

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

20 October 2021

Application for a Variation of a Premises Licence; Aldi, 60-62 Warminster Road, Westbury, Wiltshire, BA13 3PF

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Aldi, 60-62 Warminster Road, Westbury made by Aldi Stores Ltd

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Aldi, 60-62 Warminster Road has been made by Aldi Stores Ltd for which 1 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 35(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 as applied for.
 - ii) To modify the conditions of the licence.
 - iii) To reject the whole or part of the application.
- 2.5 On the 31st August 2021 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The details of the variation applied for, are summarised below:

Licensable Activities	Hours
Supply of Alcohol (ON and OFF Sales)	Monday – Sunday 06:00 – 00:00
Hours open to the public	Monday – Sunday 06:00 – 00:00

2.7 A copy of the application form is attached as **Appendix 1**.

2.8 Since November 2005 the premises has benefited from a premises licence issued under the Licensing Act 2003. The current licence authorises the following:

Licensing Activities	Hours
Supply of Alcohol (ON and OFF Sales)	Monday – Sunday 08:00 – 23:00
Hours open to the public	Monday – Sunday 08:00 – 23:00

2.9 The Current premises licence including the plans and current conditions are attached as **Appendix 2**.

2.10 After the consultation period the applicant offered to amend the application to leave the terminal hour as it currently is at 23:00 and not seek the later terminal hour of 00:00, they also offered a start time of 07:00 these emails are attached as **Appendix 3**.

2.11 Attached as **Appendix 4** is a location plan of the premises.

2.12 It is important to note section 10.15 of the licensing Act 2003 states: Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period 1 relevant representation against the application was received from Westbury Town Council.

3.4 Responsible Authorities

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

3.5 Interested Parties

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

Representation	Licensing Objective
Westbury Town Council	Public Nuisance

3.7 The relevant representation is attached as **Appendix 5**.

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 and 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 Premises Licence Holder, 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.

Report Author:
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Date of report: 11th October 2021

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 form**
- 2 Current Licence and plan**
- 3 Offered amendment to application**
- 4 Location plan**
- 5 Relevant representation**