

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

25 MAY 2012

Application for a Variation of a Premises Licence; *Tilshead Garage, High Street, Tilshead, SP3 4SB*

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of *Tilshead Garage* made by *Mr Visvanathan Selvanathan*

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of *Tilshead Garage* has been made by *Mr Visvanathan Selvanathan* for which *two* 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 35(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 necessary 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 modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On *5 April 2012* an application for a variation to the premises licence at *Tilshead Garage* was received and accepted as a valid application.

2.6 The variations applied for are summarised as follows:

Licensable Activity	Current Days and Timings	Proposed Days and Timings
Sale by retail of alcohol (off the premises only)	Monday to Sunday 07:00 to 20:00	Monday to Sunday 07:00 to 22:00

To allow the premises to open Monday to Sunday from 07:00 to **22:00**.

The premises currently open Monday to Sunday from 07:00 to 20:00

A copy of the application from *Mr Visvanathan Selvanathan* is attached as **Appendix 1**.

Our department have not received any complaints regarding noise at this premise.

Having received two representations the applicant is keen to work with neighbours and after consultation with his solicitor *Mr Selvanathan has amended his application to include the following conditions:*

- Signs should be displayed on both the inside and outside of the premises requesting that any visitor or customer should leave the property quietly and have regard for the neighbours.
- Signs to be displayed at the car park area indicating that only customers of the premises are allowed to park in the car parking area and that a limit is set on the time that any customer is permitted to remain so parked.
- A sign is to be displayed indicating that the “picnic” tables, which are adjacent to the car park, should not be available for use at a time to be agreed, but not later than 20:00 hrs.
- Staff will be instructed to monitor compliance of the above. The staff induction training manual will include specific paragraphs to assist members monitoring compliance.

A copy of the amendments made to the application on 14 May 2012 is attached as **Appendix 1a**.

3. Consultation and Representations

3.1 The application process requires the application to be advertised in a local paper within 10 working days, starting on the day after the authority receives it and a public notice (on pale blue paper) to be posted on the premises for a period of 28 consecutive days, starting the day after the authority receives it. During the consultation period *two* relevant representations have been received from Interested Parties

3.2 Responsible Authorities

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

3.3 Interested Parties

- The following persons have made a representation:

Mr R Lee MBE

Mrs D H Lee

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

Representation	Licensing Objective	Accepted	Comments
Mr R Lee MBE	Public Nuisance	Yes	None
Mrs D H Lee	Public Nuisance	Yes	None

One more representation was received by the licensing authority but it has been withdrawn after the application was amended.

3.5 The relevant representations are attached as **Appendix 2a**. Attached as **Appendix 2b** is a plan which shows the locations from where representations have been made.

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 Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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 Premises Licence Holder, the Responsible Authority(ies) and Interested Parties 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 an Interested Party 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 an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author:

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14 May 2012

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 Copy of application**
- 1a Copy of the amendments.**
- 2a Copy of the representations**
- 2b Map showing locations where representations have been made**