

**Swindon Borough Council
Licensing Act 2003 – Licensing Panel**

NOTICE OF HEARING

Date of Hearing: Tuesday, 26 November 2013

Place of Hearing: Committee Room 6, Civic Offices

Time of Hearing: 2.30 p.m.

Panel Members:

Conservative Councillors

Alan Bishop

Labour Councillors

Abdul Amin

John Ballman

Committee Officer: Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

Address: Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH

AGENDA

- 1. Appointment of Chair**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

- 4. Application to vary the Premises Licence in respect of the Lydiard Park, Swindon, SN5 3PA together with a copy of each relevant representation made and supporting documents (Pages 3 - 32)**

Date of Despatch: 15 November 2013

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

Action following receipt of Notice of Hearing:

A party shall give to the Licensing Panel within the period of time provided for in the following provisions of this regulation a notice (in the form attached) stating: -

- Whether he intends to attend or be represented at the hearing.
- Whether he considers a hearing to be unnecessary.
- In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

The following notice periods apply:

No later than one working day in respect of:

- Cancellation of interim authority notice following police objection, or
- Counter notice following police objection to temporary event notice.

No later than two working days before the first day of hearing:

- Review of premises licence following closure order or review of premises licence following review notice;
- Determination of application for conversion of existing licence;
- Determination of application for conversion of existing club certificate; or
- Determination of application by holder of justices' licence for grant of personal licence.

In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right of attendance, assistance and representation:

A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The hearing will take place in public. However the Licensing Panel may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return, or
- permit him to return only on such conditions as the authority may specify.

Any such person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Representations and Supporting Information:

At the hearing a party shall be entitled to:

- Give further information as appropriate in response to a point upon which the Licensing Panel has given notice that clarification is required (Note – if clarification is required from any party this will have been indicated in the Notice of Hearing);
- If given permission by the Licensing Panel, question any other party; and
- Address the authority.
- Failure of Parties to attend the Hearing

If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may: -

- Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- Hold the hearing in the party's absence.
- Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned

Procedure:

A summary of the procedure that will normally be followed at the hearing is attached.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all Hearings. However depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to): -

- Whether to proceed in the absence of a party;
- Whether to admit new documents or information submitted at the hearing;

- Whether it is in the public interest to exclude members of the public from the hearing or any part of it;
- Whether any party wished to withdraw representations previously submitted
- Whether to disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to:
 - Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
 - The promotion of the licensing objectives

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Standard procedure for licensing committee or licensing panel hearings, where representations have been made

- 1) The general facts of the application will be put to the hearing by an officer of the Licensing Authority.**
- 2) Ward Members who wish to speak on behalf of constituents who have expressed opposition to the application or aspects of the application will be invited to speak. Written notification of those representations must be submitted within the required period of notice.**
- 3) Where individuals or organisations have given the required notice that they wish to make relevant representations, they will be invited one at a time to clarify and support (but not add to) their written submissions. Representations will be heard only from those who have submitted an objection in writing before the deadline given for comments. This restriction applies equally to Members and Officers of the Council.**
- 4) Members of the Licensing Committee (or Panel) may ask questions arising from each representation, as may any other Member of Swindon Borough Council who is present. The applicant will not be allowed to comment or reply at this stage but may ask those making representations to give a brief clarification of any point they have made.**
- 5) Ward Members who wish to speak on behalf of constituents who have expressed a positive case in favour of the application will be invited to speak. Written notification of the positive representation must have been submitted within the required period of notice.**

- 6) The applicant and / or their solicitor or representative will be invited to make representations in support of the application and also to respond to points made by those who have made representations on the application in writing or in person. No unreasonable limits will be placed on the right of the applicant to make their case and they may present plans or artists impressions etc. if they wish.**
- 7) Members of the Licensing Committee (or Panel) may ask questions arising from the applicant's submission, as may any other Member of Swindon Borough Council who is present.**
- 8) Those who have made representations will be allowed to ask the applicant to give a brief clarification of any point they have made and they will be permitted to ask questions of the applicant. They will not be permitted to restate or develop their original representations and must limit their comments to issues that arise directly from answers given by the applicant or the applicant's representative.**
- 9) Members of the Committee or Panel hearing the application will then discuss the application in private, accompanied only by non-partisan officers who are there in a support role.**
- 10) Should any person present act in a disruptive manner the Chair will first warn him or her about their conduct and then, if the Chair considers it appropriate, may require the person concerned to leave the meeting forthwith. Where a party to the hearing insists on wasting the time of the hearing by needlessly repeating points that have been well aired and clearly put by earlier speakers, their actions may be judged to be disruptive and they may be asked to leave. It is strongly recommended that any spoken representations from groups of people with common concerns are made through an agreed spokesperson.**

**Application to vary the Premises Licence in respect of the Lydiard Park,
Swindon, SN5 3PA**

Licensing Panel

Date: 26 November 2013

Author: Licensing Officer

Wards Affected: Central

Purpose

- To consider the representations received in response to an application to vary the premises licence issued in respect of Lydiard Park, Lydiard Tregose, Swindon, SN5 3PA and to determine the application.

Recommendation

The Licensing Committee is asked to, in light of the representations received from other persons as defined by the Licensing Act 2003, to determine the application. The options available to the Committee are:

- To grant the application in its current form with conditions consistent with the operating schedule;
- To grant the application but to modify the conditions by amending, omitting or attaching new conditions; or
- To reject the whole or part of the application.

1. Reasons

- 1.1 The Licensing Panel has a statutory duty to undertake the functions of the Licensing Authority, where these have been delegated by the Licensing Committee.

2. Detail

- 2.1 An application to vary the premises licence issued in respect of Lydiard Park, Lydiard Tregose, Swindon, SN5 3PA has been received from Swindon Borough Council.

- 2.2 A copy of the application is attached as **Appendix A**.

- 2.3 The application seeks to extend the existing hours authorised by the licence for the sale of alcohol, provision of entertainment and provision of late night refreshment. The additional hours are as follows:

Sale by retail of alcohol

Monday to Sunday

09:00 – 01:00

Films, Plays and performance of dance

Monday to Sunday

09:00 – 00:00

Further information on the subject of this report can be obtained from Kathryn Ashton on 01793 466113 or e-mail kashton@swindon.gov.uk.

Application to vary the Premises Licence in respect of the Lydiard Park, Swindon, SN5 3PA

Licensing Panel

Date: 26 November 2013

Live music and recorded music

Monday to Sunday

09.00 – 01.00

Late night refreshment

Monday to Sunday

09.00 – 01.00

- 2.4 The applicant has offered additional steps to ensure the promotion of the licensing objectives if the application is granted and these will be attached to any licence.
- 2.5 The application was received on 6 September 2013. It was circulated to all responsible authorities and advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations. The last date for representations to be received was 4th October 2013.
- 2.6 Representations have been received from 'other persons' namely residents within the vicinity, who consider that the granting of the application would undermine the prevention of crime & disorder licensing objective. Copies of these representations are attached as **Appendix B**. No representations were received from any responsible authority.
- 2.7 The existing premises licence was granted to Swindon Borough Council on 3 February 2011. It authorises
- Sale by retail of alcohol
- Monday to Sunday 09.00 – 00:00
- Regulated entertainment
- Monday to Sunday 09:00 – 00:00
- 2.8 The existing premises licence is attached to the report as **Appendix C**.
- 2.9 The Panel is requested to consider the application to vary the premises licence on its merits, having regard to the Swindon Borough Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 2.10 The Sub-Committee must have regard to the information put forward by the applicant and the representations made by any responsible authority and take such steps (if any) that it considers appropriate for the promotion of the licensing objectives. The steps, as set out in section 35(4) of the Licensing Act 2003 are:
- To modify the conditions of the licence, whether by alteration or omission of conditions or the addition of new conditions.
 - To reject the application in whole or in part.

Further information on the subject of this report can be obtained from Kathryn Ashton on 01793 466113 or e-mail kashton@swindon.gov.uk.

Application to vary the Premises Licence in respect of the Lydiard Park, Swindon, SN5 3PA

Licensing Panel

Date: 26 November 2013

- 2.11 The Licensing Act 2003 (Hearings) Regulations 2005 require that the application be determined within five working days of the day (or the last day) on which the hearing is held;
- 2.12 The Licensing Act 2003 (Hearings) Regulations 2005, allow an authority to adjourn a hearing to a specified date or arrange for a hearing to be held on specified additional dates where it is considered to be necessary for the authority's consideration of any representation or notice made by a party. However, in each case the authority must notify the parties of the date, time and place of the specified date or additional dates at which the hearing is to take place.

3. Alternative Options

- 3.1 None

4 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime & disorder or nuisance to the public or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

Legal and Human Rights Implications

- 4.2 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 4.3 This report relates to the requirements of Licensing legislation

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- 4.4 The determination of the application will be made in accordance with set legal principles. The exercise of licensing powers by the Panel relates particularly to the LAA outcome of reducing crime and the fear of crime.

Diversity Impact Assessment

- 4.5 There is no DIA prepared in conjunction with this report

Further information on the subject of this report can be obtained from Kathryn Ashton on 01793 466113 or e-mail kashton@swindon.gov.uk.

Application to vary the Premises Licence in respect of the Lydiard Park, Swindon, SN5 3PA

Licensing Panel

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Risk Management

- 4.6 There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the Policy is found not to comply with the requirements of the Licensing Act 2003 and associated legislation, regulations and guidance.

5 Consultees

- 5.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

6 Background Papers

- 6.1 Licensing Act 2003
- 6.2 Swindon Borough Council's Statement of Licensing Policy
- 6.3 Amended Guidance Issued Under Section 182 of the Licensing Act 2003 (*October 2012*)

7 Appendices

- | | |
|------------|---|
| Appendix A | Application to vary Premises Licence |
| Appendix B | Representations received from other persons |
| Appendix C | Copy of the current Premises Licence |
| Appendix D | Site Location |

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We LYDIARD PARK being the premises licence holder, apply to vary a
(Insert name(s) of applicant)
premises licence under section 34 of the Licensing Act 2003 for the premises
described in Part 1 below

Premises licence number

881110009 PREM

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description <u>LYDIARD PARK</u> <u>LYDIARD TREHOLE</u>	
Post town <u>SWINDON</u>	Post code <u>SN5 3PA</u>

Telephone number at premises (if any)

01793 770401

Non-domestic rateable value of premises

£12,600.00

Part 2 – Applicant details

Daytime contact telephone number

01793 770401

E-mail address
(optional)

e.valentine@swinton.gov.uk

Current postal
address if
different from
premises address

--

Post Town

--

Postcode

--

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick Yyes

☐

If not do you want the variation to take effect from

Day	Month	Year
25	11	2013

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

We are seeking a variation to extend licensable activities by one hour from 00.00 to 01.00

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- | | | |
|----|---|-------------------------------------|
| a) | plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) | films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) | performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities for:

- | | | |
|----|---|-------------------------------------|
| i) | making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L) ☒

Sale by retail of alcohol (if ticking yes, fill in box M) ☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	09.00	00.00	Please give further details here (please read guidance note 3)	Both	✓
Tue	09.00	00.00			
Wed	09.00	00.00	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	09.00	00.00			
Fri	09.00	00.00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09.00	00.00			
Sun	09.00	00.00			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	09.00	00.00	Please give further details here (please read guidance note 3)	Both	✓
Tue	09.00	00.00			
Wed	09.00	00.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	09.00	00.00			
Fri	09.00	00.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09.00	00.00			
Sun	09.00	00.00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Fri					
Sat					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

Sun			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	09.00	01.00	Please give further details here (please read guidance note 3)		
Tue	09.00	01.00			
Wed	09.00	01.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	09.00	01.00			
Fri	09.00	07.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09.00	01.00			
Sun	09.00	01.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	09.00	01.00	Please give further details here (please read guidance note 3)		
Tue	09.00	01.00			
Wed	09.00	07.00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	09.00	01.00			

Fri	09.00	01.00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	09.00	01.00	
Sun	09.00	01.00	

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoors	
					Outdoors	
					Both	✓
Day	Start	Finish				
Mon	09.00	00.00	Please give further details here (please read guidance note 3)			
Tue	09.00	00.00				
Wed	09.00	00.00	State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur	09.00	00.00				
Fri	09.00	00.00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	09.00	00.00				
Sun	09.00	0.00				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoor
					Outdoor
Mon					Both

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri			
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing							
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both	
Indoors										
Outdoors										
Both										
Day	Start	Finish								
Mon			Please give further details here (please read guidance note 3)							
Tue										
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)							
Thur										
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)							
Sat										
Sun										

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)	Indoors Outdoors Both	 <input checked="" type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon	09.00	01.00	Please give further details here (please read guidance note 3)		
Tue	09.00	01.00			
Wed	09.00	01.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	09.00	01.00			
Fri	09.00	01.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09.00	01.00			
Sun	09.00	01.00			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor Outdoor Both	
Mon					

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Fri			
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [X] (please read guidance note 2)	Indoors	✓
				Outdoors	
Day	Start	Finish		Both	
Mon	09.00	01.00	Please give further details here (please read guidance note 3) Within market		
Tue	09.00	01.00			
Wed	09.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	09.00	01.00			
Fri	09.00	01.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09.00	01.00			
Sun	09.00	01.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	09.00	01.00			
Tue	09.00	01.00			
Wed	09.00	01.00			
Thur	09.00	01.00			
Fri	09.00	01.00			
Sat	09.00	01.00			
Sun	09.00	01.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

Swindon Borough Council does not permit any adult entertainment, services or activities on the premises of Hydrant Park that would give rise to concern in respect of children.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			Grounds of Hydrant Park open to public 07.30 to dusk daily. French Field & associated car parking available to hire 09.00 - 01.00 (except 25 Dec) Hydrant House & Walled Garden, Tues to Sun 11am to 5pm (Nov - Feb at 4pm) open outside these hours for events & private hire 09.00 - 01.00

Wed			<u>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I have enclosed the premises licence ☒ yes

I have enclosed the relevant part of the premises licence ☐ If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

- a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

- b) The prevention of crime and disorder

Event organisers sign up to agree to Shindon Borough Council's Terms & Conditions of hire & must submit full event safety management plan & engage with Shindon Event Safety Advisory Group. Event will have adequate staffing - SIA trained security staff & marshals on duty

- c) Public safety

Event organisers must provide emergency procedures plan & risk assessments including fire safety risk assessment

- d) The prevention of public nuisance

Event organisers under the SBC Terms & Conditions of hire, agree to adhere to recommended noise levels. They will work with highway team on the traffic management plan for events & Terms & Conditions include clearance & disposal of litter arrangements as part of event safety management plans.

- e) The protection of children from harm

These events are marketed to the townsmen sector so no children will be at events.

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

✓ * Internal
cost code
will be
supplied
on request
✓
✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature

[Handwritten signature]

Date

14-05-2013

Capacity

LYDIARD MANAGER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

EMMA VALENTINE, EVENTS & MARKETING OFFICER
LYDIARD PARK
LYDIARD TREHOVE

Post town

SWINDON

Post code

SN5 3PA

Telephone number (if any)

01793 770401

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

e.valentine@swindon.gov.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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Shaun Banks

From: Hilary Coates
Sent: 12 September 2013 13:38
To: E & P Licensing
Subject: Objection to the application for extended hours by Lydiard Park

Dear Sir,

I am writing to express my opposition to the application by Lydiard Park to increase the hours by which they may serve alcohol and be allowed to play live or recorded music by 1 hour to 1am instead of the current midnight proviso.

As a local resident living on Tregoze Way very close to the Conference Centre and Church entrance to the park, I am surprised that this application has been proposed, as I believe there are few occasions when events go up to the current time of midnight, therefore why do they need an extension anyway?

If it is to be able to accept bookings for larger events/groups, then I would hope that the relevant authorities will be consulted in order to provide their input, as events like this put a large strain on resources.

I would like to use my experiences of Big Arts Day, an event in July at the park, which did not actually take place this year but has caused concerns in the local area for the previous two summers, as an example of why you should take time to reflect upon the impact of this application.

After the first year of the event, which caused traffic chaos locally due to the inconsiderate parking of those from further afield, the following year the Park put in place parking restrictions and gave local residents permits.....they unfortunately forgot that there are people living on Tregoze Way itself, but luckily I made a phone call or two and made sure that we received our permits!

Even then, we found that the monitoring of traffic was good from the main Tewkesbury Road, but very hit & miss from the Hay Lane end, as the Community police stationed there would occasionally be called away. This left it possible for some people to come and park cars up the smaller side streets off Tregoze Way, again causing problems for the residents.

As the Park had not advertised that the event was to be alcohol free, many people walking up to the Conference Centre entrance were advised to go to the green area in between that entrance and the footpath into the park to drink up before entering! These people then left empty beer cans and boxes as well as plastic bags strewn about before entering the event, presumably reasonably intoxicated as well.

I did not attend the event myself, but as I walk my dog in the park every morning, I can tell you about the aftermath:-

- In the first year, my neighbour's fence adjacent to the footpath on Tregoze Way had been broken by people fighting (the Park did repair the fence)
- * The same neighbours had various items thrown into their garden
- In both years, there was a lot of litter in Tregoze Way where those leaving the park had been waiting for buses
- Litter including beer cans & bottles left all the way up the road to the church and also in the fields where the horses are kept every summer

- In the park itself, a lot more rubbish all over the lawn in front of the house including dirty nappies
- Litter in the green area between the road entrance & footpath entrance, (which was actually tidied up by householders overlooking the green area who are in the Neighbourhood Watch scheme)

As I was not happy about these things, I immediately telephoned the number for Lydiard House, to be told that one of the cleaning crews hadn't turned up for work that day and that Mr Webb, the manager of the park, was not going to be in that day because he had had a long day the day before. I was very disappointed, as I think the person responsible for organising an event MUST also be there to supervise the clearing up process.

They did actually ask the wardens on duty that day to come and tidy up along the road and Tregoze Way, but I personally do not think that the wardens should be expected to do this – they are there to look after the Park, not to clear up outside the park.

If this is the aftermath of a day-long event where alcohol is not served, I dread to think what could be the consequences to the local neighbourhood of extending alcohol hours. If it is in conjunction with providing music, then I can only imagine it is for concerts, which would also give us a lot of noise pollution, depending on the wind direction.

My then teenage children went to the very successful JLS & Olly Murs concert a few years ago.....very little alcohol consumption as most attending were under-age; a certain amount of litter but in a very enclosed space and no left over impact on the surrounding area in terms of litter or noisy people leaving very late. Surely this is the best sort of event to lay on?

It is unfortunate for the people running the park that there will always be some very inconsiderate people who spoil it for the rest, but they have to take into account the worst case scenario in order to ensure they have everything under control.

I would appreciate acknowledgement of receipt of this email & to know if I need do anything further - the poster I saw in the park indicated that an email was sufficient.

Regards,

Mrs Hilary Coates
Tregoze Way
The Prinnels

Shaun Banks

From: Maria Blackmore
Sent: 07 September 2013 20:52
To: E & P Licensing
Subject: Ref Variation of premises licence Lydiard House and Park

Dear Sir/Madam

I see that there has been an application for additional hours for alcohol and music for Lydiard house to be extended to 1:00am. As residents of Lydiard Millicent and knowing that on many occasions we have had loud music carry from the House/Park when various events take place , we would like to express our concerns and object to the application for the music extension. We would also like to air our concerns that the music is already at this time being allowed to midnight? On a week night we thought that the cut of time for this was 11:00pm.

If this licence is for the December venues being organised by Besteverparties I have great worries as I believe these are being held under canvas and will be heard for a great distance. I also understand that they well be held for almost three full weeks every night and go on from 7:00pm to 1:00am. We both have to get up early in the morning for work and the prospect of not being able to get to sleep until 1:00pm every night for three weeks is not a good one.

We therefore wish to ask you to consider the ramification of this application.

Regards

Kathleen and Richard Blackmore

The Mews

Lydiard Millicent

Swindon

SN5 3NQ

From: John Bennett
Sent: 17 September 2013 17:02
To: E & P Licensing
Subject: Best Parties in Lydiard Park 5th to 21st December

Dear Sir or Madam,

I wish to state my strong objection to the subject parties, one night might be tolerable but not three weeks of loud music which will be heard distinctly in Lydiard Millicent. The venue for the parties is probably only 1 ½ miles across open parkland and fields from my house and the prevailing wind is in this direction. Please have some consideration for your neighbouring local authorities.

Cllr John Bennett
Forge Fields
Lydiard Millicent SN5 3WS

From: Tim Blackmore
Sent: 09 September 2013 17:46
To: E & P Licensing
Subject: licence application for Parties in LYdiard Park December 5th-21st

I write with concern about an application in the Swindon Advertiser for an extended music, dancing and sale of alcohol licence from 'Best Parties Ever'. They advertise what looks like an excellent night out. However, I have received concerns from residents of Lydiard Millicent that whilst no one objects to the occasional disturbance from a one off party, the idea of 17 consecutive nights of amplified music until midnight, let alone 0100 has all the appeal of a CIA rendition. I know from experience that the noise from outdoor events at Lydiard Park frequently carries easily into this village, and through the period in question, I also know that most of my Parishioners will still be needing a good night's sleep before their normal working days.

The 'Best Parties ever' website reports that their noise control policy includes "pointing the loudspeakers at the dance floor" – as someone who's been working with sound all their professional lives I know that bass frequencies are non-directional and that therefore this gesture is meaningless. They also report that the event is contained within the walls of the structure. But the structure as far as one can tell is merely a conventional lightweight temporary construction and thus unable to absorb very much in the way of sound waves.

I am very fearful that these events are set to cause much distress in this area and I hope the Council will consider carefully the wisdom of allowing any extension to existing permissions.

Yours,

Tim Blackmore
Chairman Lydiard Millicent Parish Council

Shaun Banks

From: Groom, Mollie
Sent: 08 September 2013 17:39
To: E & P Licensing
Subject: LYDIARD PARK - DECEMBER

Sirs

I do have concerns regarding the planned every night drinking and extended hours proposed, together with pop music!!!

Best wishes

Mollie

Wiltshire Council Member:
Royal Wootton Bassett East
Lydiard Millicent
Lydiard Tregoz
Broad Town
Telephone:

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Licensing Team
5th Floor Wat Tyler House
Beckhampton Street
Swindon SN1 2JH
01793 466113
licensing@swindon.gov.uk

Signed

.....
Head of Licensing

Premises licence issued on 3 February 2011

Premises licence number

881110009PREM

Part 1. Premises details

Postal address of premises or if none, Ordnance Survey map reference or description
Lydiard House and Park Lydiard Park Lydiard Tregose Post town Swindon Post code SN5
3PA Telephone number 01793 770401

Where the licence is time limited, the dates The licence operates for every date from 27 April
2012 onward

Licensable activities authorised by the licence The licensable activities are the sale of alcohol
and the provision of regulated entertainment and late night refreshment

The times the licence authorises the carrying out of licensable activities

09.00hrs until midnight daily.

For any of the licensable activities, the hours shown can be extended either until up to two
hours earlier or until up to two hours later on the authority of the Chief Executive of Swindon
Borough Council, for an occasion which is of special significance.

The opening hours of the premises Opening hours when no licensable activities are taking place are at the sole discretion of the proprietor.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies
The licence authorises on and off sales of alcohol.

Name (registered) address, telephone number and e-mail (where relevant) of holder of premises licence The licence is held by Swindon Borough Council. There is no Registered address.

Registered number of holder, for example company number, charity number (where applicable) Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol. The Designated Premises Supervisor is Deirdre Lehmann of 24 Chatsworth Road Abbey Meads Swindon SN25 4TS

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol
The Personal Licence number for Deirdre Lehmann is 881110390, issued by Swindon Borough Council

Annexe 1.

Mandatory conditions. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. Age restrictions for films as advised by the BBFC or the Licensing Authority shall be followed.

Annexe 2.

Conditions consistent with the Operating Schedule
Regulated entertainment does not include indoor sports, boxing or wrestling.
No outdoor event shall be held, where more than 19,999 people are present, including audience, staff, performers, contractors, media representatives, etc.

Annexe 3.

Conditions attached by the licensing authority after a hearing Not applicable

Annexe 4. Plans

The attached is a representation of the original plan, held on the licensing register of the Licensing Authority for Swindon.



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