

DECISION NOTICE
Southern Area Licensing Sub Committee
Decision made on 20 June 2017

**Application for a Premises Licence; by Mr Gunduz, for the Snack Van,
Lay-by off Packway, Larkhill, Amesbury.**

Decision:

The Southern Area Licensing Sub Committee resolved to GRANT the Premises Licence as applied for, with the following additional condition:

- 1. That CCTV equipment will be installed and fully maintained to cover the trading area. The CCTV will be of sufficient quality so as to produce images which will enable identification; images will be securely stored for a minimum of 28 days. The CCTV will be made available on request by an authorised officer with the minimum of delay.**

Reason: - for the prevention of crime and disorder and the prevention of public nuisance.

The granting of this Premises Licence is without prejudice to any other consents or approvals, including any planning permission that may be required.

Evidence

The Sub-Committee heard from the Applicant that his customers came by car, rather than by foot and that there was room for about six or seven vehicles to stop in the lay-by. He had been operating for about four months and wished to extend his hours of operation to meet the needs of his customers.

The Sub-Committee then heard from Mr. Healing, on behalf of Durrington Town Council, who stated that the Town Council had a number of concerns about this application. These included an increase in litter in the area, as there was already litter and rubbish left by school children as they made their way back from the premises. There was also concern about the safety of persons crossing the road to the premises, as it could not be accessed by a footpath. The road was used as a rat run when the A303 was congested. Mr. Healing also gave details of a proposed new residential development in the vicinity of the premises, which would entail the construction of a new roundabout and other highway works.

Decision

The Sub-Committee noted that Mr. Gunduz already held a street trading consent issued by the Council, which included conditions relating to the prevention and removal of litter. Furthermore, the Council took into account road safety issues when determining a Street Trading Consent. The Sub-Committee did not consider that the increase in operating hours proposed by this application would have any material effect on either of these matters.

If there were concerns in the future regarding the implications of the proposed residential development in the area, then these could be taken into account by the Council in deciding whether to renew the Street Trading Consent. It was not an issue that was considered to be relevant to the decision on this application for a Premises Licence for Late Night Refreshment.

The Sub-Committee did have some concerns regarding possible public nuisance or disorder, if the premises were trading late at night, given its relatively isolated location. It was therefore appropriate to add a condition requiring CCTV to be operational during licensed hours. In reaching this decision, the Sub-Committee took into account the fact that the applicant had stated that he already had CCTV in place and that this had been offered in his Operating Schedule, if required.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Appeals:

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. Any person has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.