

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 17 June 2015

Application for a Premises License made by Mr Pawel Pastusiak in respect of Naan Kebab, 11 The Halve, Trowbridge

Decision:

The Western Area Licensing Sub Committee has resolved to GRANT the application for a Premises Licence for the provision of late night refreshment for Mr Pawel Pastusiak at the premises, Naan Kebab, Mobile Food Unit located in the private car park associated with 11 The Halve, Trowbridge, Wiltshire as detailed below:

Licensable Activity	Timings	Days
Provision of late night refreshment	23:00 – 00:00	Daily
Hours premises are open to the public	16:00 – 00:00	Daily

Subject to the following conditions:

1. That all external lighting be immediately extinguished at the end of each trading period.
2. That litter bins be provided for the use of customers and the Licence Holder to remove any remaining litter within a 20 metre radius of the Premises immediately after the end of each trading period.

The granting of this licence is without prejudice to any other consents or approvals, including any planning permission that may be required.

Reasons:

In considering this application, the Sub Committee noted that, following the revised timings now being proposed, they were only considering the implications of late night refreshments being provided from the premises between 11.00pm and midnight each day.

Representations had been received raising concerns about public nuisance due to the location of the premises. It was argued that the proposed site was near to residential properties which could lead to disturbance to local residents. It was also adjacent to a roundabout and the lights of the premises could cause a safety hazard to users of the highway. There were also concerns about serving children late at night.

The Sub Committee noted that the Applicant had voluntarily offered not to serve unaccompanied children and that he planned to undertake relevant Licensing training. He also confirmed that the flashing coloured lights had been replaced with white lighting.

Having considered all of the representations, the Sub Committee considered that it was appropriate to grant the application as amended. However, they felt that it was appropriate to add a condition requiring external lighting to be turned off at the end of each trading period to prevent public nuisance and, to the extent that it could be a distraction to motorists, to promote public safety. They also considered it appropriate to require a litter bin to be provided and for litter to be removed from the vicinity of the premises to prevent public nuisance.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); 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 this decision. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.