

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

17 JANUARY 2024

Application for a Premises Licence;
Westbury Pizza Ltd (Caprinos) 8 Westbury Mall, Edward Street, Westbury,
BA13 3DR

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Westbury Pizza Ltd (Caprinos) 8 Westbury Mall, Edward Street, Westbury, BA13 3DR made by Westbury Pizza Ltd.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Westbury Pizza Ltd (Caprinos) 8 Westbury Mall, Edward Street, Westbury, BA13 3DR has been made by Westbury Pizza Ltd for which three 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 9 November 2023 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:

Licensable Activity	Timings	Days
Late Night Refreshment	23:00 – 00:00	Mon-Wed
	23:00 – 01:00	Thur
	23:00 – 03:00	Fri-Sat
	23:00 – 02:00	Sun
	Non-Standard timings – An additional hour on public holidays, bank holidays and national sporting events.	

A copy of the application form including the plan is attached as **Appendix 1**.

2.7 There are currently no take-aways in Westbury with a licence for late night refreshment.

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 Due to not having advertised, the 28 day consultation period was extended until 19 December 2023.

3.3 During the consultation period four relevant representations have been received from a local resident, a local property management company, a local Councillor and from the Westbury Town Council.

3.4 In response to the representation received by the local resident regarding public nuisance caused by light from the premises, Mr Sancolcar, director of Westbury Pizza Ltd, offered up a number of conditions to be added to the licence if it were to be granted. These can be found in **Appendix 2**. The resident was satisfied that this resolved their concerns and subsequently withdrew their representation.

3.5 During the consultation period Mr Sancolcar also confirmed that customers would not be permitted to sit inside the premises after 11pm as it would be a collection only service after this time. **Appendix 2a**.

3.6 Representations Received

- Rep 1, Julie Dyer on behalf of Westbury Town Council

- Rep 2, Councillor Matthew Dean, Wiltshire Councillor and Westbury Town Council
- Rep 3, Sandoes Chartered Surveyor, Edward Street, Westbury (on behalf of Harford Properties Ltd)

3.7 Responsible Authorities

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

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

Representation	Licensing Objective	Comments
Representation 1	Crime and disorder Public nuisance	Longer opening hours may provide a place for social gatherings after local pubs have closed. Increasing the chance of people who may be intoxicated and cause nuisance or other social problems. Increase of traffic, noise and disturbance in densely populated area
Representation 2	Public nuisance	Noise from customers and drivers. Increase in litter in the area.
Representation 3	Public nuisance	Light disturbance from the premises. The surrounding flats are lit up by the premises. Use of car park by delivery drivers. Increase in litter.

3.9 The relevant representations are attached as **Appendices 3a-c**.

3.10 Attached as **Appendix 4** is a plan showing the location of the premises.

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: Carla Adkins

Public Protection (Licensing)

Date of Report: 22 December 2023

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**
- **The Legislative Reform (Entertainment Licensing) Order 2014**

Appendices

- 1 Application and Plan**
- 2 Conditions offered by applicant**
- 2a Email from applicant confirming use after 11pm**
- 3a Rep 1 - Westbury Town Council**
- 3b Rep 2 - Councillor Matthew Dean, Wiltshire Council and Westbury Town Council**
- 3c Rep 3 – Sandoes Chartered Surveyors on behalf of Harford Properties Ltd**
- 4 Location map of premises**