

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

17 JUNE 2015

Application for a Premises Licence; Naan Kebab, 11 The Halve, Trowbridge, Wiltshire, BA14 8SD

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Naan Kebab, 11 The Halve, Trowbridge made by Pawel Pastusiak.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Naan Kebab, 11 The Halve, Trowbridge has been made by Pawel Pastusiak for which 2 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 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 22 April 2015 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The application as originally applied for was as follows:

Licensable Activity	Timings	Days
Provision of late night refreshment	23:00 – 01:00 23:00 – 03:00	Sunday – Thursday Friday & Saturday

A copy of the application from Pawel Pastusiak is attached as **Appendix 1a** with a location map and photographs of the kebab van attached as **Appendix 1b**.

2.7 The other premises which are licensed for Late Night Refreshment within the vicinity of the application address are detailed as follows:

Premises	Licensed Hours for Late Night Refreshment	Days
The Charcoal Grill, 3-4 Church Street, Trowbridge, BA14 8DR	23:00 – 03:00 23:00 – 04:30	Sunday – Thursday Friday & Saturday
Chicoland Express, 31 Roundstone Street, Trowbridge, BA14 8DE	23:00 – 00:00 23:00 – 03:00	Sunday – Thursday Friday & Saturday
Golden Wok, 50 Eastbourne Road, Trowbridge, BA14 7HW	23:00 – 00:00	Daily

A map showing the locations of the above premises is attached as **Appendix 2**.

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 no relevant representations have been received from Responsible Authorities. 2 relevant representations have been received from interested parties.

3.3 Representations Received

- Cllr Peter Fuller, 30 Heather Shaw, Trowbridge, Wiltshire, BA14 7JS
- Trowbridge Town Council, The Civic Centre, St Stephens Place, Trowbridge, Wiltshire, BA14 8AH

3.4 Responsible Authorities

No Responsible Authority has made a representation in connection with this application

- 3.5 After the consultation period ended the applicant amended the timings on the application for late night refreshment to the following:

Licensable Activity	Timings	Days
Provision of late night refreshment	23:00 – 00:00	Daily

A copy of the email confirming the new timings on the application is attached as **Appendix 3**.

- 3.6 This information was forwarded onto both parties who made representation to see if the amendment would alleviate concerns raised. At the time of this report both parties confirmed that they would like their representation to remain valid.

A copy of the emails received from both parties is attached as **Appendix 4**.

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

Representation	Licensing Objective	Accepted	Comments
Noise disruption	Prevention of Public Nuisance	Yes	
Suitability of location	Public Safety	Yes	
Anti social behaviour	Prevention of Crime and Disorder	Yes	

- 3.8 The relevant representations are attached as **Appendix 5**.

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 representation 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.

Report Author: Teresa Bray

Public Protection Officer (Licensing) Tel: 01249 706413

Date of report: 1 June 2015

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

- 1a New Premises Application form**
- 1b Location map and photographs**
- 2 Map showing locations of other Late Night Refreshment Premises**
- 3 Email confirming the new timings**
- 4 Email received from the Town Council**
- 5 Relevant representations**