

**WILTSHIRE COUNCIL**

**SOUTHERN AREA LICENSING SUB COMMITTEE**

**MEETING DATE 29<sup>th</sup> June 2016**

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**Application for a Premises Licence; Harnham Local 1 Harnham Road,  
Salisbury, SP2 8JG**

**1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of Harnham Local, 1 Harnham Road, Salisbury, SP2 8JG made by Mrs Fatma Kaya-Cifci

**2. Background Information**

- 2.1 An application for a Premises Licence in respect of Harnham Local, 1 Harnham Road, Salisbury, SP2 8JG has been made by Mrs Fatma Kaya-Cifci The Knap, 156 Wilton Road, Salisbury, SP2 7LA for which eleven relevant representations have been received, ten objecting to the application and one in support.

- 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 25<sup>th</sup> April 2016 an application for a new Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale by retail of alcohol (off sales)	0700 - 2300	Monday - Sunday

A copy of the application from Mrs Fatma Kaya-Cifci The Knap 156 Wilton Road, Salisbury, SP2 7LA is attached as **Appendix 1**.

2.7 The other premises which are licensed for off-sales of alcohol within the vicinity of the application address are detailed as follows:

<b>Premises</b>	<b>Licensed Hours for Off-sales of Alcohol</b>	<b>Days</b>
Greyfisher	1100 - 2300 + On 1100 - 0000 + On	Sunday – Thursday Friday - Saturday
Rose & Crown Hotel	1000 – 0000 + On 1000 – 0100 + On 1000 - 0200 + On	Sunday –Wednesday Thursday Friday - Saturday
Salisbury Connect Service Stn	0800 – 2300	Sunday - Saturday

2.8 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 No public notice was displayed at the premises. This resulted in the consultation period being extended until 6<sup>th</sup> June, agreed with the applicants Agent.

3.3 During the consultation period eleven relevant representations have been received one from the local councillor and 10 from members of the Public. 9 were against the application and one was in support of it.

### 3.3 Representations Received

#### Against the application

- Cllr Ian Tomes
- Reverend Canon Michael Goater
- Ms Janice Ashton
- Ms Claire Burden
- Mrs Marilyn Cooper
- Mr Malcolm Phillip
- Mr Tom & Mrs Sally Pond
- Mrs Elizabeth Slater
- Mr Keith Smith
- Ms Sally Smythe

#### For the application

- Mr Robert Keys

### 3.4 Responsible Authorities

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

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

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Noise disruption	Prevention of Public Nuisance	Yes	Made by 4 Objectors
Anti Social Behaviour	Crime & Disorder	Yes	Made by 6 Objectors

3.6 The relevant representations against and for are attached as **Appendix 3a and appendix 3b**

3.7 **Appendix 4** shows a detailed plan of the area.

3.8 In relation to shops, stores and supermarkets, the Guidance issued under Section 182 of the Licensing Act 2003 states:

‘Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.’

## **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 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 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.

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Name, title and contact details Wiltshire Council Licensing Officer 01722 432484

Date of report 20<sup>th</sup> June 2016

### **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 New Premises Licence Application Form**
- 2 Map showing locations of other Off Sale Premises**
- 3a Relevant representations (against)**
- 3b Relevant representations (for)**
- 4 Detailed plan of the area**