

## SOUTHERN AREA LICENSING SUB COMMITTEE

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### DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 25 MAY 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, BATH ROAD, DEVIZES SN10 2AT IN RESPECT OF TILSHEAD GARAGE - VARIATION OF PREMISES LICENCE

#### **Present:**

Cllr Trevor Carbin, Cllr Richard Beattie and Cllr George Jeans

#### **Also Present:**

Paul Taylor (Senior Solicitor), Kieran Elliott (Democratic Services Officer), Debbie Mulvey (Senior Licensing Officer), Marie Gondlach (Democratic Services Officer), Berenice Mulvanny (Solicitor for Applicant), Visvanathan Selvanathan (Applicant), Thiruchelvam Mathivannan (Site Manager), Russell Lee (Interested Party)

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#### 21 **Election of Chairman**

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

#### **Resolved:**

**To elect Cllr Richard Beattie as Chairman for this meeting only.**

#### 22 **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" within the agenda pack.

#### 23 **Chairman's Announcements**

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

#### 24 **Declarations of Interest**

There were no interests declared.

**Licensing Application - Application for Variation of Premises License:  
Tilshead garage, High Street, Tilshead, Wiltshire, SP3 4SB**

**Application by Mr Visvanathan Selvanathan for a Premises Licence at Tilshead Garage, High Street, Tilshead.**

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 and had the opportunity to ask questions of each other and Council officers.

No responsible authority had made a representation in connection with the application.

Key points raised by Berenice Mulvanny on behalf of the Applicant, with additions from the Applicant Visvanathan Selvanathan and the site manager Thiruchelvam Mathivannan were:

- The Applicant was seeking to vary the licence to include the sale by retail of alcohol off sales from 0700-2200, and to extend opening hours in line with this.
- The applicant had originally considered requesting a variation to extend to 2300, but out of consideration for neighbours' concerns, reduced this.
- Objections had been raised with regards to noise levels, but no complaints had ever been made to staff regarding noise, and the busiest times for the Garage were in fact as people made their way to work, lunchtime, and as people returned from work.
- The Garage had not to date been a frequent hangout for people or vehicles, and the existing picnic tables were rarely used but predated the current business, with noise coming from the road, not the users of the garage.
- There had been no objections from other neighbours, and the Applicant would dispute the noise levels were any higher than to be expected for such a business.
- CCTV capable of identifying number plates had been installed.
- An incident book, already in place regarding refusal to sell alcohol to specific persons, would be set up regarding anti-social behaviour, should it occur.
- Staff training would also be updated to cover any such events.

- The Garage was the only shop in the village and an important local site.
- The Applicant was willing to remove the picnic tables, though maintained there had been no concerns.
- A Challenge25 policy would be implemented for the sale of alcohol.

The Sub-Committee members sought clarification on some points made on behalf of the Applicant including the number of staff that would be on site in the evenings and the distance to nearby residential properties. It was confirmed two staff members would be on site at all times.

Key points raised by Mr Russell Lee on behalf of the Interested Parties were as detailed below:

- They would dispute the garage did not open for full business prior to 7am.
- People congregated on the edge of the site, and this was likely to increase if the sale of alcohol hours were extended.
- The noise levels would likely worsen if the sale of alcohol hours were extended.

It was explained that, although not a licensable activity in itself, the opening hours of the premises were required to be included on the premises licence. The Applicant therefore needed to apply both for an extension to the hours during which alcohol could be supplied and for an extension to the opening hours of the premises. However, the application to extend the opening hours needed to be considered in the context of the licensable activities and the licensing objectives. Issues arising from the extension to the operating hours of the petrol station and shop, which were not related to the licensable activities being carried out at the premises, were not relevant considerations.

At the request of the Applicant, the Sub-Committee viewed a short section of CCTV footage of the disputed area of the picnic tables in order to familiarise themselves with its location in relation to the premises. The representative of the Interested Parties permitted the inclusion of this new material, but stated he did not wish to view the footage himself.

The Applicant's representative indicated that they had a petition in support of the application to increase the operating hours of the premises. This had not been provided to the licensing authority prior to the hearing and the Interested Party did not consent to it being presented to the sub-committee. It was, therefore, not provided to the Sub-Committee.

The Sub-Committee members then retired 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 **10:45**.

The Hearing reconvened at **11:30**.

Following the deliberations of the Sub-Committee Members, the Solicitor for the Council reported that no material legal advice had been given in closed session.

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:**

**The Southern Area Licensing Sub-Committee has resolved to GRANT the application for a variation of the Premises Licence for Tilshead Garage, High Street, Tilshead with the provisions detailed below:**

	<b>Days and Timings</b>
Sale by retail of alcohol off sales only and opening hours	Monday to Sunday 0700-2200

And subject to the following additional conditions:

- In annex 2 to the current conditions the age at which photographic proof of age will be required should be amended from 21 to 25 years.
- The premises will operate a challenge 25 age verification policy.
- Prominent, clear and legible notices shall be displayed at all exits of the premises requesting patrons and staff to respect the needs of local residents and to leave the premises and area quietly.
- A CCTV system with recording facilities is to be in place at the site. Recordings to be retained for 31 days. The images to be of sufficient quality to enable identification.
- Recordings to be made available to a police officer or appropriate officer of the Licensing Authority upon proper request without undue delay and in any event no later than 48 hours after the initial request unless for reasonable cause.
- Signs to be displayed at the car park area indicating that only customers of the premises are allowed to park in the car parking area and that a limit is set on the time that any customer is permitted to remain so parked.

- A sign is to be displayed indicating that the “picnic” tables, which are adjacent to the car park, should not be available for use later than 8.00pm.
- Staff will be instructed to monitor compliance with the licence conditions. The staff induction training manual to include specific paragraphs to assist staff members in monitoring compliance.

### **Reasons:**

The Sub-Committee considered that there was no evidence that current alcohol sales in themselves caused public nuisance, nor that the increase in hours of licensable activity would cause public nuisance.

The Sub-Committee further considered it was not necessary to add additional conditions to those offered by the applicant in order to meet the licensing objectives.

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.

In reaching its decision the Sub-Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **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: 10.00 - 11.35 am)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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