

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

25 SEPTEMBER 2024

---

### **Application for a Premises Licence; Fig, 5 The Shambles, Bradford On Avon, Wiltshire, BA15 1JS**

#### **1. Purpose of Report**

- 1.1 To determine an application for a Premises Licence in respect of Fig, 5 The Shambles, Bradford On Avon, BA15 1JS made by Kayra Collection LTD.

#### **2. Background Information**

- 2.1 An application for a Premises Licence in respect of Fig, 5 The Shambles, Bradford On Avon, BA15 1JS has been made by Kayra Collection LTD for which eleven relevant representations have 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 26 July 2024 an application for a new premise 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 ON and OFF Sales	08:00 – 23:00	Monday – Sunday
	08:00 – 00:00	New Year's Eve (non-standard timing)

A copy of the application from Kayra Collection LTD is attached as **Appendix 1**. Photos of the site are attached as **Appendix 1A**.

2.7 For reference, other premises which are licensed for ON and OFF Sales, in the vicinity are detailed as follows:

<b>Premises</b>	<b>Licensed Hours for ON and OFF Sales of Alcohol</b>
The Bolthole, 4 The Shambles, Bradford On Avon, Wiltshire, BA15 1JS.	Monday – Sunday 08:00 – 23:00
The Bear Inn, Silver Street, Bradford On Avon, Wiltshire, BA15 1JY	ON Sales: Sunday 10:00 – 23:30 Monday – Saturday 10:00 – 01:00 OFF Sales: Sunday 10:00 – 23:30 Monday – Saturday 10:00 – 00:00
The Dandy Lion, Market Street, Bradford On Avon, Wiltshire, BA15 1LL	Monday – Sunday 10:30 – 00:00
The Bunch Of Grapes, Silver Street, Bradford On Avon, Wiltshire, BA15 1JY	Sunday 10:00 – 23:30 Monday – Thursday 10:00 – 00:00 Friday – Saturday 10:00 – 01:00
Swan Hotel & Thai Chilli, Swan Hotel, Church Street, Bradford On Avon, Wiltshire, BA15 1LN	Ground Floor Monday – Saturday 10:30 – 23:00 Sunday 11:00 – 22:30  Basement Bar Monday – Saturday 10:30 – 01:00 Sunday 11:00 – 00:00
The Stumble Inn, 29 Market Street, Bradford On Avon, Wiltshire, BA15 1LL	Sunday 12:00 – 23:00 Monday – Saturday 10:00 – 23:00

2.8 A map showing the proximity of the premises is attached as **Appendix 2**.

### **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 Consultation was extended by a period of eleven days due to a delay in the Blue Notice being displayed. This was displayed on 7 August 2024

3.3 During the consultation period eleven relevant representations have been received from local residents and two letters of support received.

3.4 Representations Received

- Representation 1 – Coppice Hill
- Representation 2 – Coppice Hill
- Representation 3 – Coppice Hill
- Representation 4 – Coppice Hill
- Representation 5 – Coppice Hill
- Representation 6 – Coppice Hill
- Representation 7 – Coppice Hill
- Representation 8 - Coppice Hill
- Representation 9 - Coppice Hill
- Representation 10 – Kingston Road
- Representation 11 – Coppice Hill

Letters of Support

- Letter 1 – Market Street
- Letter 2 – Greenland Mills

3.5 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

3.6 A summary of the representations made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>
1	The Prevention of Public Nuisance, The protection of Children from Harm, The Prevention of Crime and Disorder, Public Safety
2	The Prevention of Public Nuisance, The protection of Children from Harm, The Prevention of Crime and Disorder, Public Safety
3	The Prevention of Public Nuisance, Public Safety
4	The Prevention of Public Nuisance, Public Safety
5	The Prevention of Public Nuisance, Public Safety
6	The Prevention of Public Nuisance, Public Safety
7	The Prevention of Public Nuisance, Public Safety
8	The Prevention of Public Nuisance, Public Safety
9	The Prevention of Public Nuisance, The Prevention of Crime and Disorder
10	The Prevention of Public Nuisance
11	The Prevention of Public Nuisance, Public Safety

3.7 The relevant representations are attached as **Appendix 3A - K**. The letters of support are attached as **Appendix 4**.

3.8 During the consultation period the applicant submitted a response to the objectors, this was shared with all parties. This is shown as **Appendix 5**.

#### **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.
- 

Report Author:

Emma Hyde, Public Protection Officer – Licencing

Date of report: 11 September 2024

### **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 Licencing Policy**

### **Appendices**

- 1 Application form**
- 1A Photos of site**
- 2 Location of Licensed Premises within vicinity**
- 3 A – K Representations received**
- 4 Letters of support**
- 5 Response to Objectors from Applicant**