

## REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Date of Hearing	24 February 2011
Title of Report	Application for a Premises Licence, Canal Trust Café 15 Frome Road Bradford on Avon BA15 1LE
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter 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.

### Summary of Report

An application for a Premises Licence has been made for which there are relevant representations.

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) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are: -

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Such steps are: -

- To modify the conditions of the licence
- To reject the whole or part of the application
- Not take any further action.

### Officer Recommendations

**None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
No	Yes	None	None	None
<b>Contact Officer</b>	Maggie Jones, Policy & Licensing 01225 776655 Ext 745536 maggie.jones@wiltshire.gov.uk			

## 1. Introduction

An application for a premises licence for the ground floor and outdoor areas of the Canal Trust Café, has been made by Mr Hasan Tarkan Kisioglu, for which there are relevant representations.

Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to these representations.

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

## 2. Options and Options Appraisal

In accordance with Section 18 (3) the Licensing Sub Committee is required to take such steps as it considers necessary.

## 3. Background Information

On 30 December 2010, an application for a Premises Licence was received and accepted as a valid application. This application, if granted, is to license:

- The supply of alcohol
- Plays, films, indoor sporting events, live music, recorded music, performance of dance, provision of facilities for making music and dancing.

The application, as applied for, is as follows:

Supply of alcohol (on/off sales) & recorded music (indoors)	0900 to 2300	Monday to Sunday
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Plays (in & outdoors), films (indoors), indoor sporting events, live music (in & outdoors), performance of dance (in & outdoors), provision of facilities for making music (in & outdoors), & facilities for dancing (indoors)	1000 to 2300	Monday to Sunday
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## 4. Background Information from other departments of the Wiltshire Council

Planning permission for the commercial use of the garden area of the Canal Trust Cafe was granted by the West Wiltshire District Council in 2004 under planning reference 04/02098/FUL. The permission included the following condition:

“No live or amplified music or any other amplified sound shall be produced so as to

be audible at the boundary of any inhabited premises in the vicinity of the site to which this permission refers”.

It should be noted that the above is for information only and in connection with this application, does not predetermine the decision of the licensing committee.

## **5 Representations**

During the consultation period representations have been received from the following:

### Interested Parties:

Mrs C Poulter 75 Baileys Barn Bradford on Avon

Mrs M Hutchinson 79 Baileys Barn

Mr & Mrs T Tees 12B Frome Road

Mr E Williams 14 Frome Road

Ms A Williams 14 Frome Road

Mrs G Williams 14 Frome Road

Mr D Williams 14 Frome Road

Mr & Mrs D Bright 22 Frome Road

Mr & Mrs P Comley 34 Frome Road

Mr & Mrs J Watts 35a Frome Road

Mr P Markey & Ms D Gray 36 Frome Road

Mr & Mrs M Knott 37 Frome Road

Mr S Meade-King 39 Frome Road

Mr & Mrs J Pearson 41 Frome Road

Mr & Mrs D Scadding 41a Frome Road

Mr & Mrs S Missen 44 Frome Road

Mr & Mrs B Wilson 45 Frome Road

Mr & Mrs R Cottle 47 Frome Road

E Edwards 50 Frome Road

Mrs D Henry 2 Kennet Gardens

Mr & Mrs W Martin 4 Kennet Gardens

Mrs D Jones 6 Kennet Gardens

Mr P Hobson 7 Kennet Gardens

Mr M Woolridge 7 St Katherine's Quay

Ms E Parsons 8 St Katherine's Quay

Ms M Gerrish 9 St Katherine's Quay

Mr A Cook 10 St Katherine's Quay

Mrs A Cook 10 St Katherine's Quay

L Baldock 42 Spencers Orchard

Mrs D Leigh 44 Spencers Orchard

Mrs V Runacres 49 Spencers Orchard

G Maslen The Old Cottage 55 Spencers Orchard

Mrs P Bemment 12 The Maltings

Responsible Authorities:

No responsible Authority has made a representation in connection with this application

<b><u>Representation</u></b>	<b><u>Licensing Objective</u></b>	<b><u>Accepted</u></b>	<b><u>Comments</u></b>
Noise from premises	Public Nuisance	Y	
Noise from customers leaving the premises	Public Nuisance	Y	
Antisocial Behaviour	Crime & Disorder	Y	
Number of existing licensed premises in the vicinity	Public Nuisance	N	The Committee is required to consider the application currently before them and its likely effect on the four licensing objectives

Copies of all representations are attached to this report as Appendix 2

The plan attached to this report as Appendix 4, includes the plotting of the locations where representations have been made.

## 6. Additional information supplied by the Applicant in support of the Application

The Applicant has submitted further written evidence in support of his application together with a petition. Copies attached as Appendix 3.

## 7. Legal Implications

It should be noted that both the Applicant and the Interested Parties may appeal the decision made by the Licensing Sub Committee. The decision made by the Licensing Sub Committee, however, takes immediate effect.

The Applicant and all Interested Parties have been informed of the date, time and location of the Hearing and their right to be represented.

## 8. Risk Analysis

Not applicable.

<b>Appendices:</b>	<ul style="list-style-type: none"><li>• 1. Application for a premises licence under the Licensing Act 2003</li><li>• 2. Copies of relevant representations</li><li>• 3. Applicant's supporting statement &amp; petition</li><li>• 4. Location map</li></ul>
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### Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		

Report prepared by Maggie Jones, Policy & Licensing Officer – Licensing Team, West Hub