

Amended



North West Wiltshire

Code 3026

The Court House, Pewsham Way, Chippenham, Wiltshire SN15 3BF
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WILTSHIRE COUNCIL LICENSING – WEST
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Case number: 541200166122

Orders

The court has heard the matters shown below and made the orders listed.

Date: 11 December 2012


Justices' Clerk

Matters and Orders

541200166122/1

Appeal against a decision of the Wiltshire Council Licensing – West Licensing Authority relating to Black Pearl Public House on an application for a review of a premises licence under section 52 of the licensing Act 2003 on the ground that bad financial situation.
In accordance with Part 1 of Schedule 5 to the Licensing Act 2003

**Tammantha NEWBURY to pay costs of £1500.00 to Wiltshire Council.
Payment Terms: to pay balance of £1500.00 on or before 11/06/2013**

**MAGISTRATES' REASONS IN THE MATTER OF
THE BLACK PEARL LICENSING APPEAL 11.12.12**

In determining the appeal we are obliged to have regard to the licensing objectives contained in the Licensing Act 2003. These are

- (1) The prevention of crime and disorder,
- (2) public safety
- (3) The prevention of public nuisance
- (4) The protection of children from harm

Also in determining the appeal we have looked carefully at the evidence presented by Wiltshire Council and by the appellant Ms Newbury, premises licence holder of the Black Pearl, 5A Church Street, Trowbridge, Wiltshire, we have also taken into account the Secretary of States' "S.182" Guidance.

We are dismissing the appeal of Ms Newbury against Wiltshire Council's order of 25th June 2012.

We are not persuaded that all the recommendations of that order were complied with, and it would benefit Ms Newbury to have a period in which to concentrate her efforts to ensure full ongoing compliance. There has been time for her to meet these requirements, and there remains considerable doubt as to whether they are in place at the Black Pearl premises. Some aspects have been addressed but at a later date and not completely.

By not going down the path of revocation we are acknowledging the efforts that have been made by Ms Newbury, but believe she needs to meet the full licensing requirements.

Further reasons for the imposition of costs in the case

Whilst we appreciate that the costs represented are legitimate, costs incurred by Wiltshire County Council, we have to take into account what is a just and reasonable amount to impose.

We realise that a one month suspension will impact upon Ms Newbury's finances so we grant a contribution of £1,500. Ms Newbury has six months to pay this.

11th December 2012