

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

16TH MAY 2019

Application for a Premises Licence; MRH Durrington, Larkhill Road, Durrington, Salisbury, Wiltshire, SP4 8DP

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of MRH Durrington, Larkhill Road, Durrington, Salisbury, Wiltshire, SP4 8DP made by Malthurst Limited.

2. Background Information

- 2.1 An application for a Premises Licence in respect of MRH Durrington, Larkhill Road, Durrington, Salisbury, Wiltshire, SP4 8DP has been made by Malthurst Limited for which one relevant representation has 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 5th March 2019 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:

Licensable Activity	Days	Timings
Late night refreshment (Indoors & Outdoors)	Monday-Sunday	23:00hrs- 05:00hrs
Sale by retail of alcohol (OFF Sales)	Monday-Sunday	00:00hrs- 24:00hrs

2.7 A copy of the application form is attached as **Appendix 1**. The plan attached to the application is attached as **Appendix 2**.

2.8 Details of other licensed premises within the vicinity are as follows:

Name	Licensable Activities	Hours
Tesco Express, 1 Bulford Road, Durrington, SP4 8DL	Sale of alcohol (OFF sales)	Monday-Sunday 07:30hrs-22:00hrs
	Opening hours	Monday-Sunday 06:00hrs-23:00hrs
McColls, 65 Bulford Road, Durrington, Salisbury, Wiltshire, SP4 8EU	Sale of alcohol (OFF sales)	Monday-Sunday 06:00hrs-23:00hrs
	Opening hours	Monday-Sunday 06:00hrs-23:00hrs

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 one relevant representation has been received from one local resident.

3.3 Representation Received

- Mr Graham Wright, Cherry Tree Cottage, 32 High Street, Durrington, Wiltshire, SP4 8AE

3.4 The relevant representation is attached as **Appendix 3**.

3.5 No responsible authority has made a representation in connection with this application.

3.6 Attached as **Appendix 4** is a location plan of the premises.

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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Date of report: 7th May 2019

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 Application form**
- 2 Site Plan**
- 3 Relevant representation**
- 4 Location Plan**