

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 11 September 2014

In respect of an application by Wiltshire Police for a Review of a Premises Licence for a Mobile Catering Van at Mortimer Street, Trowbridge

Decision:

Having considered all of the evidence, the Western Area Licensing Sub-Committee determined that it was not appropriate to take any steps in relation to the Premises Licence to promote the licensing objectives.

Reasons

Having considered all the evidence presented by the parties, both orally and in writing, and having regard to the relevant provisions of the Licensing Act 2003, the guidance issued under Section 182 of the Act (in particular paragraph 11.24-11.28) and the Council's own licensing policy, the Sub-Committee did not consider it necessary to take any steps in relation to the licence at this moment in time.

The Sub-Committee were advised that a number of the previous convictions submitted by the police were spent under the Rehabilitation of Offenders Act 1974. Although the police were not able to confirm whether any of those convictions related to street trading, the Sub-Committee nevertheless felt that, as they related to the possession of drugs and indicated a pattern of offending, these convictions were relevant to their consideration of this matter and they were satisfied that justice could not be done without taking these convictions into account.

The Sub-Committee noted that no evidence was presented which indicated the sale or distribution of class A or B drugs from the licensed premises. They also noted that only a small amount of drugs had been found on the licensed premises and that this had not been during trading hours.

The Sub-committee considered the options available to them. They did not feel that it was appropriate to place any additional conditions on the licence to try to address the concerns that had been raised. Neither did they consider that there would be any benefit in imposing a period of suspension on the licence. Revocation of the licence was not justified, based on the evidence presented.

Having considered the convictions for possession, it was not considered that these undermined the licensing objectives to the extent that any further steps were necessary.

If there are concerns in the future, the licence could of course be subject to a further review.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.