

REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Report No:

Date of Meeting	12th May 2010
Title of Report	Application by Mr R. Baylan for a Premises Licence for Lyneham Pizza and Fish bar, 41A Calne Road, Lyneham
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 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.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None

Contact Officer Mrs Linda Holland Licensing Enforcement Officer 01249 706410
Linda.Holland@Wiltshire.gov.uk

1. Introduction

An application for a premises licence has been made by Mr R Baylan 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 to promote the licensing objectives.

3. Background Information

The premises has previously held a full premises licence, which was granted to Mr Pusgul following a Licensing hearing on 29 July 2009 for a period of twelve months, at the hearing the committee felt it necessary to attach the following two conditions to the licence :

The applicant shall securely install, on or immediately outside the premises, a large capacity waste bin within two months of today's date.

The applicant shall reinstall the extractor fan in an appropriate location within the premises, as opposed to its current location outside, within a period of two months of today's date.

Mr Pusgul never complied with the two conditions and was therefore unable to use the licence he had applied for. On the 12 December 2009 whilst carrying out a late night visit to the premises I was advised that Mr Pusgul was no longer running the premises and the premises was under the new management of Mr Baylan. The premises licence has not been transferred to Mr Baylan

There has been concern raised by some residents that the premise has failed to close at 23:00 on occasion under both Mr Pusgul ownership and Mr Baylan, officers have attempted to witness this possible breach of the Licensing Act 2003.

Since taking over the premises in December 2009 Mr Baylan has reinstalled the extractor fan to an internal location.

A rubbish bin has also been located outside the premises.

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A copy of the licence granted to Mr Pusgul attached for information as Appendix 2

4. Summary of Application

The application for the premises licence is to permit Late night Refreshment:

Sunday to Thursdays 23:00 - 00:00
Friday & Saturdays 23:00 - 02:00

A licence for Late night refreshment is required to sell hot food and drink between the hours of 23:00 and 05:00

5. Relevant Representations

During the consultation period relevant representations were received from:

5 Residents living in the vicinity of the premises

Mr Tony Houston	Old School House, Calne Road	Lyneham
Mr & Mrs Glass	42 & 42 a Calne Road	Lyneham
Mr J England	22e Calne Road	Lyneham
Mr J Prior (represented by Mr England)	41d Calne Road	Lyneham
Mr P Ryan	22c Calne Road	Lyneham

No representations were made by Responsible Authorities; however agreement was reached between Mr Baylan and The Environmental Protection Team Wiltshire Council during the consultation period over concerns about the amount of litter in the area from fast food wrappers, etc, and the controls measures contained in the application to address this issue:

Mr Baylan has agreed to add the following to his application.

To clear up any wrappers/containers on the street outside his premises on a daily basis.

Mr England's representation raised concern about an alleged light nuisance, this matter has been addressed under other more appropriate legislation by the Environmental Protection Team and no statutory nuisance has been substantiated.

Copies of the representations are attached as Appendix 3

6. 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.

7. Risk Analysis

Not applicable.

Appendices:	<ul style="list-style-type: none"> • 1. Application a premises licence under the Licensing Act 2003 • 2. Previous premises licence (granted to Mr Pusgul) • 3. Copies of relevant representations • 4. Location Maps
Background Documents Used in the Preparation of this Report:	<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