

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 DECEMBER 2015 AT TIPPETT ROOM, SPRINGFIELD CAMPUS, BEECHFIELD ROAD, CORSHAM, WILTS, SN13 9DN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - MORRISONS, WEST CEPEN WAY, CHIPPENHAM,

Present:

Cllr Desna Allen, Cllr Simon Jacobs and Cllr George Jeans

Also Present:

Cllr Trevor Carbin

Wiltshire Council

Asifa Ashraf (Solicitor)
Lisa Pullin (Democratic Services Officer)
Roger Bishton (Senior Democratic Services Officer)
Roy Bahadoor (Public Protection Officer)

Applicants

Kelly Nichols (Licensing Manager, Morrisons)
Clare Johnson (Messrs Gosschalks, Solicitors)

Members of the Public who made a Relevant Representation

Cllr Nina Phillips (Wiltshire Councillor for Cepen Park North & Redlands Division)
Mr Malcolm Toogood

1 Election of Chairman

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

Resolved:

To elect Cllr Desna Allen as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies for absence.

3 **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"

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

Cllr Desna Allen declared that she was Leader of Chippenham Town Council and, although that Council had considered the application, she had not attended the relevant town council meeting.

6 **Licensing Application**

Application by Morrisons for a variation of a Premises Licence at West Cepen Way, Chippenham, SN14 6UZ.

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, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Ms Clare Johnson of Messrs Gosschalks, Solicitors, on behalf of the Applicant were:

- An application was being made on behalf of Morrisons for a variation of the Premises Licence by an increase of one hour's trading from 23:00 – 00:00 (midnight), Mondays to Sundays.
- 500 branches of the store throughout the country were trading from 6:30am through to midnight, many in densely populated areas, without being subject to review.
- Staff employed by Morrisons received intensive training in dealing with under age customers and proxy sales and an independent company was

employed to carry out spot checks throughout the country together with the use of CCTV equipment.

- The Morrisons store at West Cepen Way, Chippenham had not been subjected to any problems and no representations had been received from the Police or the Environmental Health Officer.
- There had been no representations regarding public safety or harm to children.

Key points raised by the Responsible Authority were: None

Key points raised by those who made a Relevant Representation were:

- Cllr Nina Phillips, Wiltshire Councillor for Cepen Park North & Redlands Division expressed concern that the many children living in the Cepen North area of Chippenham would be disturbed on school days by noise. She also thought that the noise generated by cars would cause a nuisance and that anti social behaviour was quite likely. She considered that more LCD lighting in the bin area and crevices should be required as a condition.
- Cllr Mary Pile, Chippenham Town Councillor for Cepen Park North & Redlands Ward submitted in writing similar representations to those presented by Cllr Nina Phillips.
- Mr Malcolm Toogood, a local resident, did not consider that there was a need for an extension to the existing licence as the area was quiet and there was no demand for an extension. He suggested that Morrisons were only seeking an extension in order to “create a precedent for their planning application for extended delivery hours into unsocial times of the night”.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, those who made a Relevant Representation and Wiltshire Council Officers. A debate ensued in which the Sub-Committee discussed points raised by those who made representations. The Sub-Committee considered that there was no firm evidence submitted to substantiate the points raised. There was no evidence of disturbance in the area and no representations had been made to the Police.

The Sub-Committee members sought clarification on some points and the Chairman explained that the question of delivery hours could not be taken into account by this Sub-Committee as that was a planning issue. The Sub-Committee then retired to consider the application at 11.00am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.12am.

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

Resolved:

That the Application for a Premises Licence/for a Variation of a Premises Licence at West Cepen Way, Chippenham, SN14 6UZ be granted as detailed below

Licensable Activity	Timings	Days
Sale by Retail of Alcohol (OFF sales)	06:00 – 00:00	Monday - Sunday

Reasons:

The Sub-Committee considered the written evidence presented in the agenda and any relevant oral representations received from Cllr Phillips and Mr Toogood with regards to the licensing objectives.

In reaching its decision the Sub-Committee also 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.

The Sub-Committee considered that there was no need for extra conditions to be attached to the variation of the Premises Licence.

Informative

The granting of the variation of the Premises Licence is without prejudice to any other consents or approvals, including any planning permission that may be required.

Right of Appeal:

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.15 - 11.15 am)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line (01225 713035), e-mail

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