

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

27 JULY 2012

**Application for a Premises Licence; 16 WINCHESTER STREET, SALISBURY,
SP1 1HB**

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of 16 Winchester Street made by Mr Engin Kale

2. Background Information

- 2.1 An application for a Premises Licence in respect of 16 Winchester Street has been made by Mr Engin Kale for which 34 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 1 June 2012 an application for a premises 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	Sunday to Thursday Friday & Saturday	07:00 to 23:00 07:00 to midnight
Sale by retail of alcohol (off sales only)	Sunday to Thursday Friday & Saturday	07:00 to 23:00 07:00 to midnight

A copy of the application from Mr Engin Kale is attached as **Appendix 1**.

2.7 The applicant failed to advertise the application within the required time scale. It was agreed, with the applicant's solicitor, that if the application was advertised in the Salisbury Journal on Thursday 21 June 2012 the 28 day consultation period would be extended to Monday 9 July 2012. The advert appeared in the Salisbury Journal as requested and the blue notices at the premises were amended to show the correct closing date for representations.

3. Consultation and Representations

3.1 The application process requires the application to be advertised in a local paper within 10 working days, starting on the day after the authority receives it and a public notice (on pale blue paper) to be posted on the premises for a period of 28 consecutive days, starting the day after the authority receives the application. During the consultation period 34 relevant representations have been received from Interested Parties, and none from Responsible Authorities.

3.2 Responsible Authorities

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

3.3 Interested Parties

- G Thomas Cambridge Wine Merchants, 5 Winchester Street
- J Pnor-Wilson 35 Winchester Street, Salisbury
- N Prescod 58 Winchester Street, Salisbury
- P Aicken 19 Graham House, Culver Street, Salisbury
- A Kilimiwells 10 New Canal, Salisbury
- R Faithfull Sharp Practice, 2-8 Catherine Street, Salisbury
- Ketenamen 18 Catherine Street, Salisbury
- D Hardcastle 15a Brown Street, Salisbury
- N Coles VooDoo, 30 Milford Street, Salisbury
- D Hancock VooDoo, 30 Milford Street, Salisbury
- Mr L Leatherdale 50 Milford Street, Salisbury
- Ms S Linge 113 Exeter Street, Salisbury

- N Jones 10 Ivy Street, Salisbury
- R Safe 12 Greencroft Street, Salisbury
- V Kefencies 40 Bishopdown Road, Salisbury
- N Wilkins-Small 42 Bishopdown Road, Salisbury
- Mr & Mrs Schroeder Martin Mcoll, 34 Blue Boar Row, Salisbury
- Mr B Murley 1 Marina Road, Salisbury
- C Escott 9 Fountains House, Blackfriars Way, Salisbury
- L Shields 44 Glastonbury House, The Friary, Salisbury
- R Ash Flat 3 Cleveland Flats, Fairview Road, Salisbury
- N Day 8 St Ursula's Close, Salisbury
- C Phipps 9a Festival Avenue, Salisbury
- N Pratt 221 Gainsborough Close, Salisbury
- C Nation 108 Westwood Road, Salisbury
- Victoria Circir 130 Randalls Croft Road, Salisbury
- R Robson 17 Hillview Road, Salisbury
- I Matthews 23 Merrifield Road, Ford
- M Ludlow 4 Castle Well Mews, Old Sarum
- D F Day Prospect House, Coombe Bissett
- M Andrews 20 Tidworth Road, Porton
- A Pearce 22 Three Cuppes Lane, Salisbury
- M J Emm No address given on the letter.
- C Stefan No address given on the letter.

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

Representation	Licensing Objective	Accepted	Comments
Anti social behaviour	Crime & Disorder	Yes	
Noise nuisance	Public Nuisance	Yes	

3.5 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 3** 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: 13 July 2012

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 New premises licence application (Pages 13-36)**
- 2 Representations received from interested parties (Pages 37-72)**
- 3 Location plans (73-82)**