

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 11 December 2023

Application for a Premises Licence – Asda Express, East Street Service Station Supermarket, 80 East Street, Warminster, Wiltshire, BA12 9BQ made by Euro Garages Ltd.

Councillors

Cllr Ruth Hopkinson, Cllr Peter Hutton (Chair), and Cllr Tim Trimble

Decision

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of Asda Express, East Street Service Station Supermarket, 80 East Street, Warminster, Wiltshire, BA12 9BQ made by Euro Garages Ltd, be **GRANTED** as set out below, to include the amended hours offered by the applicant.

Licensable Activities	Hours
Late Night Refreshment (indoors and outdoors)	23.00 – 05.00 daily
Sale of Alcohol (OFF sales)	06.00 – 00.00 daily

Condition as Proposed by the Applicant and Imposed by the Sub-Committee:

Late night refreshments will be restricted to the sale of hot drinks only between the hours as set out above.

The Applicant

Euro Garage Ltd applied for a Premises License in respect of Asda Express, East Street Service Station Supermarket, 80 East Street, Warminster, Wiltshire, BA12 9BQ.

Responsible Authorities

There were no representations from any Responsible Authorities and there were no Responsible Authorities present at the Sub Committee Hearing.

Representations

None of those who made relevant representations were present at the Sub Committee Hearing.

A total of 4 relevant representations had been received by the deadline, with one representation withdrawing on 7 December 2023 as a result of the proposed amendments to the hours applied for. The representations expressed concerns as to perceived anti-social behaviour, increased litter, and noise should the initial application for 24 hour sale of alcohol be granted.

Reasons for the Decision

In reaching its decision, the Sub Committee took account of the revisions to the licensable activities made by the Applicants during the hearing, namely the change in hours of the sale of alcohol from 00.00 – 00.00 daily (24hrs), to 06.00 – 00.00 (midnight) daily. The Applicants stated that they proposed the amendment as an act of good faith to the neighbouring residents in response to concerns raised by those members of the public that had made representations as to potential anti-social behaviour should the premises be licensed to sell alcohol 24 hours a day. Although these concerns were taken into consideration, the Sub Committee noted that no objections had been raised by the Police as a Responsible Authority and specialists in the field, or any other relevant Responsible Authorities. Furthermore, it had been confirmed that the premises would operate a night hatch between the hours of 22.00 – 05.00, thus restricting customer entry to the premises and preventing the ability to directly access alcohol from the shop. In addition, a till program would be implemented where any such transactions of the sale of alcohol during the hours of 00:00 (midnight) – 06:00 would be blocked and prevented.

The Sub Committee further acknowledged that the Applicant had proposed for the sale of late night refreshments to be restricted to hot drinks only, with no provision of hot food available. The Sub-Committee felt that this would assist in minimising the potential for increased late night foot traffic, further reducing submitted concerns of increased anti-social behaviour.

Having heard evidence from the representatives on behalf of the Applicant and considering the written evidence submitted by those who had made relevant representations, the Officer's report, and noting that there had been no representations made by any of the Responsible Authorities, the Sub Committee found no evidence to demonstrate that the application would adversely impact on the Licensing Objectives. The Sub Committee also considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the Guidance issued under Section 182 of the Licensing Act 2003; and the Licensing Policy of Wiltshire Council.

The Sub Committee therefore concluded on the basis of the evidence presented that the application should be granted and that such a decision was reasonable and legally sound.

Right to Appeal

The Applicant, any Responsible Authority(ies) and Interested Parties who made representations were informed that they 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 written 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.