

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

20 June 2023

Application for a Premises Licence; Krumbz Café, Kennet Place, Marlborough, SN8 1NG

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of The Krumbz Café, Kennet Place, Marlborough, SN8 1NG made by Krumbz Café Ltd.

2. Background Information

2.1 An application for a Premises Licence in respect of Krumbz Café, Kennet Place, Marlborough, SN8 1NG has been made by Krumbz Café Ltd for which one relevant representation has 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 27 April 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
Sale by retail of alcohol (ON and OFF sales only)	08:00 – 22:00	Everyday
Hours open to the public	08:00 – 22:30	Everyday

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

2.7 Premises that have ON Sales/ON and OFF Sales on their Premises Licence within the vicinity are:

Premises	Licensable Activity	Days and Timings
The Parade Cinema, The Parade, Marlborough, SN8 1NE	Sale by retail of alcohol (ON Sales)	10:00 – 23:00 Everyday
	Live and Recorded Music (Indoors and Outdoors)	09:00 – 22:00 Everyday
	Exhibition of Film (Indoors)	09:00 – 00:00 (Midnight) Everyday
	Hours open to the public	08:00 – 00:00 (Midnight) Everyday
Waitrose, 17-18 High Street, Marlborough, SN8 1AA	Sale by retail of alcohol (ON and OFF Sales)	07:00 – 23:00 Everyday
	Recorded Music (Indoors)	24 hrs Everyday
	Hours open to the public	07:00 – 23:00 Everyday

A location map showing the proximity of the licensed premises is attached as **Appendix 2**.

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 During the consultation period three relevant representations were been received from residents and Marlborough Town Council. No representations were received from any Responsible Authorities.

Subsequently, two representations were withdrawn following mediation.

3.3 Representations Received

- Representation 1 – Marlborough Town Council

3.4 Responsible Authorities

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

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

Representation	Licensing Objective
Representation 1	Prevention of Public Nuisance

3.6 The relevant representation is attached as **Appendix 3**.

3.7 During the consultation period and mediation between all parties the Applicant modified the application to the following:-

- **Reduce the hours to mirror planning conditions 08:00 hrs to 18:30 hrs**
- **To include a condition “There shall be no vertical drinking at the premises, all alcohol shall be consumed whilst seated”**

Planning conditions attached as **Appendix 4**.

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.
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26 May 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**

Appendices

- 1 Application form**
- 2 Location Map of Premises and other licensed premises**
- 3 Relevant representation**
- 4 Planning Conditions**