

# WILTSHIRE COUNCIL

## NORTHERN AREA LICENSING SUB COMMITTEE

31 MAY 2017

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### Application for a Variation of a Premises Licence; Tesco, Unit 5a Hathaway Retail Park, Foundry Lane, Chippenham, SN15 1JB

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Tesco, Unit 5a Hathaway Retail Park, Foundry Lane, Chippenham, SN15 1JB, made by Tesco Stores Ltd.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Tesco has been made by Tesco Stores Ltd 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 35(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 as applied for.
  - ii) To modify the conditions of the licence.
  - iii) To reject the whole or part of the application.
- 2.5 On 10<sup>th</sup> March 2017 an application for a variation to the premises licence was received and accepted as a valid application.
- 2.6 The variation applied for are summarised as follows:

<b>Licensable Activity</b>	<b>Proposed Days and Timings</b>
Sale by retail of Alcohol (Off sales)	Daily 06:00 – 23:00
	<b>Current Premises Licence Days/Timings</b>
	Monday to Saturday 08:00 – 23:00; Sunday 10:00 – 22:30

The application seeks to remove the Non Standard Timings restrictions on Christmas Day and Good Friday. The application also includes the addition of conditions. A copy of the application from Tesco Stores Ltd is attached as **Appendix 1**.

The existing Premises Licence is attached as **Appendix 2**. A map showing the location of premises is attached as **Appendix 3**.

- 2.7 For reference, other premises which are licensed for off-sales of alcohol only, in the vicinity are detailed as follows:

<b>Premises</b>	<b>Licensed Hours for Off Sales of Alcohol</b>
Tesco, 1 Emery Gate, Chippenham, SN15 3JP	06:00 – 00:00
Sainsburys Local, Station Hill, Chippenham, SN15 1EQ	07:00 – 23:00
Co-op, 93 Greenway Lane, Chippenham, SN15 1AG	06:00 – 23:00
MS2 Store, 90 Greenway Lane, Chippenham, SN15 1AQ	Monday – Saturday 08:00 - 23:00 Sunday 11:00 – 22:30
Majestic Wine Warehouse, 21 New Rd, Chippenham SN15 1HS	Monday – Saturday 08:00 – 23:00 Sunday 10:00 – 22:30

- 2.8 There are no restrictions on the opening hours of the premises. The current advertised opening hours are 06:00 – 22:00.

### **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.
- 3.2 No Responsible Authority has made a representation in connection with this application.

### 3.3 Representations Received

- Chippenham Town Council, The Town Hall, High Street, Chippenham, SN15 3ER

3.5 A summary of the representations made is detailed in the table below:

<b>Representation</b>	<b>Licensing Objective</b>
Increase of anti-social behaviour and alcohol consumption in a public place covered by a Designated Public Place Order (DPPO)	The Prevention of Public Nuisance

3.6 The relevant representation is attached as **Appendix 4**.

3.7 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 Premises Licence Holder, the Responsible Authority(ies) any person who has 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 will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author: Roy Bahadoor, Public Protection Officer (Licensing)

Date of report: 12<sup>th</sup> May 2017

### **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 Variation Application**
- 2 Existing Premises Licence**
- 3 Location Map**
- 4 Representation**