

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

20th JUNE 2017

Application for a Premises Licence; Snack Van, Lay-by off Packway, Larkhill, Amesbury

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of Snack Van made by Mr Sihman Gunduz.

2. Background Information

2.1 An application for a Premises Licence in respect of Snack Van has been made by Mr Sihman Gunduz 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 reject the application.

2.5 On 19th April 2017 an application for a new premises licence was received and accepted as a valid application.

2.6 The details of the application as applied for is as follows:

Licensable Activity	Days	Timings
Provision of late night refreshment	Sunday-Thursday Friday-Saturday	23:00-01:00 23:00-03:00
Opening hours (not licensable)	Sunday-Thursday Friday-Saturday	17:00-01:00 17:00-03:00

2.7 A copy of the application from Mr Sihman Gunduz is attached as **Appendix 1**.

2.8 A plan of the location of the premises, along with the plan showing the layout of the premises is attached as **Appendix 2**.

2.9 The applicant has the relevant street trading consent to trade at this location Monday-Sunday 17:00-23:00hrs. An application has been made to amend these hours, in line with the hours applied for on the premises licence application. The granting of the street trading licence application will be dependent on the outcome of the licensing hearing.

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 Durrington Town Council.

3.3 Representations Received

- Durrington Town Council

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:

Representation	Licensing Objective	Accepted	Comments
Durrington Town Council	Public Nuisance & Public Safety	Yes	Concern over location (isolated), no access on foot, littering.

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

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.

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12th June 2017

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 Location plan & premises licence plan**
- 3 Relevant representation**