Holder and all interested parties have been informed of the date, time and location of the hearing and their right to be represented.

7. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none">• 1. Application for a premises licence under the Licensing Act 2003• 2. Copies of relevant representations• 3. Copies of letters of support• 4. Location map
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• The Licensing Act 2003• The Licensing Act (Hearings) Regulations 2005• Guidance issued under sect 182 of the Licensing Act 2003