

WILTSHIRE COUNCIL

WESTERN AREA LICENSING SUB COMMITTEE

11 DECEMBER 2023

Application for a Premises Licence
Asda Express, East Street Service Station Supermarket, 80 East Street,
Warminster, Wiltshire, BA12 9BQ

1. Purpose of Report

- 1.1 To determine an application for a Premises Licence in respect of Asda Express, East Street Service Station Supermarket, 80 East Street, Warminster, Wiltshire, BA12 9BQ.

2. Background Information

- 2.1 An application for a Premises Licence in respect of Asda Express, East Street, Warminster has been made by Euro Garages LTD for which 4 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 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 refuse to specify a person as the designated premises supervisor.
 - iv) To reject the whole or part of the application.
- 2.5 On the 26 October 2023 an application for a new premises licence was received and accepted as a valid application.

2.6 The details of the licence applied for, are summarised below:

Licensable Activities	Hours
Late Night Refreshment (indoors and outdoors)	23.00 – 05.00 daily
Sale of Alcohol (OFF sales)	00.00 – 00.00 daily

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

Attached as **Appendix 2** is a location plan of the premises.

2.7 For reference, similar premises which are licensed in the vicinity are detailed as follows:

Premises	Licensed Hours
Waitrose, Station Road, Warminster, Wiltshire, BA12 9BR	ON and OFF Sales of Alcohol Monday – Sunday 07:00 – 23:00
One Stop, 26-28 Imber Road, Warminster, BA12 9DB	OFF Sales of Alcohol Sunday 10:00 – 22:30 Monday – Saturday 08:00 – 23:00

2.8 There are no restrictions on the opening hours of the premises. The current advertised opening hours are 07:00 – 23:00.

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.

3.2 During the consultation period 4 representations against the application were submitted and accepted as “valid”.

3.3 Responsible Authorities

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

3.4 Interested Parties

- Representation 1 – East Street, Warminster
- Representation 2 – East Street, Warminster
- Representation 3 – East Street, Warminster
- Representation 4 – East Street, Warminster

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

Representation	Licensing Objective	Comments
1	Public Nuisance, Crime and disorder	Disturbance and Anti-Social behaviour
2	Public Nuisance, Public Safety, Crime and disorder	Anti-social behaviour, damage to property, accident.
3	Public Nuisance	Disturbance which will be detrimental to mental health.
4	Public Nuisance	Drunken behaviour, disturbance

3.6 The relevant representations are attached as **Appendices 3A-D**. Attached as **Appendix 4** 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 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:

Emma Hyde, Public Protection Officer - Licensing

emma.hyde@wiltshire.gov.uk

29 November 2023

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 and plan**
- 2 Location plan of premises**
- 3a-d Relevant representations (objections) received**
- 4 Location of Objectors**