

REPORT TO THE LICENSING SUB COMMITTEE (HEARING)**Report No:**

Date of Meeting	07 April 2011
Title of Report	Variation of Premises Licence Dominos Pizza, 16-17 New Road, Chippenham
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter is governed by the Licensing Act 2003 (Hearings) Regulations 2005. 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 to vary a premises licence has been made by MSG Sandhurst Limited 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 34(3) of the Licensing Act 2003 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 or to reject the whole or part of the application.

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.

Contact Officer	Mrs Linda Holland Senior Licensing Officer 01249 706410 linda.holland@wiltshire.gov.uk
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1. Introduction

An application to vary the premises licence has been made by MSG Sandhurst Ltd, for which relevant representations have been received. The application for variation is attached to this report as Appendix 1

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

In accordance with Section 34(3) of the Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

2. Background Information

The premise benefits from a Premises licence issued under The Licensing Act 2003 for the provision of late night refreshment which was granted in November 2005.

A copy of the licence is attached as Appendix 2

On the 21st February 2011 an application to vary the licence, was received by The Licensing Authority to extend the hours of late night refreshment.

The application was accepted as a valid application by the Licensing Officer.

A copy of the variation application is attached as Appendix 1

3. Summary of Application

The new application is to vary the current permitted hours of late night refreshment from:

Monday to Thursday	10:00 hrs to 23:00 hrs
Friday to Saturday	10:00 hrs to 00.00 hrs
Sunday	12:30 hrs to 23:00 hrs

To the new proposed hours of:

Daily	07:00 hrs to 05:00 hrs
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Please note a licence permitting the sale of Late Night Refreshment is only required for the activity between the hours of 23:00 and 05:00 under the Licensing Act 2003.

4. Relevant Representations

During the consultation period relevant representations were received from:

Three interested parties Two (2) living in the vicinity of the premises, and one (1) from a Member of the Licensing Authority

Mr J Marsh
Dr H Tegner
Councillor C Caswill

New Road Chippenham
New Road Chippenham
For Chippenham Monkton Ward

A representation was received from Wiltshire Police, following discussions between MSG Sandhurst Ltd and Wiltshire Police during the consultation period over the Police's area of concern, the applicant has subsequently proposed to amend their application as set out below:

Late night refreshment now to read: Counter service until 2am daily – deliveries only from 2am until 5am to business and residential addresses only.

All interested parties who made representations were advised of the proposed offer to amend the application by MSG Sandhurst Ltd, in writing, and were asked if they still wished to continue with their representation.

At the time of writing the report none of the interested parties making representations agreed to the proposed amendments, and wish to continue with their representations, a hearing is necessary to determine the application to vary.

Copies of the representations are attached as Appendix 3

A copy of the email from MSG Sandhurst Ltd amending their application is attached as Appendix 4

Copy of the letter sent to the residents is attached as Appendix 5

Copy of responses received are attached at Appendix 6

5. Legal Implications

It should be noted that both the premises licence holder 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 Premises Licence Holder and all interested parties have been informed of the date, time and location of the hearing and their right to be represented.

6. Risk Analysis

Not applicable.

<p>Appendices:</p>	<ul style="list-style-type: none"> • 1. Application to vary a premises licence under the Licensing Act 2003 • 2. Current premises licence • 3. Copies of relevant representations • 4. Amendments proposed by applicant (Via Email) • 5. Copy of letter sent to interested parties • 6. Copy of responses received from interested parties • 7. Location map
<p>Background Documents Used in the Preparation of this Report:</p>	<ul style="list-style-type: none"> • The Licensing Act 2003 • The Licensing Act (Hearings) Regulations 2005 • Guidance issued under sect 182 of the Licensing Act 2003 • Wiltshire Council Statement of Licensing Policy