

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 11 APRIL 2012 AT COMMITTEE ROOM C - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM IN RESPECT OF A VARIATION OF PREMISES LICENCE - PACE, SHOW MEADOW, ROYAL WOOTTON BASSETT

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Ernie Clark

Also Present:

Paul Taylor, Kirsty Butcher and Kate Golledge – Licensing Manager, Roy Light – Barrister, Kandasamy Chandrabalu – DPS, Nicola Gray – PACE National Merchandising Manager and Karen Puddifoot – PACE Area Manager

1 **Election of Chairman**

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

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2 **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”

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application - Variation of Premises Licence - PACE, Show Meadow, Royal Wootton Bassett**

Application by PACE Petroleum Limited for a variation of a Premises Licence in respect of PACE Show Meadow, Swindon Road, Royal Wootton Bassett

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 the Interested Parties were given the opportunity to address the Sub Committee.

No responsible authority had made a representation in connection with this application

Key points raised by Roy Light on behalf of the Applicant were:

- The Applicant was seeking to vary the licence to include the sale of late night refreshments daily from 23:00 to 05:00 and the sale by retail of alcohol off sales daily 24hrs.
- Pace Petroleum has forty years' experience as a forecourt and convenience store operator working towards the highest standards. These premises are long established, trade under the nationally known 'Spar' banner and lend themselves well to the needs of the community.
- The DPS has been at the site since 2006 and is a very experienced operator. Many of the staff live in the area and have worked at the site for many years.
- The site has been licensed for many years and there is no history of complaints from any of the responsible authorities relating to the premises as licensed premises.
- Neither residents nor Councillors had complained to the premises over any issues raised in the representations.
- Representations received seemed concerned with 24 hour opening rather than licensable activities.
- The store would be moving to 24hr opening for the sale of fuel and non-licensable goods regardless.
- Staff were trained to the highest standards through a proper training package.

- The premises were located on a clean modern site. Litter was not a problem with the site and there was a regular daily collection.
- Management were not aware of youths gathering on the premises and no complaints had been received.
- The car wash would still close at 23:00.
- Public notices were displayed stating alcohol is not to be drunk on or near the premises.
- A refusals log was maintained and available to view.
- PACE were very keen to work with residents.
- Conditions were suggested which will serve to promote the licensing objectives.

The Sub Committee members sought clarification on some points made by the Applicant as detailed below:

- With regards to the residents' concerns over litter, can you clarify where you collect litter from?

Litter is currently collected on the premises. A level of common sense is exercised when walking around the perimeter. We would not go 100 yards down the road.

- What are your proposed staffing levels?

Currently we have 2 staff members during the day, and propose one staff member at night as it is not considered as busy. If there are concerns business could be conducted through a hatch from 23:00 till 06:00 allowing it to be managed by one person.

- Your licence is for off-sales only – how do you enforce this?

This has never been an issue – should the drinking of alcohol occur on the premises we would ask the people responsible to stop. If they do not listen then we send an incident report to head office and all staff would be informed. We would call the police – although we have never had to. We operate a 'no single can' policy – the emphasis behind this is the reduction in buying with pocket money and less likely to promote immediate consumption.

- Can you clarify the position of alcohol within the store? (ref plan on page 21)

Alcohol will be served from a hatch between 23:00 and 06:00 so no customers will be walking in the store. The chilled alcohol includes white wine and beers. There will be no change to where the alcohol is currently situated in store.

- How is the tannoy currently used?

We must have a working tannoy – we cannot open without one as it is a condition of the petroleum licence. It is only used to advise customers, or in an emergency. We test it around 05:45, before opening. Its use is exceptional rather than regular. When we move to 24hrs the timing of the test can be moved.

- Can you explain the lighting?

There is a large canopy over the pumps with lights shining down, and a lit Esso sign. There is no edge lighting. There should be no light pollution – as previously said if the residents have a problem we are happy to talk to them.

- How would you go about selling alcohol responsibly, especially in the situation of an older person buying for underage people?

All members of staff are trained on proxy sales, and know to remind people that it is a criminal offence. We have point of sale display advising the public that it is a criminal offence, and note as much detail about people as possible in the refusal book so that information is passed on from shift to shift.

Key points raised by Cllrs Marion Sweet and Steve Walls on behalf of the Interested Parties:

- Resident's quality of life would be adversely affected by this application.
- Residents, especially those at Meadow Close, are already affected by light intrusion, noise, crime and disorder, litter and public nuisance incidents – these would increase if the application is granted.
- A number of vulnerable people live in Meadow Close.
- The government has found a direct link between the sale of alcohol and crime. Anti-social behaviour would increase.

- Police resources are already stretched.
- Proposed staffing level of one member is not adequate for security – there is a need for security personnel.
- There had been two major incidents at the premises, a robbery and a knifepoint incident. Residents were afraid that more incidents like this could occur.
- Noise was accepted during the day but at night it would become a public nuisance.
- There would be increased pollution from night time deliveries.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee retired to consider the application at 12:00.

The Hearing reconvened at 13:20.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

There were no specific legal matters, however the Sub Committee was reminded of the relevant licensing issues as the representations were wide-ranging, not all of which are within the licensing objectives.

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 Variation of a Premises Licence at PACE Show Meadow, Swindon Road, Royal Wootton Bassett be granted as detailed below:

Licensable Activity	Days and Timings
Provision of late night refreshment	Daily 23:00 to 05:00
Sale by retail of alcohol off sales only	Daily 24 Hours

And subject to the following additional conditions:

- CCTV with recording facilities will operate at all times that licensable activities take place. Images to be made available for inspection upon reasonable request by the police or other relevant officers of a responsible authority and to be of sufficient quality to identify individuals. Recordings to be retained for 30 days.
- Staff to be trained on their responsibilities in the retail sale of alcohol, with regular refresher training undertaken. Training records to be made available for inspection upon reasonable request by the police or other relevant officers of a responsible authority.
- A refusals book to be operated and maintained and made available for inspection upon reasonable request by the police or other relevant officers of a responsible authority.
- A challenge 25 policy to be operated at the premises with acceptable forms of identification to include a current passport, photocard driving licence and PASS accredited identification cards. A till prompt to be operated on the sales of alcohol.
- Spirits to be located behind the counter.
- Signage to be displayed advising customers to be considerate to residential neighbours.
- A hatch to be installed and used for all licensable sales between the hours of 23:00 and 05:00.

Reasons:

The Sub Committee considered the written representations received as presented in the agenda, together with the oral representations given at the hearing on behalf of the Applicant and Interested Parties.

The committee noted that many of the representations related to matters outside of the licensable activities. The committee also considered that the addition of the conditions proposed was necessary and proportionate to meet the licensing objectives and to address the relevant concerns of the residents regarding public nuisance and crime and disorder. The committee welcomed the statement by the applicant that they would liaise with residents about any problems resulting from the operation of the premises.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.

(Duration of meeting: 10.30 am - 1.25 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, e-mail: kirsty.butcher@wiltshire.gov.uk

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