

# WILTSHIRE COUNCIL

## NORTHERN AREA LICENSING SUB COMMITTEE

16 DECEMBER 2015

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### Application for a Variation of a Premises Licence; Morrisons, West Cepen Way, Chippenham, SN14 6UZ

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Morrisons, West Cepen Way, Chippenham, SN14 6UZ, made by WM Morrison Supermarkets PLC.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Morrisons, West Cepen Way, Chippenham has been made by WM Morrison Supermarkets PLC for which three 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 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 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 28 October 2015 an application for a variation to the premises licence was received and accepted as a valid application.

2.6 The variation applied for is summarised as follows:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale of Alcohol	23:00 – 00:00 (midnight)	Monday - Sunday
Opening Hours	23:00 – 00:00 (midnight)	Monday – Sunday

A copy of the application from WM Morrison Supermarkets PLC is attached as **Appendix 1**.

2.7 Other premises which are licensed for sale of alcohol for consumption off the premises, within the vicinity of the application address, are detailed as follows:

<b>Premises</b>	<b>Licensed Hours for Off Sales of Alcohol</b>	<b>Days</b>
Chippenham Service Station, Par Drive, Chippenham, SN14 6UY	24 hours	Daily
Co-op, 93 Greenway Lane, Chippenham, SN15 1AG	06:00 – 23:00	Daily
Sainsburys, Bath Road, Chippenham, SN14 0BJ	06:00 – 00:00	Daily
Sainsburys Local, Station Hill, Chippenham, SN15 1EQ	07:00 – 23:00	Daily
Tesco, 1 Emery Gate, Chippenham, SN15 3JP	06:00 – 00:00	Daily
Tesco Express, Hathaway Retail Park, Chippenham, SN15 1JG	08:00 – 23:00 10:00 – 22:30	Monday – Saturday Sunday
Tesco Express, Hungerdown Lane, Chippenham, SN14 0JH	08:00 – 23:00 10:00 – 22:30	Monday – Saturday Sunday
Waitrose, Borough Parade, Chippenham, SN15 3WL	07:00 – 23:00	Daily

2.8 Morrisons, West Cepen Way, Chippenham, has held a Premises Licence under the Licensing Act 2003 since 24<sup>th</sup> November 2005. The current Premises Licence covers the following Licensable Activities:

Licensable Activity	Licensed Hours	Days
Alcohol Sales (Off Sales)	06:00 – 23:00	Daily

A copy of the current Premises Licence is attached as **Appendix 2**. A map showing the location of the premises is attached as **Appendix 3**.

### 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 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, 3 relevant representations against the application have been received.

#### 3.3 Representations Received

- Cllr Nina Phillips, Wiltshire Councillor for Cepen Park North & Redlands Division.
- Cllr Mary Pile, Chippenham Town Councillor for Cepen Park North & Redlands Ward.
- Mr Malcolm Toogood, 10 Sandpiper Gardens, Chippenham, SN14 6YH.

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

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

Representation	Licensing Objective	Accepted
Noise Disturbance	Prevention of Public Nuisance	Yes
Anti Social Behaviour	Prevention of Public Nuisance, Crime & Disorder	Yes

3.6 The relevant representations are attached as **Appendix 4**.

- 3.7 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 persons 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 persons 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 persons 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 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 a person 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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Report Author: Roy Bahadoor, Public Protection Officer - Licensing

Date of report: 8 December 2015

### **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 for a Variation of a Premises Licence**
- 2 Existing Premises Licence**
- 3 Location Maps**
- 4 Relevant Representations**