

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 20 October 2021

Application for a Variation of a Premises Licence – Aldi, 60-62 Warminster Road, Westbury, made by Aldi Stores Ltd

Councillors:

Cllr David Bowler, Cllr Steve Bucknell (Chair) and Cllr Peter Hutton

Decision:

The Western Area Licensing Sub Committee RESOLVED to GRANT the application for a Variation to a Premises Licence in respect of Aldi, 60-62 Warminster Road, Westbury to extend the licensable activity as detailed below:

Licensable Activities	Timings	Days
Supply of Alcohol (ON and OFF Sales)	Monday to Sunday	06:00 – 00:00
<i>Hours open to the public (please note that this is not a licensable activity)</i>	<i>Monday to Sunday</i>	<i>06:00 – 00:00</i>

The Applicant

The Applicant's representative informed the Sub Committee that they were carrying out a programme to bring 400 of their stores which currently held older licences into a greater operating period by extending the opening hours of their stores and therefore seeking an extension to the timings allowed for the supply of alcohol to the public to give the Applicants more operational flexibility.

The Applicant's representative noted that no local residents or Responsible Authorities had raised any issues of concern with the Responsible Authorities or had felt the need to submit a relevant representation. One relevant representation had been received from Westbury Town Council. The Applicants had offered the Town Council a compromise to amend the application for the timings of the supply of alcohol to 07:00 to

23:00 but this was not accepted by the Town Council and the offer was therefore withdrawn. The hours as per the original application were now sought by the Applicants at the hearing for consideration by the Sub Committee.

The Applicant's representative stated that during the Covid lockdown period and in the lead up to Christmas 2020 the stores had taken the opportunity to open from 07:00 to allow customers more time to come into the stores and to enable social distancing etc and had made use of temporary event notices (TENS) where appropriate. The Applicants were now seeking to have the extended opening times available to them on a permanent basis to be able to use when the business deemed it was appropriate without the need to apply for TENS .

Responsible Authorities

There were no representations from any Responsible Authorities.

Representations

One representation in objection to the application was received from Westbury Town Council ('the Town Council'). The Town Council reported that the premises are adjacent to residential properties and on the main road – the A350, which was already subject to heavy traffic and it was felt that any increase in traffic would cause a problem. The Town Council felt the extended licensing hours would interfere with the residents right to rest and relaxation and that the current licensing and opening hour of 08:00 was fairly acceptable to residents.

The Town Council reported that the prevention of harm to children was a particular concern bearing in mind that there was a junior school within 500 yards of the premises, a secondary school on Springfield Road, Westbury and that a new residential estate was also being constructed to the east of the premises. In respect of the prevention of crime and disorder, the Town Council objected on the grounds that the Police had stated they no longer had the resources to adequately manage any potential disturbance in the town late night and it was felt this may potentially lead to a limited or no Police response to any alcohol incidents occurring in the town.

Reasons

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received on behalf of the Applicants and the Councillor who spoke to the representation made by Westbury Town Council.

The Sub Committee having heard the representations took the view that there were other licenced premises along Warminster Road close to the location of the premises but noted that the Town Council had not provided evidence of alcohol related incidents caused by alcohol purchased at the Applicant's premises nor had the Town Council felt an application for a Public Space Protection Order was required. No evidence had been provided regarding public nuisance or complaints arising from the increase in traffic to

and from the premises during the extended opening hours which occurred during winter 2020/21. So far as the schools were concerned the Sub Committee noted that it was illegal to sell alcohol to children under 18 years and it was doubtful many (if any) children would seek to visit the premises at 06:00. The Sub Committee finally noted that no evidence of crime and disorder had been provided to the Sub Committee and the Police did not make a representation.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

It should be noted that the Premises Licence Holder, any 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. 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.

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.