

# WILTSHIRE COUNCIL

## EASTERN AREA LICENSING SUB COMMITTEE

12 December 2018

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### Application for a Premises Licence; George Narrowboat, Devizes Wharf, Devizes, Wiltshire

#### **1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of George Narrowboat, Devizes Wharf made by Anna Baker.

#### **2. Background Information**

- 2.1 An application for a Premises Licence in respect of George Narrowboat, Devizes Wharf has been made by Anna Baker for which one relevant representation has 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 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.
  - 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 30 October 2018, 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	23:00hrs to 23:30hrs	Monday to Sunday
Sale by retail of alcohol (OFF Sales)	11:00hrs to 23:30hrs	Monday to Sunday

A copy of the application from Anna Baker is attached as **Appendix 1**. The plan of the premises is attached as **Appendix 1a**. A map showing the location of the Premises is attached as **Appendix 2**.

2.7 Anna Baker has been trading for 21 days at this location under the permission of Temporary Event Notices with no issues reported to Wiltshire Council Licensing Team.

2.8 Both Premises that have either Late Night Refreshment or OFF Sales on their Premises Licence within the vicinity.

Premises	Activity	Days and Timings
1. Devizes Service Station, 1 The Nursery	Late Night Refreshment  OFF Sales	Sunday to Saturday 23:00hrs to 05:00hrs Sunday to Saturday 24hrs
2. Wadworth Visitors Centre, Northgate Street	OFF Sales	Monday to Saturday 09:00hrs to 00:00hrs Sunday 10:00hrs to 00:00hrs
3. The Crown, New Park Street	Late Night Refreshment  OFF Sales	Sunday to Saturday 23:00hrs to 03:00hrs Sunday to Saturday 10:00hrs to 03:00hrs
4. Wharf Tea Room, Couch Lane	OFF Sales	Sunday to Saturday 09:00hrs to 23:00hrs
5. Kenavon Venture (narrowboat)	OFF Sales	Sunday to Saturday 09:00hrs to 00:00hrs
6. The Kebab House, 2 Northgate Street	Late Night Refreshment	Sunday to Thursday 23:00hrs to 00:00hrs Friday and Saturday 23:00hrs to 03:30hrs
7. The Dolphin, Northgate Street	OFF Sales	Monday to Thursday 11:00hrs to 00:00hrs Friday and Saturday 11:00hrs to 00:30hrs Sunday 12:00hrs to 23:00hrs

8. Majestic Wine Warehouse, Clifford House, New Park Street	OFF Sales	Sunday to Saturday 08:00hrs to 23:00hrs
9. Ocean City Chinese Takeaway, 68 New Park Street	Late Night Refreshment	Sunday to Saturday 23:00hrs to 01:00hrs

These are shown on a Plan – **Appendix 3.**

### 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 one relevant representation has been received from Devizes Town Council.

#### 3.3 Representations Received

- Devizes Town Council, Town Hall, St Johns Street, Devizes, Wiltshire SN10 1BN

#### 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>
Devizes Town Council	Public Safety and Prevention of Public Nuisance

3.6 The relevant representation is attached as **Appendix 4.**

3.7 Three letters of support were also received for this application.

### 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. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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Report Author:

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Date of report: 1 December 2018

## **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**
  - 1a Plan of the premises**
- 2 Plan showing location of Premises**
- 3 Plan showing location of Licensed Premises in the vicinity**
- 4 Representation**