

WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

19 January 2015

Application for a Variation of a Premises Licence; Central Stores, 47 Hillworth Road, Devizes, Wiltshire, SN10 5HB

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Central Stores, 47 Hillworth Road, Devizes made by W S Retail Limited.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Central Stores, 47 Hillworth Road, Devizes has been made by W S Retail Limited for which one 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 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; or
 - ii) To reject the whole or part of the application.
- 2.5 On 18 November 2014 an application for a variation to the premises licence at Central Stores, 47 Hillworth Road, Devizes was received and accepted as a valid application.

2.6 The variation applied for is summarised as follows:

Licensable Activity	Current Days and Timings	Proposed Days and Timings
Sale by retail of alcohol OFF the premises	Monday – Saturday 08:00 – 23:00 Sunday 10:00 – 20:30	Monday – Sunday 05:30 – 23:00

To extend the opening hours to mirror those proposed for the sale by retail of alcohol.

To remove the restrictions on Christmas Day and Good Friday, these were not restrictions on the licence and therefore not applicable for this application.

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

2.7 For reference, current premises which are licensed for sale by retail of alcohol, late night within Devizes, are detailed as follows;

	Premises	Licensed Hours to Sell Alcohol by Retail
1	The Bear Hotel	Monday to Sunday 10:00 – 02:00
2	The Bell by the Green	Monday to Sunday 08:00 – 02:00
3	Corn Exchange	Monday to Saturday 08:00 – 02:00 Sunday 08:00 – 23:00
4	Crown Bar O.C.	Monday to Sunday 10:00 – 03:00
5	ESSO Service Station	Monday to Sunday 00:00 – 23:59
6	The Lamb	Monday to Sunday 10:00 – 01:00
7	Pelican	Monday to Thursday 10:00 – 00:00 Friday to Saturday 10:00 – 02:00 Sunday 10:00 – 02:00
8	The Pepper Mill	Monday to Tuesday 08:00 – 22:30 Wednesday to Saturday 08:00 – 02:30 Sunday 08:00 – 22:30
9	Roundway Service Station	Monday to Sunday 00:00 – 23:59
10	The Silk Mercer	Monday to Thursday 09:00 – 00:00 Friday to Saturday 09:00 – 01:00 Sunday 09:00 – 00:00
11	Southgate	Monday to Wednesday 10:00 – 00:00 Thursday to Saturday 10:00 – 03:00 Sunday 10:00 – 00:00

A map is enclosed on **Appendix 2a**.

- 2.8 For reference, current premises which are licensed for off-sales of alcohol early in the morning, within Devizes, are detailed as follows:

Premises	Licensed Hours for Off Sales of Alcohol
Tesco, 21-24 Maryport Street, Devizes, SN10 1AG	06:00 – 00:00
Sainsbury's, 3 Monday Market Street, Devizes, SN10 1DN	06:00 – 23:59
Morrisons, Estcourt Street, Devizes, SN10 1LA	06:00 – 23:00
Roundway Service Station, London Road, Devizes, SN10 2EP	00:00 – 23:59
Esso Service Station, Northgate Street, Devizes, SN10 1DE	00:00 – 23:59

Map is enclosed on **Appendix 2b**. The location of premises is on **Appendix 2c**.

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 together with a copy of the notice advertised in a newspaper circulating the area of the premises. During the consultation period one relevant representation has been received from one Interested Party.

3.2 Responsible Authorities

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

3.3 Interested Parties

- Devizes Town Council, Town Hall, St John's Street, Devizes.

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

Representation	Licensing Objective	Accepted
Devizes Town Council	Prevent Public Nuisance	8 December 2014

- 3.5 The relevant representation is attached as **Appendix 3**.

- 3.6 In relation to shops, stores and supermarkets, the Guidance issued under Section 182 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.'

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 those 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 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 and the Party who has made a representation 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 any person 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 someone other than a Responsible Authority, will not normally be granted within the first 12 months except for the most compelling circumstances.

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5 January 2014

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 Premises Variation Application Form**
- 2**
 - a. Devizes Map – Late Night Venues**
 - b. Central Stores, Location Map**
 - c. Devizes Map – Early Morning Venues**
- c. Representation Form – Town Council**