

DECISION NOTICE**Western Area Licensing Sub Committee****Decision made on 19 August 2020**

Application for a Premises Licence in respect of Wicker Hill Food Stores, 1B Wicker Hill, Trowbridge, made by Bejar Hoshair Shwani

Decision:

The Western Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence to include the activity and timings detailed below:

Licensable Activity	Timings	Days
Sale by retail of alcohol (off sales only)	00.00 – 23:59	Monday to Sunday

Subject to the inclusion of the conditions as offered in the application with condition 1.1 to be amended to read as follows:

The premises shall install and maintain a digital CCTV system to include CCTV cameras that shall be fixed and monitor the front and side of the premises 24 hours of each day.

Reasons

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant and those who made relevant representations at the hearing.

The Sub Committee considered the detailed representations made on behalf of the Applicant regarding the merits of his application and what steps the Applicant intended to take to ensure that the Licensing Objectives would be met. The Sub Committee also considered the concerns raised at the hearing by Councillor Stewart Palmen on behalf of Trowbridge Town Council which related to patrons possibly purchasing more alcohol on their return home from other venues, becoming further intoxicated and causing anti-social behaviour during their journey home and that he felt that there was no perceived need for this facility to be available in this location for the hours applied for. It was highlighted to Councillor Palmen by the Chair of the Sub Committee that the points he raised in his representation to the Sub Committee were significantly different from the relevant representation submitted by Mr Allan of Trowbridge Town Council and as such

this further information which was new evidence that had not been included in the Town Council's representation and could not be considered by the Sub Committee.

The Town Council had submitted no evidence in support of its representation in relation to any Public Spaces Protection Order offences/other criminal offences for the area, but it appeared to the Sub Committee that the Town Council had made assumptions that if this application was granted this would add to any existing problems with street drinking in area. The Sub Committee were informed that no representations were received from any of the six responsible authorities during the statutory consultation period including the Police.

The Sub Committee noted that prior to the hearing, the Applicant had offered to reduce the hours of the sale of alcohol from 24 hours to 06:00 to 02:30 daily and had proposed a number of additional conditions to further support the licensing objectives, but this offer had been rejected by Trowbridge Town Council. The Sub Committee further noted that the Applicant wished for them to consider their original application as made to be able to offer a shopping and sale of alcohol facility at the premises for 24 hours a day, 7 days a week.

The Sub Committee considered that there was no evidence that the sale of alcohol for 24 hours a day would contribute toward street drinking in the area and there were other premises with sale of alcohol licenses for 24 hours a day in the vicinity and the Sub Committee could see no reason why this premises should be restricted.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written decision. 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 is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence.