

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

19 AUGUST 2020

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### Application for a Premises Licence; 1B Wicker Hill, Trowbridge, Wiltshire BA14 8JS

#### 1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of 1B Wicker Hill, Trowbridge, Wiltshire made by Mr Bejar Hoshair Shwani.

#### 2. Background Information

- 2.1 An application for a Premises Licence in respect of 1B Wicker Hill, Trowbridge, Wiltshire, BA14 8JS has been made by Mr Bejar Hoshair Shwani 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 refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

2.5 On 30 June 2020 an application for a new premises licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale by retail of alcohol (Off Sales only)	00:00 – 23:59	Monday – Sunday

A copy of the application from Mr Mr Bejar Hoshair Shwani is attached as **Appendix 1**.

2.7 The other premises which are licensed for sale by retail of alcohol for off Sales within the vicinity of the application address are detailed as follows:

<b>Premises</b>	<b>Licensed Hours for off sales</b>	<b>Days</b>
Tymbark Supermarket, 1A Wicker Hill, Trowbridge, Wiltshire, BA14 8JS.	08:00 – 23:00	Monday - Sunday
Continental Food Macius, 7 Wicker Hill, Trowbridge, Wiltshire, BA14 8JS	09:00 – 22:00 10:00 – 18:00	Monday – Saturday Sunday

### **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 was received from Trowbridge Town Council.

#### **3.3 Representations Received**

- Trowbridge Town Council, The Civic Centre, St Stephens Place, Trowbridge, Wiltshire, BA14 8AH

#### **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:

<b>Representation</b>	<b>Licensing Objective</b>	<b>Accepted</b>	<b>Comments</b>
Trowbridge Town Council	The Prevention of Public Nuisance; The Prevention of Crime and Disorder	Yes	Concerns regarding the hours applied for attracting street drinkers in the vicinity despite this area being inside the PSPO area which bans drinking in public places.

3.6 The relevant representation is attached as **Appendix 2**. **Appendix 3** shows a detailed plan of the area.

3.7 Prior to the publication of the Agenda – the Agenda acting on behalf of the Applicant submitted a Statement of Facts and this is included as **Appendix 4**.

#### **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. Whether or not a Review Hearing takes

place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.

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2 August 2020

### **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 for a Premises Licence**
- 2 Relevant representation**
- 3 Location Map**
- 4 Statement of Facts submitted on behalf of the Applicant**