

# **Representation following the Application for a New Premises Licence at Wincanton Racecourse, Wincanton BA9 8BJ**

*Assistant Director:* Laurence Willis  
*Report Author:* Anita Legg – Licensing Officer  
*Contact Details:* anita.legg@southsomerset.gov.uk or 01935 462134

## **Purpose of the Report**

To inform members that an application has been received from the Jockey Club Racecourses Ltd, for a premises licence to be granted under the Licensing Act 2003 at Wincanton Racecourse, Wincanton BA9 8BJ.

## **Recommendation**

To determine the granting of the premises licence in accordance with the options detailed later in the report.

## **Background**

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Licensing Manager has delegated authority to determine a Premises Licence application, subject to no objections being received from a Responsible Authority or “Other Persons”. In this case, relevant representations were received from three Responsible Authorities therefore it is necessary to convene a hearing to determine the application.

## **Licensing Objectives**

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where appropriate to promote the licensing objectives.

## **Application**

A copy of the application form is enclosed with the agenda; it does not however include a copy of the plan of the premises, which is available for inspection at the Council offices, Brympton Way, Yeovil.

The details of the application are summarised as follows:

- Applicant: The Jockey Club Racecourses Ltd
- Maximum number of expected attendees 14,999

Licensable activities applied for:

**Plays (A) Indoor and Outdoor**  
**Films (B) Indoors and Outdoors**  
**Indoor Sporting Events (C)**  
**Live Music (E) Indoors and Outdoors**  
**Recorded Music (F) Indoors and Outdoors**  
**Performance of Dance (G) Indoors and Outdoors**  
**Entertainment of a Similar Nature (H) Indoors and Outdoors**  
**Supply of Alcohol (J) – Consumption On and Off The Premises**

For the following days and times:

| Day       | Start Time | Finish Time |
|-----------|------------|-------------|
| Monday    | 00:00      | 04:00       |
| Monday    | 10:00      | 00:00       |
| Tuesday   | 00:00      | 04:00       |
| Tuesday   | 10:00      | 00:00       |
| Wednesday | 00:00      | 04:00       |
| Wednesday | 10:00      | 00:00       |
| Thursday  | 00:00      | 04:00       |
| Thursday  | 10:00      | 00:00       |
| Friday    | 00:00      | 04:00       |
| Friday    | 10:00      | 00:00       |
| Saturday  | 00:00      | 04:00       |
| Saturday  | 10:00      | 00:00       |
| Sunday    | 00:00      | 04:00       |
| Sunday    | 10:00      | 00:00       |

Seasonal Variations: In addition to these timings, from the end of authorised hours continuing from New Year's Eve until the commencement of authorised hours on New Year's Day for categories A, B, C, E, F, G, H but not for J – Supply of Alcohol

Non-Standard Timings: None

**Late Night Refreshment (I) – Indoors and Outdoors**

For the following days and times:

| Day       | Start Time | Finish Time |
|-----------|------------|-------------|
| Monday    | 00:00      | 04:00       |
| Monday    | 23:00      | 00:00       |
| Tuesday   | 00:00      | 04:00       |
| Tuesday   | 23:00      | 00:00       |
| Wednesday | 00:00      | 04:00       |
| Wednesday | 23:00      | 00:00       |
| Thursday  | 00:00      | 04:00       |
| Thursday  | 23:00      | 00:00       |
| Friday    | 00:00      | 04:00       |
| Friday    | 23:00      | 00:00       |
| Saturday  | 00:00      | 04:00       |
| Saturday  | 23:00      | 00:00       |
| Sunday    | 00:00      | 04:00       |
| Sunday    | 23:00      | 00:00       |

Seasonal Variations: In addition to these timings, from the end of authorised hours continuing from New Year's Eve until the commencement of authorised hours on New Year's Day

Non-Standard Timings: None

**Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.**

| Day       | Start Time | Finish Time |
|-----------|------------|-------------|
| Monday    | 00:00      |             |
| Monday    |            | 00:00       |
| Tuesday   | 00:00      |             |
| Tuesday   |            | 00:00       |
| Wednesday | 00:00      |             |
| Wednesday |            | 00:00       |
| Thursday  | 00:00      |             |
| Thursday  |            | 00:00       |
| Friday    | 00:00      |             |
| Friday    |            | 00:00       |
| Saturday  | 00:00      |             |
| Saturday  |            | 00:00       |
| Sunday    | 00:00      |             |
| Sunday    |            | 00:00       |

Further details: "Some parts of the premises are understood to contain public rights of way and access therefore cannot be denied, hence the reason for the timings given."

Seasonal Variations: None

Non-Standard Timings: None

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. **(K)**

None.

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (pages 16 - 19) of the application form (these where appropriate, will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Evidence that advertising/notice requirements have been complied with:

- We are awaiting confirmation from the applicant that notice(s) were displayed at premises for the requisite period; the Licensing Enforcement Officer has visited the premises and confirmed the notice was in place at the time of his visit. A further notice was placed in the Western Gazette newspaper on 08 December 2016 of which we have a copy.

### **Representation – Responsible Authorities**

A representation was received from Mrs King on behalf of the Chief of Police for Avon & Somerset.

A representation was received from Mr Hardwill on behalf of the Devon & Somerset Fire & Rescue Service

A representation was received from Mr Hallett on behalf of the Health & Safety team of this Council

### **Representations – Other Persons**

None.

### **Relevant Observations**

A premises licence has already been granted for Wincanton Racecourse for the same areas with the same plans as follows:

**Plays (A) Indoor and Outdoor**

**Films (B) Indoors and Outdoors**

**Live Music (E) Indoors and Outdoors**

**Recorded Music (F) Indoors and Outdoors**

**Performance of Dance (G) Indoors and Outdoors**

**Entertainment of a Similar Nature (H) Indoors and Outdoors**

**Supply of Alcohol (J) – Consumption On and Off The Premises**

| Day       | Start Time | Finish Time |
|-----------|------------|-------------|
| Monday    | 00:00      | 04:00       |
| Monday    | 10:00      | 00:00       |
| Tuesday   | 00:00      | 04:00       |
| Tuesday   | 10:00      | 00:00       |
| Wednesday | 00:00      | 04:00       |
| Wednesday | 10:00      | 00:00       |
| Thursday  | 00:00      | 04:00       |
| Thursday  | 10:00      | 00:00       |
| Friday    | 00:00      | 04:00       |
| Friday    | 10:00      | 00:00       |
| Saturday  | 00:00      | 04:00       |
| Saturday  | 10:00      | 00:00       |
| Sunday    | 00:00      | 04:00       |
| Sunday    | 10:00      | 00:00       |

### **Season variations**

None

### **Non-standard timings**

None

### **Late Night Refreshment (I) – Indoors and Outdoors**

For the following days and times:

| Day       | Start Time | Finish Time |
|-----------|------------|-------------|
| Monday    | 00:00      | 04:00       |
| Monday    | 23:00      | 00:00       |
| Tuesday   | 00:00      | 04:00       |
| Tuesday   | 23:00      | 00:00       |
| Wednesday | 00:00      | 04:00       |
| Wednesday | 23:00      | 00:00       |
| Thursday  | 00:00      | 04:00       |
| Thursday  | 23:00      | 00:00       |

|          |       |       |
|----------|-------|-------|
| Friday   | 00:00 | 04:00 |
| Friday   | 23:00 | 00:00 |
| Saturday | 00:00 | 04:00 |
| Saturday | 23:00 | 00:00 |
| Sunday   | 00:00 | 04:00 |
| Sunday   | 23:00 | 00:00 |

**Season variations**

None

**Non-standard timings**

None

**Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.**

| Day       | Start Time | Finish Time |
|-----------|------------|-------------|
| Monday    | 00:00      |             |
| Monday    |            | 00:00       |
| Tuesday   | 00:00      |             |
| Tuesday   |            | 00:00       |
| Wednesday | 00:00      |             |
| Wednesday |            | 00:00       |
| Thursday  | 00:00      |             |
| Thursday  |            | 00:00       |
| Friday    | 00:00      |             |
| Friday    |            | 00:00       |
| Saturday  | 00:00      |             |
| Saturday  |            | 00:00       |
| Sunday    | 00:00      |             |
| Sunday    |            | 00:00       |

Seasonal Variations:

None

Non-Standard Timings: In practice, the premises is likely to close up to 30 minutes after the termination of licensable activities, to allow for drinking up and orderly dispersion. However it is not intended that any restriction should be applied for any activities that fall outside the remit of the Licensing Act.

Non-Standard Timings: None

A copy of the relevant parts of the premises licence including the conditions is attached at Appendix 1

**Further Information**

The Licensing Act 2003 does not appear to preclude the granting of a second premises licence, and it is possible that a shadow licence could exist as ruled in the case of *Extreme Oyster & Anor v Guildford Borough Council [2013] EWHC 2174* where the applications were made by different entities.

The covering letter of application is also attached at Appendix 2 as it shows as the intention of the applicant.

In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in January 2014.
- The steps appropriate to promote the licensing objectives as set out in s18(4)
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

## **Options**

The options available to the committee are stated at section 18 of the Licensing Act 2003 are as follows:

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii) together with the current mandatory conditions.
- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

## **Right of Appeal**

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:

Where the Licensing Authority has rejected an application for a premises licence, the applicant may appeal to the Magistrates' Court against the decision to reject.

Where the Licensing Authority has granted the licence, the holder of the licence may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed where having regard to any relevant representations, are considered appropriate to promote the licensing objectives.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities or refused to specify a person as the premises supervisor, the holder of the licence may appeal to the Magistrates Court against the decision.

Where a person who made a relevant representation desires to contend that the licence ought not to have been granted, or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor, he may appeal against the decision to the Magistrates Court.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

## **Background Papers**

Licensing Act 2003

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The Latest Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council January 2014.

---