

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

5 OCTOBER 2012

**Application for a Variation of a Premises Licence; Pewsey Fast Food Centre ,
London House, 4 Market Place, Pewsey, SN9 5AA**

1. Purpose of Report

1.1 To determine an application for a variation of a Premises Licence in respect of Pewsey Fast Food Centre made by Serkan Macit & Mustafa Suna

2. Background Information

2.1 An application for a variation of a Premises Licence in respect of Pewsey Fast Food Centre has been made by Serkan Macit & Mustafa Suna for which 4 relevant representations 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 35(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 modify the conditions of the licence
- ii) To reject the whole or part of the application.

2.5 On 15 August 2012 an application for a variation to the premises licence at Pewsey Fast Food Centre was received and accepted as a valid application.

2.6 The variations applied for are summarised as follows:

Licensable Activity	Timings	Days
Late night refreshment	Until 03:00 the next day	Friday & Saturday

Opening hours would also need to be extended to 03:00 the next day on Friday & Saturday.

Currently the premise is licensed for late night refreshment until 01:00 the next day on Friday & Saturday.

A copy of the application from Serkan Macit & Mustafa Suna is attached as **Appendix 1.**

Four complaints were received from the Police in December 2008, July 2010, January 2011 and May 2011 regarding Pewsey Fast Food Centre opening beyond their licence hours resulting in groups of youths hanging around the Market Place, Pewsey causing ASB.

Each time a letter was sent to the premises reminding them of their hours.

Pewsey Fast Food Centre applied for a Variation of their premises licence in January 2009 to extend the opening hours until 02:00 am next day on Friday and Saturday evenings. This was refused at a Hearing for the following reasons:

- The reason given by the Licensing Sub-Committee was that the statutory licensing objective of preventing crime and disorder is highly likely to be prejudiced by the grant of the application, on the basis of the evidence given.'

Once the police and LA had advised the premises to close at the correct time (01:00 am) the incidents of ASB were greatly reduced. On this evidence the police ascertained that to increase the hours would result in the ASB rising again.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the applicant, in a local paper within 10 working days, starting on the day after the authority receives it and a public notice (on pale blue paper) to be posted on the premises and the Licensing Authority to advertise the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application. During the consultation period 10 relevant representations have been received from Interested Parties, and 1 from Responsible Authorities.

3.2 Responsible Authorities

Ms V Brown Public Protection Officer (Environmental Control & Protection) (S&E)

3.3 Interested Parties

- Miss Ceinwen J Jones 2 Bridge Cottages, High Street, Pewsey, SN9 5AQ
- Ms Karen Buchan The Former Rectory, Manningford Bruce, SN9 6JW
- Mrs Margaret Jackson Bridge Cottage, High Street, Pewsey, SN9 5AQ
- J Stephens, 9 Market Place, Pewsey, SN9 5AD
- Mr T Bott 1 Avon Place, River Street, Pewsey, SN9 5DJ
- Mr H Reed 18 Walnut Close, Pewsey, SN9 5QS
- Mr & Mrs Hollands 7 Martinsell Green, Pewsey, SN9 5AT
- Mr & Mrs Marshall 18 North Street, Pewsey, SN9 5EX
- Pewsey Parish Council
- Ms M Hunt 9 Kings Corner, Pewsey, SN9 5BS

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

Representation	Licensing Objective	Accepted	Comments
Noise	Public nuisance	Yes	
Litter	Public nuisance	Yes	
Anti Social Behaviour	Public Nuisance	Yes	
Fumes & Odours	Public Nuisance	Yes	

3.5 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** is a photograph showing the extraction & ventilation system at the premises. **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(ies) 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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Report Author:

Telephone

Date of report:

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 Variation of a premises licence application**
- 2 Representations received from interested parties & responsible authority**
- 3 Photograph of the extraction & ventilation system at the premises.**
- 4 Location plans**