

SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 JUNE 2017 AT THE BOURNE CENTRE, HOLDERS ROAD, AMESBURY, SALISBURY, SP4 7PW IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE; SNACK VAN, LAY-BY OFF PACKWAY, LARKHILL, AMESBURY

Present:

Cllr Allison Bucknell, Cllr Jose Green, Cllr George Jeans and Cllr Robert Yuill

Also Present:

Paul Taylor, Solicitor
Hannah Hould, Licenising Officer
Lisa Moore, Democratic Services Officer
Cllr Healing, Durrington Town Council
Mr Gunduz, Applicant

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Alison Bucknell as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were none.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

4 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Mr Gunduz for a Premises Licence at The Snack Van, Lay-by off Packway, Larkhill, Amesbury.

The Licensing Officer, Hannah Hould, introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

- On 19 April, an application for a Premises Licence in respect of Snack Van had been made by Mr Sihman Gunduz for which one relevant representation had been received from Durrington Town Council.
- The application was for the provision of late night refreshment after 11pm (Friday & Saturday from 11am – 3am).

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Gunduz, the Applicant were:

- Lots of customers were happy with the service he currently provided.
- He had been told by the customers that if he could open later then his trade would increase.
- He wanted to keep his customers happy by staying open later.

Questions from Councillors:

- Do you believe that staying open later would improve the viability of your business? Answer: Yes and by staying open later would enable him to make more profit.
- Was there evidence to say that there would be business at 3am? Answer: The existing regular customers had advised him that they wished to go for food after 11pm. People were currently passing by taxi to go further afield to get food late at night.
- What parking arrangements were available? Answer: 6 /7 cars could park there at the same time.
- Were there any tables at the site? Answer: No it was only for takeaway.
- Was there adequate lighting? Answer: The only the lights were on top of the van as it has its own illumination for this.

- Would CCTV be installed? Answer: There was CCTV already.
- How long had you been in this layby? Answer: 4 months.
- Did anybody who visit on foot? Answer: No, just cars, and if by taxi the taxi waits.
- Were there any more snack bars in Wiltshire run by you? Answer: No.
- Were there any toilets? Answer: At the moment, we open between shop hours, so customers use the shop toilets. If we open later then we would provide a toilet. (Note – that is not relevant to the licence. It would be a trading standards concern)
- The reports states there would be strong management controls and effective training of the staff would take place, how would that take place? Answer: People would be made aware of the CCTV which it was hoped would act as a deterrent. If there was an incident the Police would be called. There would be 2 people working on the late shifts.

Key points raised by Cllr David Healing, Durrington Town Council, who made a Relevant Representation were:

- The increased hours would cause a public nuisance
- Currently school children who called in for a burger on the way home, were continuing along the Packway and would drop the rubbish further up the path. Mainly during the summer.
- There was a history of drugs being circulated at the site. However this was not connected to the applicant.
- A planning application was thought to be going through shortly for a completely new round about, with extended lighting. At the moment there were 200 houses, but this would increase to 400, with the inclusion of a new school. The pathway would be used by more people. We are not sure of the speed limit along this road. There would be an increased accident prone area as people would have to cross the road to use the burger van.
- The Packway would be under a traffic control system, with one part completely closing during these building works. There was concern about the safety of people having to cross a public road.
- Until A303 is developed and relieves the traffic hold ups past Stonehenge, as people are using this road as a rat run.

Note; The Panel were reminded that they were only able to consider the impact on the hours after 23.00 as that is what this application was for.

The Chairman noted that they were limited as to what could be looked at, but noted his general concerns.

Questions from the Councillors –

- With regards to your concerns surrounding children and litter, would you think there was any possibility of the litter issue being added to after

11pm at night? Answer: Until the development has started we do not know.

- Had the planning application been approved yet? Answer: The school development had, but the houses had not yet.
- Regarding the road safety element, had the roundabout work commenced? Answer: It would start in a couple of months. There was no roundabout yet. The works at the moment was to lay sewerage pipes for the houses in the village.
- Have you any evidence that people were walking to the van late at night? Answer: None.

There were no questions from the Applicant.

The Sub Committee Members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 11.37am

The Hearing reconvened at 11.50 am.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

The hearing would consider only the relevance of issues affected by the opening after 11pm.

There was no representation from the Town Council for reduced hours.

The issue regarding rubbish created by school children would not be contributed to after 11pm.

If the applicant cleared up the layby then there was not an issue. There may be a condition in the street trading agreement that they clear up after themselves.

Normally CCTV was to stop public nuisance and crime, however the representations raised were not for that.

Representations were only concerning public nuisance and public safety in relation to pedestrians crossing the road.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

Decision:

The Southern Area Licensing Sub Committee resolved to GRANT the Premises Licence as applied for, with the following additional condition:

- That CCTV equipment will be installed and fully maintained to cover the trading area. The CCTV will be of sufficient quality so as to produce images which will enable identification; images will be securely stored for a minimum of 28 days. The CCTV will be made available on request by an authorised officer with the minimum of delay.

Reason: - for the prevention of crime and disorder and the prevention of public nuisance.

The granting of this Premises Licence is without prejudice to any other consents or approvals, including any planning permission that may be required.

7 **Appendix 1**

8 **Appendix 2**

9 **Appendix 3**

(Duration of meeting: Times Not Specified)

The Officer who has produced these minutes is Lisa Moor - Democratic Services Officer, of Democratic Services, direct line 01722 434560, e-mail lisa.moore@wiltshire.gov.uk

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