

# AGENDA

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**Meeting:** Western Area Licensing Sub Committee

**Place:** Online meeting

**Date:** Wednesday 19 August 2020

**Time:** 10.00 am

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Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

The meeting will be available to view live via a Microsoft Teams Live Events link as shown above. [A public guide on how to access the meeting is included here.](#)

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This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Trevor Carbin  
Cllr Ernie Clark

Cllr Peter Hutton

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## Substitutes:

Cllr Allison Bucknell

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# AGENDA

1        **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2        **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3        **Procedure for the Meeting** (*Pages 5 - 12*)

The Chairman will explain the attached procedure for the members of the public present.

4        **Chairman's Announcements**

The Chairman will make any relevant announcements.

5        **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6        **Licensing Application** (*Pages 13 - 16*)

To consider and determine an Application for a Premises Licence made by Bejar Hoshair Shwani in respect of Wicker Hill Food Stores, 1B Wicker Hill, Trowbridge, BA14 8JS. The report of the Public Protection Officer – Licensing is attached.

6a        **Appendix 1 - Application for a Premises Licence** (*Pages 17 - 36*)

6b        **Appendix 2 - Relevant Representation** (*Pages 37 - 40*)

6c        **Appendix 3 - Location Map** (*Pages 41 - 42*)

6d        **Appendix 4 - Statement of Facts submitted on behalf of the Applicant** (*Pages 43 - 54*)

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## LICENSING COMMITTEE

### PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

#### 1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

#### 2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

**“Applicant”** means the person who has submitted an Application for consideration by the Committee.

**“Applicant’s Premises”** means premises subject to the Application.

**“Applicant’s Representative”** means a person attending a Hearing to assist or represent an Applicant including a lawyer.

**“Application”** means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

**“Chairperson”** means the Member who is the Chairperson of the Committee for the particular Hearing.

**“Committee”** means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

**“Committee Lawyer”** means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

**“Committee Manager”** means the Council’s Officer who is present at a Hearing to take minutes.

**“Committee Report”** means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or any person who has made a Relevant Representation or their Representative.

**“Hearing”** means a meeting of the Committee at which an Application is considered and includes virtual hearings.

“**Licence**” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“**Licensing Officer**” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“**Licensing Authority**” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“**Member**” means a Member who is a Member of the Committee that is considering an Application.

“**Person making a Relevant Representation**” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“**Responsible Authority**” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

### 3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
  - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
  - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
  - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;
  - 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.

- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

## 4 The Hearing

- 4.1 The Hearing shall take place as a virtual hearing via Microsoft Teams. Those who are a party to the hearing will be invited to attend the virtual hearing by an email link and members of the public will be able to watch the hearing as it takes place being streamed to the internet or watch the hearing at a later date.

4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.

4.1.2 The Committee may require any person attending or taking part in the virtual Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:

- A refuse to permit them to return to the virtual Hearing;
- B permit them to return to take part in the virtual Hearing only on such conditions as the Committee may specify;
- C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee by email any information which they would have given orally.

4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.

4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.

4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.

4.5 This equal maximum time may have been notified in advance of the Hearing;

4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations.

## 5 Presentation of Submissions

5.1 The Chairperson will introduce the Application.

5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.

- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
- 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
- A the options available to it;
  - B the considerations that are relevant in reaching its decision.
- 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
- A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
  - B confirming key information and answer pertinent questions; and
  - C calling witnesses in support of the Application (see paragraph 4.3).
- 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
- A the grounds of the representation to the Application; and
  - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

## 6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

## 7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation. If any party is granted permission



to present supplementary papers at the Hearing they shall provide this by email at the direction of the Chairperson.

## **8 Intervention**

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

## **9 Failure of Parties to Attend Hearing**

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or take part or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
  - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
  - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

## **10 Closing Submissions**

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

## **11 Decision**

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire from the public meeting so that the decision may be considered in private, and to consider any legal issues raised by the Members. At this point the Chairperson will give an indication of the time that the meeting will resume for the announcement of the decision and all parties to the hearing will be asked to indicate if they intend to return for the announcement of the decision.

- 11.2 The decision, of the Committee shall be communicated orally by the Chairperson to the parties present at the virtual hearing after the Committee has deliberated in private on the Application.
- 11.3 The full decision notice shall be published on the Council's website within 5 working days of the hearing.

## Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the members of the Sub Committee and invites all parties present (Applicant, Responsible Authority/Authorities, any person/s who have made a Relevant Representation and Council Officers) to introduce themselves.
4. The Chairperson outlines the Hearing Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
5. The Licensing Officer is asked to present their Committee Report.
6. The Applicant/their representative is invited to address the Sub Committee in support of their application.
7. Questions to the Applicant by Members of the Sub Committee.
8. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation which are to be directed through the Chairperson.
9. Any Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation are invited to address the Sub Committee in support of their representations.
10. Questions to the Responsible Authorities/those who have made a Relevant Representation by Members of the Sub Committee.
11. Questions to the Responsible Authorities/those who have made a Relevant Representation by the Applicant, which are to be directed through the Chairperson.
12. Closing submissions by those Parties who have made a Relevant Representation in reverse order.
13. Closing submissions by the Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns, and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
16. The Chairperson either gives the decision with reasons or advises that it will be released in writing with reasons within the statutory time limits (5 working days).

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## WILTSHIRE COUNCIL

### WESTERN AREA LICENSING SUB COMMITTEE

19 AUGUST 2020

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**Application for a Premises Licence;**  
**1B Wicker Hill, Trowbridge, Wiltshire BA14 8JS**

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of 1B Wicker Hill, Trowbridge, Wiltshire made by Mr Bejar Hoshair Shwani.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of 1B Wicker Hill, Trowbridge, Wiltshire, BA14 8JS has been made by Mr Bejar Hoshair Shwani 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 30 June 2020 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 only)	00:00 – 23:59	Monday – Sunday

A copy of the application from Mr Mr Bejar Hoshair Shwani is attached as **Appendix 1**.

2.7 The other premises which are licensed for sale by retail of alcohol for off Sales within the vicinity of the application address are detailed as follows:

<b>Premises</b>	<b>Licensed Hours for off sales</b>	<b>Days</b>
Tymbark Supermarket, 1A Wicker Hill, Trowbridge, Wiltshire, BA14 8JS.	08:00 – 23:00	Monday - Sunday
Continental Food Macius, 7 Wicker Hill, Trowbridge, Wiltshire, BA14 8JS	09:00 – 22:00 10:00 – 18:00	Monday – Saturday Sunday

### **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 was received from Trowbridge Town Council.

#### **3.3 Representations Received**

- 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 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>
Trowbridge Town Council	The Prevention of Public Nuisance; The Prevention of Crime and Disorder	Yes	Concerns regarding the hours applied for attracting street drinkers in the vicinity despite this area being inside the PSPO area which bans drinking in public places.

3.6 The relevant representation is attached as **Appendix 2**. **Appendix 3** shows a detailed plan of the area.

3.7 Prior to the publication of the Agenda – the Agenda acting on behalf of the Applicant submitted a Statement of Facts and this is included as **Appendix 4**.

#### **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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Report Author: Teresa Isaacson

Public Protection Officer (Licensing)  
Tel: 01249 706413

2 August 2020

### **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 for a Premises Licence**
- 2 Relevant representation**
- 3 Location Map**
- 4 Statement of Facts submitted on behalf of the Applicant**



## Wiltshire County Council

Application for a premises licence to be granted under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bejar Hoshair SHWANI

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description Wicker Hill Food Stores 1B Wicker Hill			
<b>Post town</b>	TROWBRIDGE	<b>Postcode</b>	LSBA14 8JS
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 16,250	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *                    | X                        | please complete section (A) |
| b) a person other than an individual *               |                          |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/> | please complete section (B) |
| d) a charity   | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment    | <input type="checkbox"/> | please complete section (B) |
| f) a health service body                             | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> SHWANI			<b>First names</b> Bejar Hoshair		
<b>Date of birth:</b> I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
<b>Nationality:</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> I am 18 years old or over				<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					

<b>E-mail address (optional)</b>	
----------------------------------	--

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	M	YYY
2	7	072020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	M	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Mini Market and grocery store, with off licence situated in a commercial area on a main road in the town centre</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J) X

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

## B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Tue						
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Wed						
Thur						
Fri						
Sat						
Sun						



# E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# G

Performances of dance Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)			
Wed						
Thur			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Fri						
Sat						
Sun						

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	00.00	23.59			
Tue	00.00	23.59			
Wed	00.00	23.59			
Thur	00.00	23.59			
Fri	00.00	23.59			
Sat	00.00	23.59			
Sun	00.00	23.59			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Bejar Hoshair SHWANI	
<b>Date of birth: Place of birth: Nationality:</b> British	
Address	
Postcode	
Personal licence number (if known) PE/1508V2	
Issuing licensing authority (if known) Ashfield	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	00.00		<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
		23.59	
Tue	00.00		
		23.59	
Wed	00.00		
		23.59	
Thur	00.00		
		23.59	
Fri	00.00		
		23.59	
Sat	00.00		
		23.59	
Sun	00.00		
		23.59	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

**1. CCTV**

- 1.1 The premises shall install and maintain a digital CCTV system
- 1.2 . The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.
- 1.3 The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.
- 1.5 A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.
- 1.6 Only nominated staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
- 1.7 CCTV shall be continually recording during licensable hours
- 1.8 In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

**b) The prevention of crime and disorder**

**2. Incident / Refusals Register**

- 2.1 An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;
  - (a) All crimes reported to the premises (where relevant to the licensing objectives)
  - (c) Any incidents of disorder
3. When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.
- 4: All spirits will be stored and sold behind the counter
- 5: Roller shutters have been installed at the front of the premises

**c) Public safety**



No risk has been assessed under the Licensing Act 2003

**d) The prevention of public nuisance**

**6.** Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly.

**e) The protection of children from harm**

**7.** A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

**8.** All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand

**9. Challenge 25**

9.1 The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council.

9.2 Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ( to be paid over the phone) X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable.   
*Electronic application*
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- X  
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

*It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.*

*It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified*

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	29 <sup>th</sup> June 2020
Capacity	Agent on behalf of the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Tony Clarke JMC Licensing Consultants 540 Antrim road			
Post town	Belfast	Postcode	BT15 5GJ
Telephone number (if any)	07834 529 712		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  securelicenses@gmail.com			



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# Agenda Item 6b

**From:** [Lance Allan](#)  
**To:** [Isaacson, Teresa](#)  
**Cc:** [Palmen, Stewart](#); [whiffgk](#)  
**Subject:** RE: Licensing Act 2003: New Premises Licence Application  
**Date:** 16 July 2020 13:32:55  
**Attachments:** [image010.jpg](#)  
[image011.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Teresa,

Trowbridge Town Council raises an objection to this application in respect of the hours.

There has been a long standing issue with street drinking in the vicinity of the Town Bridge which is adjacent to these premises, despite this area being inside the PSPO area which bans drinking in public places.

Experience suggests that the availability of drink from off-licensed premises during the late evening and early morning is a significant contributory factor.

The Council therefore considers that the licensed hours should be limited and suggests that acceptable hours would be 09:00 to 21:00

Regards

## Lance Allan BSc FSLCC

Town Clerk & Chief Executive

Trowbridge Town Council, The Civic Centre, St Stephen's Place, Trowbridge, BA14 8AH

Email [lance.allan@trowbridge.gov.uk](mailto:lance.allan@trowbridge.gov.uk) Call 01225 765072 Mobile 07702 977978

Explore [www.trowbridge.gov.uk](http://www.trowbridge.gov.uk) Follow [@trowbridgegov](https://twitter.com/trowbridgegov) [#DiscoverTROWBRIDGE](https://www.facebook.com/DiscoverTROWBRIDGE)

I am raising money for Myeloma UK this year, planning to cycle London to Paris in memory of my friend Richard. If you would like to donate, visit:

<https://www.justgiving.com/fundraising/lanceallan2020>



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**From:** Isaacson, Teresa [mailto:Teresa.Isaacson@wiltshire.gov.uk]

**Sent:** 03 July 2020 07:53

**To:** Palmen, Stewart <stewart.palmen@wiltshire.gov.uk>; Lance Allan

<Lance.Allan@trowbridge.gov.uk>

**Subject:** Licensing Act 2003: New Premises Licence Application

Good Morning

The Licensing Authority has received a New Premises Licence application for 1B Wicker Hill, Trowbridge, Wiltshire, BA14 8JS.

The application is for the following licensable activities:

Supply of Alcohol (Off Sales only) - Monday to Sunday 00:00 – 23:59

The application is available to be viewed on the Wiltshire Council Website.

Any written representations against/for the application must be received in writing no later than 28<sup>th</sup> July 2020

If you require any further information please contact me.

Kind regards

**Terésa Isaacson**  
**Public Protection Officer (Licensing)**



Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [teresa.isaacson@wiltshire.gov.uk](mailto:teresa.isaacson@wiltshire.gov.uk)

Direct Dial: 01249 706413

Internal: 21413

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

Please note I do not work on a Wednesday.

*In light of the Covid-19 situation, please could we request you now send all correspondence and applications via email to [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk). If you send paperwork in by post we are now **not able** to collect this, therefore we can not guarantee when this will be processed. This is due to Wiltshire Council supporting the flexible working and the safety of the staff to ensure service remains. If you have any issues, please call us on 01249 706555*

Follow Wiltshire Council



**For current COVID-19 business and community advice please go to:**

Business Support - <http://www.wiltshire.gov.uk/news/articles/covid-business>

For up to date Business Advice – please subscribe to the Council’s weekly Business Newsletter [here](#).

Please make sure you check the Business and Economy box.

Community Support - <http://www.wiltshire.gov.uk/news/articles/covid19-community-pack>

Government Advice - <https://www.gov.uk/government/topical-events/coronavirus-covid-19-uk-government-response>

NHS - <https://www.nhs.uk/conditions/coronavirus-covid-19/>

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**Trowbridge Town Council, The Civic Centre,**

**St Stephen's Place, Trowbridge. BA14**

P: 01225 765072

E:



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*Lance Allan*

***Town Clerk and Chief Executive***

***Trowbridge Town Council, The Civic Centre,***

***St Stephen's Place, Trowbridge. BA14***

P: 01225 765072

E: [Lance.Allan@trowbridge.gov.uk](mailto:Lance.Allan@trowbridge.gov.uk)



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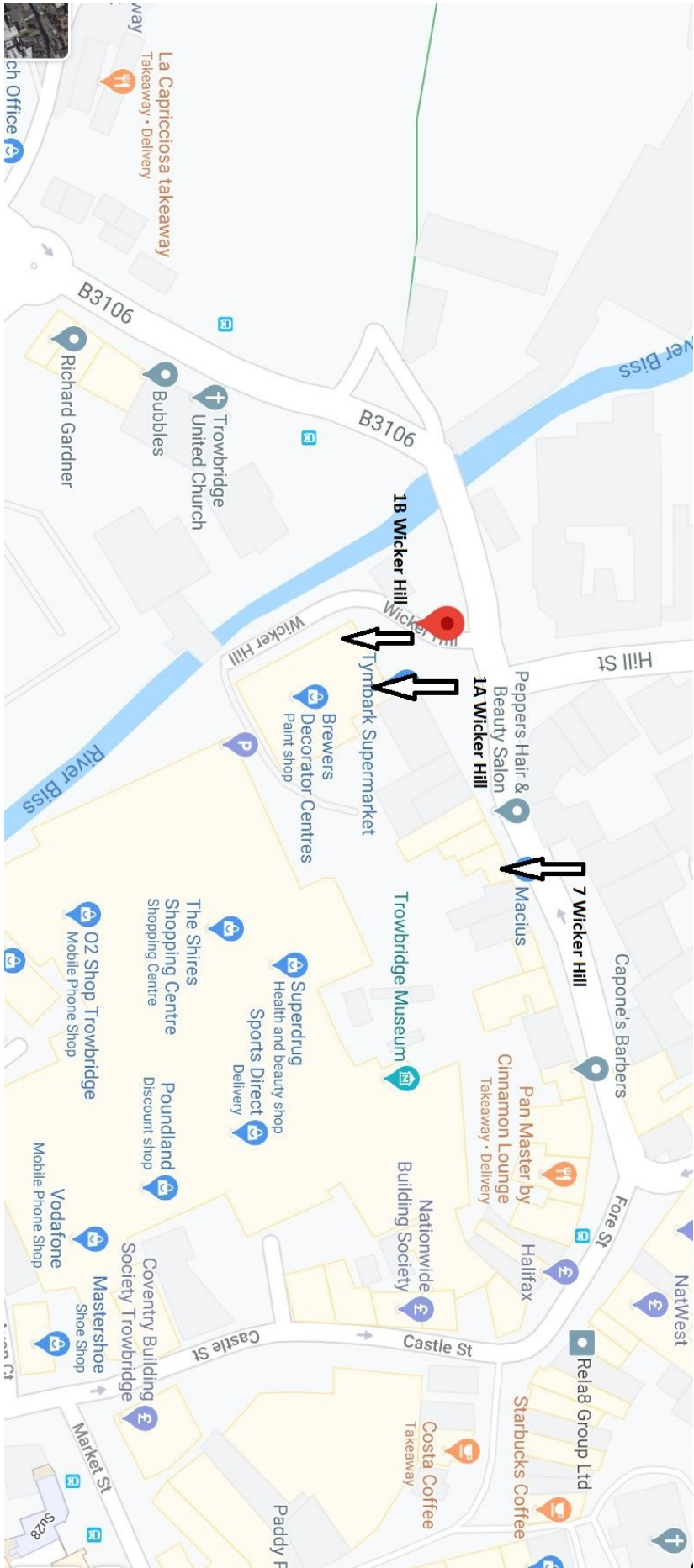
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## Appendix 4

This statement together with additional information will be presented at any future hearing.

### **Key Statement of Facts – Submitted on behalf of the Applicant**

After reviewing the Wiltshire Council Statement of Licensing Policy (SOLP) 2019 -2024 and the Revised Licensing Guidance under s182 of the Licensing Act, a full risk assessment was conducted against the 4 Licensing Objectives and the findings are stated here in this Statement of Facts.

After studying the contents of the Wiltshire SOLP 2019 -2024, the original application reasonably addressed each of the Licensing Objectives and an extremely robust, effective and functioning Operating Schedule was prepared and submitted to the Licensing Authority in support the Licensing Objectives; a copy of this was also submitted to each of the 6 Responsible Authorities.

The consultation process was completed, and all the 6 Responsible Authorities agreed and accepted the application as per section 1.1 of the **Wiltshire Council SOLP 2019-2024**.

*‘Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, and local criteria’.*

The Responsible Authorities are the experts in their own fields of skill, knowledge and competence and by not submitting any objections it can be safely determined that they are completely satisfied that the application submitted did fully support the Licensing Objectives and the Wiltshire Council SOLP 2019-2024. Fundamentally it also meant that all 6 Responsible Authorities had no concerns; that by granting the Premises Licence in its original

format it would not be undermining any of the Licensing Objectives.

I trust that Mr Allen has already studied the applicant's Operating Schedule, however I have attached a copy of the conditions for your perusal and evaluation at the end of this statement.

The applicant, Mr Bejar Hoshair SHWANI has occupied the premises next door, 1A Wicker Hill Tymbark, Trowbridge for the past five years and has ran a very successful 'Continental Grocery and Off Sales' Supermarket business and by moving his business next door would be in a position to expand the business as 1B is a larger shop.

Mr SHWANI has held the benefit of a premises licence for 5 years at 1A Wicker Hill, operating trouble free within the hours 08:00 x 23:00hrs.

During this 5-year period, the business including the *sale of alcohol* has been well managed and controlled by Mr Shwani and staff have always been sufficiently trained in 'Responsible Retailing', this has resulted in no failed test purchases or any other breaches.

I would now like to address the concerns of Mr Allen in his representation of the street drinkers as follows:

***'There has been a long-standing issue with street drinking in the vicinity of the Town Bridge which is adjacent to these premises, despite this area being inside the PSPO area which bans drinking in public places'***

We have observed that there is a substantial strategically positioned CCTV camera on the small traffic island opposite the shop that appears to be able to monitor the Town Bridge grassy/wooded area. Because the police have raised no concerns it can be believed that the installation of this camera resolved the

matter and this problem is being managed to the satisfaction of Wiltshire Police and other Officers.

I would like to address another comment in the representation from Mr Allen:

***‘Trowbridge Town Council raises an objection to this application in respect of the hours’.***

I trust that my clients offer to reduce the hours of the ‘sale of alcohol’ satisfies this concern.

***‘Experience suggests that the availability of drink from off-licenced premises during the late evening and early morning is a significant contributory factor’.***

I apologise for I am unable to understand what Mr Allen means by this statement as it appears to be slightly abstruse.

Does Mr Allen mean that ***‘the availability of drink from off-licenced premises during the late evening and early morning is a significant contributory factor’***...is related to street drinking?

I agree with Mr Allen’s comment on the face of it, however evidence over the past 15 years has shown that most night-time drinkers actually buy all their alcohol in the daytime from cheaper outlets like Tesco’s or Asda and ‘preload’ before they venture into the night time folly. (Oh, to be young again!).

Currently in Tesco’s Trowbridge, you can buy 18 cans of Carlsberg for £10.99, 3 large (500ml) bottles of Kopparberg, Thatchers Katy Cider, Cobra Lager and 6 cans of Heineken, Stella Artois and Budweiser 3 large bottles of each for only £5.00 and 12 bottles of Corona ‘Extra’ for £10.00. Tesco’s in Trowbridge are normally open 24 hours, but currently close at midnight...And Tesco’s will deliver to your home.

The last sentence of Mr Allen's Statement comments about the hours for the 'sale of alcohol' and suggests a drastic reduction of trading hours.

*'The Council therefore considers that the licensed hours should be limited and suggests that acceptable hours would be 09:00 to 21:00'.*

May we politely remind Mr Allen of **s6.2 & 8.1 Wiltshire Licensing Policy 2019 -2024**.

*'The licensing function is not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned. Conditions attached to licences must only seek to impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek to enter or leave'.*

My client, Mr Shwani's business is a large grocery store selling bread, groceries, milk, tinned goods, toiletries, magazines; it is NOT an 'Off-Licence' that solely retails alcoholic products.

Alcohol will contribute an essential % of his sales as it does with all retailers, Tesco's, Asda, Morrisons, Co-op's and other smaller retailers.

My client has been selling alcohol responsibly in his shop for 5 years and experienced no problems. His type of business is part of the 'service' industry, where it is expected and perfectly acceptable to function with extended trading hours in comparison to an ordinary high street shop that sell shoes, books, clothes, dry cleaners etc. These are the types of businesses you would expect to normally trade with limited hours, such as 9am until 9pm.

My client works very hard and long hours to run a successful business and it should be commendable that he has achieved this success in 5 years especially in the troubled times we are experiencing.

The Licensing Guidance recognises that a key aim of the Licensing Act 2003 is for conditions to be attached to licences and certificates which are tailored to the individual style, characteristics of the premises, events concerned, and which are necessary for the promotion of the licensing objectives in an individual case.

### **Findings of the 2<sup>nd</sup> Risk Assessment of the SOLP 2019 – 2024**

*s1.5 & 6.1 Wiltshire SOLP 2019-2024 - ‘The licensing authority expects individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community’*

*s1.5 - 2.0 & 6.1 Wiltshire SOLP 2019-2024 - ‘Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises’.*

In further support of the Statement of Licensing Policy (SOLP) Wiltshire 2019 -2024, I have prepared a ‘mapping’ of the Policy against the Operating Schedule for ease of appraisal.

*s1.2 Key Aims SOLP 2019-2024.* The applicant is happy to ‘work in partnership with other agencies and organisations through both

*formal and informal arrangements (if required) towards the promotion and achievement of the objectives set out in this policy'*  
**Op.Sch. 1.5 - 1.6 -1.8 - 2.1 - 2.1(a) - 2.1(c) - 7 - 8 -9.1 - 15 & 16**

**s.2.3 Wiltshire SOLP 2019-2024 - the** premises will operate Compliance Logs i.e. Incident Log, Refusals Log and CCTV Log.  
**Op.Sch. 1.5 - 1.6 -1.8 - 2.1 - 2.1(a) - 2.1(c) - 7 - 8 -9.1 - 15 & 16**

**s.2.7 Wiltshire SOLP 2019-2024 -** The applicant will endeavour to obtain Personal Licenses for his staff whenever possible. All staff will provide written valid documentation of their Right to Work.  
**Op.Sch 8**

**s.3.1 and 3.3 Wiltshire SOLP2019-2024 -** The CCTV operating system will comply. **Op.Sch 1.1 -1.2 -1.3 -1.5 - 1.6 - 1.7 - 1.8**

**s.4.0 Wiltshire SOLP 2019-2024 -** with regard to the Licensing Objective '**Prevention of Public Nuisance**', this operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on businesses, the premises does not have a residents within the vicinity that can be affected by his customers entering and leaving the premises. **Op.Sch 6 - 12 -13 - 14 -15 -16 -17 -18**

**s.4.3 Wiltshire SOLP 2019-2024. -** *'The "duty of care" to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a reputable waste carrier. The Licensing Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance'*. **Op.Sch 13 - 14**

We understand this is relevant to commercial waste only, however this section of the policy is also partly supported by no's 13 & 14 of the additional conditions as follows:



***13: The Management will monitor the frontage of the premises, check for any litter and clear on a regular basis within daytime trading hours.***

***14: The Management will ensure that a refuse bin will be positioned outside the premises.***

***5.0 & 5.1 Wiltshire SOLP 2019 -2024.*** With regard to **The Protection of Children from Harm**, robust conditions inside the Operating Schedule have addressed each factor. ***Op.Sch. 7 - 8 - 9.1 & 9.2***

***5.2 Wiltshire SOLP 2019 -2024.*** Proxy Signage is covered by the new additional condition. ***Op.Sch.no 18.***

Including the additional conditions, my client has now offered in his Operating Schedule **A TOTAL OF 24 CONDITIONS** that:

***'Promote and give precedence to the Licensing Objectives.***

***S6.3 Wiltshire Licensing Policy 2019-2024 states; 'Shops, stores and supermarkets are generally permitted to sell alcohol for consumption off the premises during their normal trading hours, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance'.***

– a retail outlet is not considered to have any adverse effect on residents and businesses unless the owner or staff is actually committing offenses himself. The applicant is willing to agree that he and his staff will never commit any offenses from the premises that will have any adverse effect on local residents. Albeit the premise 'does not' have any residents within the close proximity of the premises. **Revised Licensing Guidance.**

What we are familiar with is the policy, that the Licensing Authorities are required to discharge it's functions only 'with a view to **'promoting the licensing objectives'**, so it is not necessary that the Licensing Authorities achieve the licensing objectives or even that it discharges its function with a view to achieving them. **It is sufficient if the authority is acting with the purpose or intention of attaining the objectives.** I now believe that this Operating Schedule now fulfils this criteria.

Although the licensing authority will presumably be seeking to achieve the licensing objectives as far as possible, the objectives seem to be more aspirational aims and criteria against which the actions and decisions of the authority will be judged when it is exercising its functions under the Act.

**It is unrealistic and an impossibility to expect attainment of the objectives,** for if an authority grants a licence for a large-scale event where alcohol is sold, some measure of crime and disorder is inevitable. Therefore, when granting the licence, the authority cannot prevent crime and disorder and it is unfair, unrealistic and unreasonable to expect the applicant to 'prevent crime & disorder' too as then they are being forced to achieve the impossible or penalized because of their inability to achieve the impossible. No-one can stop all crime; all one can do is try to prevent it to the best of their ability.

All business owners and Licensing Authorities can do is to seek by taking measures to **minimise** its occurrence that is what this Operating Schedule has achieved.

In doing so, it is likely that the licensing authority can properly be said to be promoting the licensing objectives, albeit with a realistic recognition that the objectives cannot be wholly achieved.

Judicial support for this may be found in the High Court's decision in *R (on the application of Murray) v Derbyshire County Council* [2001] Env LR 26,

*"The judgment to grant this Premises Licence, fundamentally involves an evaluation of risk. If there is no risk, there is no need for interference. If there is a 'significant' risk – whether of physical harm or nuisance to the neighbours – then some form of interference, be it by the imposition of conditions or outright refusal, may be merited. The evaluation of risk can never be weighed as a matter of fact; It is a value judgment".*

My client is also fully aware and understands that failure to comply with the conditions of his Premises Licence can result in severe penalties including reduction of hours, revocation, 6-month imprisonment and/or an unlimited fine.

We trust that the amended Operating Schedule is now acceptable, addresses and fully supports our application.

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This is a copy of the Operating Schedule that was submitted with the application.

#### **4 licensing objectives**

- a) Prevention of Crime & Disorder

- b) Public Safety
- c) Prevention of Public Nuisance
- d) Protection of Children

Each objective has been individually addressed

## **a) Prevention of Crime & Disorder**

### **1. CCTV**

**1.1** The premises shall install and maintain a digital CCTV system

**1.2** The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.

**1.3** The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.

**1.4** A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.

**1.5** Only nominated staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

**1.6** CCTV shall be continually recording during licensable hours

**1.7** In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

### **2. Incident / Refusals Register**

**2.1** An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;

a) All crimes reported to the premises (where relevant to the licensing objectives)

b) Any incidents of disorder

3. When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.

4: All spirits will be stored and sold behind the counter

5: Roller shutters have been installed at the front of the premises.

**b) Public safety**

No risk has been assessed under the Licensing Act 2003

**c) The prevention of public nuisance**

6. Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly

**d) The protection of children from harm**

7. A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

8. All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand

**9. Challenge 25**

9.1 The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council.

9.2 Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

