

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

MEETING DATE: 3rd November 2011

Application for a Premises Licence; 9 The Bridge, Chippenham, SN15 1HA

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of 9 The Bridge, Chippenham, SN15 1HA made by Mrs Yuk Ling Lee.

2. Background Information

- 2.1 An application for a Premises Licence in respect of 9 The Bridge, Chippenham has been made by Mrs Yuk Ling Lee for which three (3) 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 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 14th September 2011 an application for a premise licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Provision of late night refreshment	23:00 – 02:00 23:00 – 04:00	Sunday to Thursday Friday and Saturday

A copy of the application from Mrs Yuk Ling Lee is attached as **Appendix 1**.

2.7 The premises has previously been licensed for late night refreshment as a fish and chip venue for the following hours:

Licensable Activity	Timings	Days
Provision of late night refreshment	23:00 – 01:00 23:00 – 01:30 23:00 – 01:00	Monday to Thursday Friday to Saturday Sunday

The licence was never transferred and no interim authority notice was ever served. No annual fees have been received by the licensing authority for this licence.

2.8 The premises listed below are licensed for late night refreshment provision until the stated times and are in the vicinity of 9 The Bridge, Chippenham, Wiltshire.

Name of Premises	Timings	Days
Cappadocia	23:00 – 00:00 23:00 – 03:30 23:00 – 03:00	Sunday to Wednesday Thursday Friday to Saturday
Chicoland	23:00 – 23:30 23:00 – 03:00 23:00 – 02:30	Sunday to Wednesday Thursday Friday to Saturday
Reg's Kebab and Pizza	23:00 – 00:00 23:00 – 03:00 23:00 – 03:00	Sunday to Wednesday Thursday Friday to Saturday
Shoestrings	23:00 – 01:00	Monday to Sunday
Subway	23:00 – 04:00 23:00 – 00:00 23:00 – 04:00	Sunday Monday to Wednesday Thursday to Saturday

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 three (3) relevant representations have been received from one (1) Responsible Authorities and two (2) Interested Parties

3.2 Responsible Authorities

- Wiltshire Police, Divisional Licensing Officer, Trowbridge Police Station, Polebarn Road, Trowbridge, Wiltshire.

3.3 Interested Parties

- Chris Cook, Subway, 18 The Bridge, Chippenham, Wiltshire, SN15 1EX
- Christopher Caswill, 19 The Street, Cherhill, Wiltshire, SN11 8XP

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

Representation	Licensing Objective	Accepted	Comments
Crime and Incidents	Crime and Disorder	YES	
Management Issues	Crime and Disorder	YES	
Anti-social Behaviour	Prevent Public Nuisance	YES	

3.5 The relevant representations are attached as **Appendix 2a**. Attached as **Appendix 2b** is a plan which shows the locations from where representations have been made.

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.
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Date of report 19th October 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**