

REPORT TO THE LICENSING SUB COMMITTEE (HEARING) Report No. 5

Date of Meeting	3rd December 2009
Title of Report	Premises Licence: Charcoal Grill, Marlborough
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.

Summary of Report

An application for a variation to a premises licence has been made for which there are relevant representations.

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) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are:

- (a) the prevention of crime and disorder
- (b) public safety
- (c) the prevention of public nuisance and
- (d) the protection of children from harm.

Such steps are: - To modify the conditions of the licence or to reject the whole or part of the application.

Officer Recommendations

None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
Contact Officer	Mrs Jane Cowley Licensing Officer 01380 734618 jane.cowley@wiltshire.gov.uk			

1. Introduction

An application for a variation to a premises licence has been made for which there are relevant representations.

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to these representations.

In accordance with Section 18 the Licensing Sub Committee is required to take such steps, as it considers necessary to promote the licensing objectives. These steps are

- a) To grant the licence subject to conditions modified to such extent as the authority considers necessary for the promotion of the licensing objectives.
- b) To exclude from the scope of the licence any licensable activities
- c) To refuse to specify a person as the premises supervisor, or
- d) To reject the application

2. Options and Options Appraisal

In accordance with Section 18 the Licensing Sub Committee is required to take such steps, as it considers necessary to promote the licensing objectives, as set out above.

3. Background Information

On 12th October 2009 an application for a Variation Premises Licence was received.

The Charcoal Grill, Marlborough currently operates in accordance with a Premises Licence issued on 10th November 2005, due to the implementation of the Licensing Act 2005.

The premises currently operate the following activities:

- Late night refreshment, indoors

Activity	Day	Times
Late night refreshment indoors	Monday - Sunday	23:00 - midnight

Premises currently open from 11:00 am –Midnight, Monday – Sunday.

4. Summary of Information

An officer of the Licensing team checked the application, the application was accepted.

This application is for the following activities:

- Late night refreshment, indoors

Activity	Day	Times
Late night refreshment indoors	Sunday to Thursday Friday & Saturday	23:00 - 01:00 23:00 - 02:30

Premises open from Sunday to Thursday, 12:00 to 01:00 (next day), Friday & Saturday, 12:00 – 02:30 (next day).

5. Relevant Representations

During the consultation period two relevant representations were received from responsible authorities and four were received from Interested Parties.

6. Negotiations during Consultation Period

None

7. Legal Implications

It should be noted that both the premises licence holder and the responsible authorities/interested parties may appeal the decision made by the licensing sub committee. The decision made by the Licensing sub committee however takes immediate effect.

The Premises Licence Holder and all interested parties have been informed of the date, time and location of the hearing and their right to be represented.

8. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none">• 1. Application for a premises licence under the Licensing Act 2003• 2. Map• 3. Copies of relevant representations
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• The Licensing Act 2003• The Licensing Act (Hearings) Regulations 2005• Guidance issued under sect 182 of the Licensing Act 2003• Licensing Policy