

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

DATE OF MEETING: 20th MAY 2014

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### Application for a Premises Licence; Land North of Cranesbill Road, Melksham, Wiltshire

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Land North of Cranesbill Road, Melksham, Wiltshire made by Marston's PLC.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of Land North of Cranesbill Road, Melksham, Wiltshire has been made by Marston's PLC for which 3 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 as applied for.
  - ii) 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.
  - iii) To reject the whole or part of the application.
- 2.5 On 27th March 2014 an application for a New Premises Licence was received and accepted as a valid application. This is a brand new development and the premise has yet to be built.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Exhibition of films (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Indoor Sporting Events	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Live Music (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Recorded Music (indoors & outdoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Performance of Dance (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Late Night Refreshment (indoors and outdoors)	23.00 – 00:00 23.00 – 01.00 23.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Supply of Alcohol (on & off sales)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Hours premises are open to the public	07:00 – 00:30 07:00 – 01:30 07:00 – 00:30	Monday – Thursday Friday – Saturday Sunday
Non Standard Timings	To permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday Weekends, Christmas Eve and Boxing Day.  To permit sale of alcohol and such regulated	

	<p>entertainment as authorised hereunder on New Year's Eve commencing 10:00 until 01:00 on the 2<sup>nd</sup> January.</p> <p>To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside of normal operating hours, such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intends to open, such notification to include the opening times and the sporting event which is to be shown.</p> <p>To permit retail sale of alcohol 24hrs a day to residents and their bona fide guests.</p>
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A copy of the application from Marston's PLC is attached as **Appendix 1**.

- 2.7 The other premises which are licensed for sale of alcohol and regulated entertainment within the vicinity of the application address are detailed as follows:

<b>Premises</b>	<b>Licensable Hours for Sales of Alcohol and Regulated Entertainment</b>	<b>Days</b>
Foresters Arms, Sandridge Road, Melksham, Wiltshire, SN12 7BN	12:00-22:30 11:00-23:00	Sunday Monday - Saturday

A map showing the location of the above premise is attached as **Appendix 2**.

### **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 3 relevant representations have been received, 2 from local residents and 1 from Melksham Without Parish Council.

#### **3.3 Representations Received**

- Mr G Carr, 38 Goldfinch Road, Melksham, Wiltshire, SN12 7FL
- Mr P Renshaw, 31 Goldfinch Road, Melksham, Wiltshire, SN12 7FL

- Melksham Without Parish Council, 7 Market Place, Melksham, Wiltshire

### 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:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Noise disruption	Prevention of Public Nuisance	Yes	
Anti social behaviour	Prevention of Public Nuisance; Public Safety	Yes	

3.6 The relevant representations are attached as **Appendix 3**. Attached as **Appendix 4** is a plan which identifies the locations of the residents who have submitted representations

## 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. If requested by a person other than a Responsible Authority such a Review application will not normally be granted within the first 12 months of the grant of any premises licence except for the most compelling circumstances.

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Date of report: 2<sup>nd</sup> May 2014

### **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 New Premises Licence Application Form**
- 2 Map showing locations of other Licensed Premises**
- 3 Relevant representations**
- 4 Map showing locations of residential representations**