

## EASTERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 JANUARY 2015 AT YEOMAN ROOM, DEVIZES CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS IN RESPECT OF AN APPLICATION FOR VARIATION OF A PREMISES LICENCE: CENTRAL STORES, 47 HILLWORTH ROAD, DEVIZES, SN10 5HB**

**Present:**

Cllr Allison Bucknell, Cllr Ernie Clark and Cllr Jose Green

Wiltshire Council

Asifa Ashraf (Solicitor)  
Lisa Pullin (Democratic Services Officer)  
Jemma Price (Public Protection Officer – Licensing)

Others Present

Chris Mitchener (On behalf of Applicants)  
Cllr Peter Evans (On behalf of Devizes Town Council – Interested Party)

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1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

**Resolved:**

**To elect Councillor Allison Bucknell as Chairman for this meeting only.**

2 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 1 – 8 of the Agenda refers).

3 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

**Application for a Variation of Premises Licence in respect of Central Stores, 47 Hillworth Road, Devizes made by W S Retail Limited**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant and the Interested Party (Devizes Town Council) who had made a relevant representation were given the opportunity to address the Sub Committee.

Key points raised by Chris Mitchener from Licensing Solutions on behalf of the Applicant were:

- These premises had recently been acquired by the Applicant and they would wish to be able to provide all of the items in their shop for sale when they are open to the public;
- No representations had been received from Wiltshire Police, Environmental Health or from local residents;
- No evidence had been supplied as to why serving alcohol during the requested times might cause a problem or that people might migrate to the area to buy alcohol some 2 and a half hours after late night pub/club venues in the town had closed;
- There are other establishments in town that operated 24 hours a day and the Applicants believe that if these had/were creating problems then the Police would have made an objection to this application;
- All of the staff who work in Central Stores are suitably trained in the sale of alcohol, with 3 monthly refresher training. A refusal of sale book is operated. The Challenge 25 Scheme is also operated; and
- No one else has made any objection to the variation of hours to serve alcohol and the Applicants do not believe that serving alcohol from 05:30 would give rise to any problems.

The following question was asked of the Applicant:

Q What is the reason for the requested change in hours?

A The Applicant's wish for all of their stores to operate on the same hours and there is a demand from customers to be to buy alcohol any time when the store is open.

Key points raised by Councillor Peter Evans from Devizes Town Council (Interested Party) were:

- The premises had operated as a convenience store for many years;
- The Town Council felt that there was not enough of a break between the pubs/clubs closing to the proposed time of start of alcohol sales at Central Stores and that the public could migrate from the town centre to Central Stores to carry out drinking;
- There are no problems with noise at Central Stores at present and the Town Council do not believe there is a demand for alcohol sales to start at this time; and
- This variation is inappropriate for the residential siting of the premises, it was not needed and a refusal of the variation was requested.

The following question was asked of the Interested Party:

Q The nearest late night opening premises to Central Stores is the Southgate Inn which has a licence to 03:00, some 2 and a half hours to the proposed commencement of sale of alcohol at Central Stores. Are there any others nearby?

A No.

Q What will people be doing till 05:30?

A I wouldn't imagine that people would hang around for 2 and half hours to carry on drinking in the winter, but they may in the summer. I live in a town centre location and am aware people are around drinking in the town at 06:00.

Q Is there any evidence of problems with the other 24 hour establishments that sell alcohol?

A The other venues are not so close to the Town Centre.

Q What is the evidence for us to refuse this application, we have to consider the licencing objectives?

A There is an assumption that there will be a noise disturbance to residents.

Councillor Evans on behalf of the Town Council made the following points in summation:

- The premises is presently well operated and there is no request to serve alcohol earlier than we know of; and
- If patrons do require alcohol at that time in the morning there are other venues available to them.

Chris Mitchener on behalf of the Applicant made the following points in summation:

- Even though under the Licensing Act we don't need to "prove" a demand we say that the availability of alcohol at all times has been requested by our customers. Some finish work in the early hours and come in on their way home and wish to purchase alcohol for consumption at another time;
- There has been no local or Police objection to the variation request; and
- It is outside of this Sub Committee's remit today to speculate what may happen in the future – if difficulties should arise then the review system is available to address any real issues that arise.

The Sub Committee then retired to consider the application at 10.45am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.05am.

The Solicitor for the Council did not give any material legal advice.

**Resolved:**

**To vary the Premises Licence for Central Stores, 47 Hillworth Road, Devizes as follows:**

**The variation to the provision of Licensable Activity:**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<b>Sale by Retail of Alcohol (OFF the premises)</b>	<b>05:30 – 23:00</b>	<b>Monday - Sunday</b>

All additional steps offered in Section P of the application were accepted by the Sub Committee and would form part of the conditions of the revised Premises Licence as detailed below:

#### **Prevention of Crime and Disorder**

The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place. The CCTV will be of sufficient quality so as to produce images which enable identification; images will be securely stored for a minimum of 28 days. CCTV images will be produced to a Wiltshire Council Officer or Police Officer on request.

Premises will be alarmed.

#### **Public Safety**

Staff to be suitably trained and to undertake refresher training. Training records are to be maintained and kept on file.

#### **Prevention of Public Nuisance**

Notices are to be prominently displayed at all exits from the premises requesting that patrons respect the needs of people living in the area and to leave the area quietly.

#### **Protection of Children from Harm**

A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 25 and who wishes to purchase alcohol.

A refusals book is to be kept up to date, and made available to an authorised officer of the Licensing Authority and Police upon request.

#### **Reasons:**

The Sub Committee considered the written evidence presented in the agenda from the Applicant and the Town Council, together with the oral evidence given at the hearing.

The Sub Committee considered that the addition of the conditions set out in Section P of the application were appropriate to meet the licensing objectives.

In reaching its decision the Sub Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

**Right of Appeal:**

**All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.**

(Duration of meeting: 10.20am – 10.45am  
Adjournment – 10.45am – 11.05am  
Announcement of Decision – 11.05am – 11.08am)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or email [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk), of Democratic Services, direct line , e-mail

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