

27 October 2011

**Application for a Premises Licence:
Chicoland, 3 Sidmouth Street, Devizes SN10 1DL**

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Chicoland, 3 Sidmouth Street, Devizes SN10 1DL

2. Background Information

- 2.1 An application for a Premises Licence in respect of Chicoland has been made by Mrs S Eren for which 4 relevant representations including a petition 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 necessary 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 14 September 2011 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Provision of Late Night Refreshment Indoors & Outdoors	23:00 – 03:45	Thursday, Friday & Saturday

A copy of the application from Mrs S Eren is attached as **Appendix 1**.

2.7 The premises previously held a Late Night Refreshment licence until it was surrendered in June 2009. The new owners, Mr & Mrs Eren decided at the time not to re-apply for a premises licence.

2.8 On 1 September 2011 Mr Eren was invited in for a meeting regarding allegations/complaints of anti-social behaviour at 3 Sidmouth Street, and the same premises remaining open past 23:00hrs without first obtaining a Premises Licence. Licensing Officers had investigated and found that the premise was open past 23:00hrs on two occasions. A written warning was given to Mr Eren, attached as **Appendix 2**.

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days. During the consultation period 4 relevant representations were received and a petition containing 14 names, addresses and signatures. **Attached at Appendix 3.**

3.2 Responsible Authorities

Wiltshire Police have submitted a relevant representation. **Attached at Appendix 3.**

Planning have not submitted any formal representations, however they have identified a planning restriction on 3 Sidmouth Street, Devizes SN10 1LD which restricts the operating hours. Committee are reminded that Planning decisions are not relevant when determining this application.

3.3 Interested Parties

Nick Simms	13 Sidmouth Street, Devizes
Mr T Barfoot	25 Sidmouth Street, Devizes
Devizes Plumbing & Heating	14 Sidmouth Street, Devizes
Fabrics @ Home	15 Sidmouth Street, Devizes
Mr R P Matters	18 Sidmouth Street, Devizes
Perfect 10	27 Sidmouth Street, Devizes
Perfect Petals	28 Sidmouth Street, Devizes
Body Tonic	4 Sidmouth Street, Devizes
Roberts TV	6 Sidmouth Street, Devizes

Walter Rose & Son
Chris Gilt
T & C Hairdressers

21/22 Sidmouth Street, Devizes
17 Sidmouth Street, Devizes
24 Sidmouth Street, Devizes

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

Representation	Licensing Objective	Accepted	Comments
Anti-Social Behaviour	Public Nuisance Crime & Disorder	Yes	
Noise Pollution	Public Nuisance	Yes	
Youths gathering	Protection of Children from Harm	Yes	
Alcohol related incidents	Public Nuisance Crime & Disorder	No	No alcohol sold on premises
Rubbish & Litter	Public Nuisance	Yes	
Opening Hours	Public Nuisance Crime & Disorder	Yes	

3.5 The relevant representations are attached as **Appendix 3**. Attached as **Appendix 4** is a plan which shows the locations from where representations have been made.

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, all Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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, the Responsible Authority and Interested Parties 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 an Interested Party 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.
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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 Premises Application
- 2 Written Warning
- 3 Relevant representations/Responsible Authorities
- 4 Location map