

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

12 OCTOBER 2016

Application for a Premises Licence;
Centre News, 9 High Street, Calne, SN11 0BS

1. Purpose of Report

1.1 To determine an application for a Premises Licence in respect of 9 High Street, Calne, SN11 0BS made by Centre News.

2. Background Information

2.1 An application for a Premises Licence in respect of 9 High Street, Calne, SN11 0BS has been made by Centre News 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 18 (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 subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

2.5 On 19 August 2016 an application for a New Premises Licence was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings
Sale by retail of Alcohol (for consumption Off the Premises)	24 hours daily

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

2.7 The other premises which are licensed for off-sales of alcohol within the vicinity of the application address are detailed as follows:

Premises	Licensed Hours for Off-sales of Alcohol	Days
Sainsburys, The Pippin, Calne, SN11 8JG	24 Hours	Daily
Iceland, 17 Phelps Parade, Calne, SN11 0HA	08:00 – 23:00 10:00 – 22:30	Monday – Saturday Sunday
One Stop, 11 William St, Calne, SN11 9BB	08:00 – 23:00 10:00 – 22:30	Monday – Saturday Sunday
Pippin Service Station, 17 Oxford Rd, Calne, SN11 8AA	08:00 – 23:00 10:00 – 22:30	Monday – Saturday Sunday
Co-operative, 3A Mill Street, Calne, SN11 8DP	07:00 – 23:00 10:00 – 22:30	Monday – Saturday Sunday

2.8 The premises has not previously held a Premises Licence.

2.9 The Planning department have confirmed that there are no conditions or restrictions relating to opening hours of the premises.

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 pale 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 one relevant representation has been received from Calne Town Council.

3.3 Representations Received

- Calne Town Council, Bank House, The Strand, Calne, SN11 0EN

3.4 Responsible Authorities

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
Increase in Anti-Social Behaviour in the area if alcohol is readily available 24 hours.	Prevention of Public Nuisance, Prevention of Crime and Disorder

3.6 The relevant representations are attached as **Appendix 2**.

3.7 **Appendix 3** illustrates the location of the premises.

3.8 During the consultation period, Public Health and the Police as Responsible Authorities requested further measures to promote the Licensing Objectives. Public Health requested the implementation of a Challenge 25 Policy. The Police discussed measures regarding incident recording, staff training, CCTV and also the Challenge 25 Policy. The applicants agreed to such conditions. Email confirmation is attached as **Appendix 4** and **Appendix 5**.

3.9 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 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 Applicant and those 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 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 a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author: Jemma Price, Public Protection Officer (Licensing)

Date of report: 29 September 2016

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 New Premises Licence Application**
- 2 Relevant Representation**
- 3 Location plan**
- 4 Confirmation of Challenge 25 condition**
- 5 Confirmation of conditions following meeting with Police Licensing**