

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

27 SEPTEMBER 2011

Application for a Premises Licence; 18 High Street, Wootton Bassett, SN4 7AA

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of 18 High Street, Wootton Bassett, SN4 7AA made by Mr Krishnamoorthy Thavarajah.

2. Background Information

- 2.1 An application for a Premises Licence in respect of 18 High Street, Wootton Bassett has been made by Mr Thavarajah for which six (6) relevant representations have been received from interested parties living in the vicinity of the premise.

- 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 necessary 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 necessary 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 12 July 2011 an Application for a Premises Licence was received and returned to the applicant as it contained omissions. On 2 August 2011 the application was completed and returned to the Licensing Office and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Supply of alcohol off the premises only	10:00 -23:00 10:30 -23:00	Monday – Saturday Sunday

A copy of the application from Mr Krishnamoorthy Thavarajah is attached as **Appendix 1**.

2.7 The premises has not previously been licensed, it has most recently been a Kitchen supplier outlet.

2.8 I draw the committee’s attention to the Secretary Of State’s 182 Guidance which states, shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premise at any times when the retail outlet is open for shopping unless there are good reasons, based on licensing objectives, for restricting those hours.

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park, Chippenham, Wiltshire. During the consultation period six relevant representations have been received from Interested Parties

3.2 Interested Parties

Ms P Evans	7 High Street Wootton Bassett
Mrs A Bucknell	154 High Street Wootton Bassett
Mr & Mrs M J Penny	157 High Street Wootton Bassett
Mr J Wilks	159 High Street Wootton Bassett
Mr R Brown	3 Rope Yard Court Wootton Bassett
Ms V Ross	4 Rope Yard Court Wootton Bassett

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

Representation	Licensing Objective	Accepted	Comments
Anti Social Behaviour	Public Nuisance	Yes	

Parking Issues	Not applicable	No	Not relevant to the Licensing Act 2003
Possibility of under aged sales	Protection of children from harm	Yes	
Lighting Issues	Public Nuisance	Yes	
Planning matters	Not applicable	No	Not relevant to the Licensing Act 2003

3.4 The relevant representations are attached as **Appendix 2a**. Attached as **Appendix 2b** are location maps. A plan which shows the locations from where representations have been made will be circulated at the meeting.

3.5 Responsible Authorities

No Responsible Authority has made a representation in connection with this application; however during the consultation period Wiltshire Police met with the applicant to discuss his application and proposed the following amendments to the Premises Licence application. A copy of the letter setting the proposed amendments was received from Wiltshire Police on 22 August 2011.

- A CCTV system will be installed at the premises to cover the licensed area and the rear door. The system will be operational and maintained at all times; the system will retain images for a period of not less than 28 days, CCTV images will be produced to a Police Officer or a Council Licensing Officer on request.
- The premises will operate a Think 25 policy and will display signage promoting this policy.

A copy of the letter setting the proposed amendments was received from Wiltshire Police on 22 August 2011. A copy of the letter from Wiltshire Police is attached as **Appendix 3a**.

Mr Thavarajah agreed to the amendments via email on the 31 August a copy of the email is attached as **Appendix 3b**.

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, all Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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, the Responsible Authority(ies) and Interested Parties 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 an Interested Party 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 an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

Linda Holland

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Date of report - 12th September 2011

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 for a premises licence**
- 2a Representations from interested parties**
- 2b Location Map**
- 3a Letter from Wiltshire Police**
- 3b Acceptance from Mr Thavarajah**