

## DECISION NOTICE Western Area Licensing Sub-Committee Decision made on 1 February 2024

Application for a Premises Licence - Westbury Pizza Ltd, 8 Westbury Mall, Edward Street, Westbury

### Sub-Committee:

Cllr Stewart Palmen, Cllr Allison Bucknell (Chair), and Cllr Peter Hutton

### Decision:

Arising from consideration of the report, the evidence and submissions from all parties, and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy, and the Licensing Act 2003, the application for a Premises Licence in respect of Westbury Pizza Ltd at 8 Westbury Mall, Edward Street, Westbury, is GRANTED as set out below:

Licensable Activity	Timings	Days
Late Night Refreshment	23:00 – 00:00	Monday-Wednesday
	23:00 – 01:00	Thursday
	23:00 – 02:00	Friday-Saturday
	23:00 – 00:00	Sunday

### Subject to the following conditions

As proposed by the applicant and imposed by the Sub-Committee

The licence for late night refreshment activity will apply only for delivery orders, not collections.

As imposed by the Sub-Committee

No customer access to the premises after 23:00 on any day of the week.

### The Applicant

Westbury Pizza Ltd applied for a Premises License in respect of 8 Westbury Mall, Edward Street, Westbury, represented at the Hearing by Mr Sancolcar.

### Responsible Authorities

There were no representations from any Responsible Authorities and there were no Responsible Authorities present at the Sub Committee Hearing.

### Representations

Cllr Matthew Dean, Westbury West Division, was in attendance to speak to the representation he had submitted. Cllr Gordon King, Westbury North Division, was in attendance to speak to the representation submitted by Westbury Town Council, of

which he was also a Member. Julian Sandoe was in attendance to speak to the representation he had submitted on behalf of Sandoes Chartered Surveyors, a local property management company.

A total of 4 relevant representations had been received by the consultation deadline, with one representation withdrawing their objection following the offering of conditions by Westbury Pizza Ltd. The representations expressed concerns as to potential rise in anti-social behaviour as a result of longer opening hours, increase of noise, litter, and light disturbance.

### **Reasons for the Decision**

In reaching its decision, the Sub-Committee took account of the Applicant clarifying in response to queries at the Hearing that they were only requesting a premises licence for late night refreshment as it applied to delivery orders, and not collection orders. This was relevant in particular in relation to concerns raised regarding the application leading to an increase of littering. It was noted that any concerns to that effect relating to current operations was not a relevant consideration, as the Sub-Committee was focused on the request for late night refreshment hours.

The Sub-Committee took account of the representations raising concerns regarding the proposed increase in hours leading to an increase in anti-social behaviour but noted that no objections had been raised by the Police as a Responsible Authority and specialists in the field, or any other relevant Responsible Authorities. Accordingly, it did not consider there was sufficient justification to reject the application on that basis.

Although there had been references made at the Hearing to concerns of local residents to the proposal, the Sub-Committee noted only one representation had been submitted by a local resident, and that this had been subsequently withdrawn. If those individuals or bodies who had submitted a representation had been made aware of other concerns from the area, these could have been provided as part of their own representations, or those raising those concerns with them should have been encouraged to respond directly to the consultation on the application. Lacking this, the Sub-Committee had no additional direct evidence on which to base a decision other than the written and verbal representations it had been provided.

Considering such representations as had been received and enumerated further at the Hearing, the Sub-Committee took account of concerns of noise and light disturbance late at night in a densely populated area including from parking of delivery drivers, with details provided of the orientation of the buildings and streets around the application site. It did not consider these raised significant issues in relation to the licensing objectives, taking note of the conditions agreed or otherwise able to be imposed.

Having heard and read evidence from the representative on behalf of the Applicant and considering the written and verbal evidence submitted by those who had made relevant representations, the officer's report, and noting that there had been no representations made by any of the Responsible Authorities, the Sub Committee found no evidence to demonstrate that the application would adversely impact on the Licensing Objectives. The Sub Committee also considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the Guidance issued under Section 182 of the Licensing Act 2003; and the Licensing Policy of Wiltshire Council.

The Sub-Committee therefore concluded on the basis of the evidence presented that the application should be granted and that such a decision was reasonable and legally sound. Taking account of the issues raised in the Hearing and representations received, they imposed conditions to ensure the licence related to delivery orders only, and that customers would not be permitted on the premises after 11pm.

However, the Sub-Committee sought to balance the reasonable desire of the applicant's business to expand operations with the impact on the local residents. They did not consider it necessary to grant additional operating hours for major national sporting events, noting that the government was able to issue Orders or guidance regarding licensing activities on such occasions. It determined the requested hours, up to 3am at the weekend, was not appropriate at this time given the concerns made but noted that the Applicant was able to submit further applications in the future, and how they managed with the new hours would be relevant to any determination on such an application, should one be made.

### **Right to Appeal**

The Applicant, any Responsible Authority(ies) and Interested Parties who made representations were informed that they 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 written notification of the decision. 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.