

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

23 AUGUST 2012

**Application for a Variation of a Premises Licence for Late Night Refreshment;
Feta Feast, 82 Market Place, Warminster, Wiltshire, BA12 9AU**

1. Purpose of Report

1.1 To determine an application for a variation of a Premises Licence for Late Night Refreshment in respect of Feta Feast made by Mohamad Saadi.

2. Background Information

2.1 An application for a variation of a Premises Licence in respect of Feta Feast has been made by Mohamad Saadi for which a 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 modify the conditions of the licence
- ii) To reject the whole or part of the application.

2.5 On 6 July 2012 an application for a variation of a Premises Licence at Feta Feast was received and accepted as a valid application. A copy of the existing Premises Licence is attached as **Appendix 1**.

2.6 The variations applied for are summarised as follows:

Licensable Activity	Current Days and Timings	Proposed Days and Timings
Late Night Refreshment	Sunday – Tuesday 2300 – 0100 next day Wednesday – Saturday 2300 – 0200 next day	Friday - Saturday 23.00 – 03.00 next day Boxing Day & New Years Eve 2300 – 0500 next day

A copy of the application is attached as **Appendix 2**.

- 2.7 The premises have had the benefit of a licence for late night refreshment since October 2005. The licence was transferred to Mr Saadi on the 3 July 2012.
- 2.8 The Applicant has described in his application, the additional steps he intends to take to promote the crime and disorder and public safety licensing objectives:
- (i) One member of SIA Door staff to be employed at the premises from 0100 hours on Friday and Saturday and Boxing Day. Two members of SIA Door Staff from 0100 hours on New Year's Day.
 - (ii) On Thursday, Friday & Saturday an additional member of staff to be employed to serve customers. This is in order to speed up service and prevent queuing.
- 2.9 In December 2011 the premises licence was called for review by Wiltshire Police. The grounds for review being that the premises had been conducted in such a manner as to prejudice the crime and disorder licensing objective. At the hearing of the review application, the changes made to the licence by the Committee included that the licensable hours for late night refreshment on Wednesday, Thursday, Friday and Saturday, be reduced by one hour from 0300 to 0200. As a consequence, the condition on the licence referring to the employment of door staff from midnight, when trading at the premises continued to 0300 hours, was also removed from the licence.
- 2.10 A location plan of the licensed premises is attached as **Appendix 5** to this report.

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, in addition to a notice in a local publication. During the consultation period relevant representations have been received from one Responsible Authority

3.2 Responsible Authority

- Wiltshire Police

3.3 Interested Parties

- None

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	
	& Public Safety	Yes	

3.5 The relevant representation (letter dated 1 August 2012) is attached as **Appendix 3.**

3.6 The Wiltshire Police have provided additional supporting evidence which is 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, 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 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: 14 April 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 Existing Premises Licence**
- 2 Application for Variation of a Premises Licence under the Licensing Act 2003**
- 3 Copy of the relevant representation.**
- 4 Wiltshire Police supporting evidence.**
- 5 Location map of the licensed premises.**