

Western Area Licensing Sub Committee

Decision Made on 25 September 2024

Application for a Premises Licence – Fig, 5 The Shambles, Bradford on Avon, Wiltshire, BA15 1JS

Councillors:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Kevin Daley (Chair)

Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of (Fig, 5 The Shambles Bradford on Avon, BA15 1JS) be **GRANTED** for the licensable activities as shown below:

Licensable Activities	Days	Timings
Sale by retail of alcohol (on and off sales)	Monday to Sunday	08:00 – 23:00
Sale by retail of alcohol (on and off sales)	New Year's Eve	08:00 – 00:00

Subject to the following condition:

As proposed by the Applicant and amended and imposed by the Sub Committee
The courtyard fronting onto Coppice Hill is to be closed to the public by 18:00 each day.

The Applicant

Kayra Collection Ltd applied for a Premises License in respect of Fig, 5 The Shambles, Bradford on Avon, BA15 1JS, which would allow the sale of alcohol on and off the premise. The premise would not contain a bar but would act as a shop and a cafe primarily serving food, including light refreshments.

Responsible Authorities

There were no representations from any Responsible Authorities.

Representations

11 representations were received from 12 local residents who had raised concerns about the application, and two letters were received in support. Of the 12 residents that had objected, six were in attendance at the hearing to raise concerns about potential public nuisance, in particular that resulting from use of the rear courtyard adjoining Coppice Lane ('the courtyard'). Neither of the members of the public that had written letters of support were in attendance.

Reasons

In reaching its decision, the Sub Committee considered all the written evidence as well as the oral representations from all parties present at the hearing. The Sub Committee noted the concerns raised by local residents regarding noise pollution, acknowledging their worries about the poor acoustic qualities, and proximity of, residential properties. They also took account of statement from the Applicant saying that they were willing to reduce the opening hours of the rear courtyard to mitigate potential noise pollution and that they did not intend to allow smoking or vaping in the courtyard.

The Sub Committee considered that the closure of the courtyard by 18:00 every day would limit the public noise nuisance to the local residents. They also stated that they would welcome the courtyard not being used for smoking or vaping at any time.

In addition, the Sub Committee considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council. They heard no evidence that the Applicants would fail to promote the licensing objectives.

Right to Appeal

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they 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 written notification of the decision. 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.