

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 27 SEPTEMBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE BY MR KRISHNAMOORTHY FOR 18 HIGH STREET, WOOTTON BASSETT.

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Bill Roberts

Also Present:

Linda Holland (Senior Licensing Officer), Lisa Pullin (Democratic Services Officer) and Paul Taylor (Senior Solicitor)

32. Election of Chairman

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

33. 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" (Pages 1 – 7 of the Agenda refers).

34. Chairman's Announcements

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

35. Declarations of Interest

There were no interests declared.

36. Licensing Application

Application by Mr Krishnamoorthy for a Premises Licence in respect of 18 High Street, Wootton Bassett

The Licensing Officer introduced the purpose and scope of the application, and the premises to which it related.

The key issues for consideration were:

- That six relevant representations had been received from Interested Parties;
- In summary the relevant representations raised issues relating to anti social behaviour, the possibility of under aged sales and lighting issues;
- No representations had been received from any Responsible Authorities, but Wiltshire Police had met with the Applicant to suggest two conditions be added to any Premises Licence that was granted in relation to CCTV and the 'Challenge 25' Policy. These were accepted by the Applicant and the Interested Parties had been made aware of this acceptance; and
- Mrs Bucknell was willing to withdraw her representation if the conditions as suggested by Wiltshire Police were included with any Premises Licence granted.

In accordance with the procedure detailed in the agenda, the Applicant and the Interested Parties were given the opportunity to address the Sub Committee.

Key points raised by Manoharan on behalf of the Applicant were:

- In an effort to minimise any crime and disorder, the Applicant would be installing a CCTV system to the premises;
- The Applicant would implement a 'Challenge 25' Policy and all customers who appeared to be under the age of 25 would be requested to provide proof of their age in the form of a passport, photo card driving licence or approved proof of age card;
- All staff would be fully trained and made aware of the licensing objectives;
- A refusal book would be maintained (to all customers to whom service is refused) and be available for inspection by the Police or Local Authority Officers;
- No alcohol would be consumed ON the premises;

- The Applicant would join the local Pubwatch Scheme;
- A minimum of 2 staff would be on duty during peak hours of business;
- The Applicant wished to establish good communications with local residents in order to alleviate any problems that may arise; and
- That the Applicant was willing to shorten the opening hours to 22.00 instead of 23.00 in order to respect the neighbours and cause minimal disturbance.

Sub Committee members clarified with the Applicant that he wished to amend his application for the sale of alcohol off the premises to 22.00 from 23.00 and he confirmed that he was happy to agree this amendment.

Mr Wilks (Interested Party) wished for clarity on the displaying of the notice of application. The Senior Solicitor clarified that there was no reason why this application could not be considered by the Sub committee as the notice had been displayed correctly.

The Interested Parties were given the opportunity to ask questions of the Applicant and the following questions were raised:

- Where would the consumption of the alcohol purchased at the premises take place?

The Applicant's representative responded that this would be off the premises and in their own homes. *The Chairman reminded the hearing that it was not the responsibility of the Applicant to control where customers consumed their alcohol.*

Key points raised by Mr Wilks (Interested Party) were:

- How was a civilian Police Officer based in Trowbridge able to comment on what was happening in Wootton Bassett and how could she be aware of the problems Wootton Bassett was currently experiencing?

The Council's Licensing Officer responded that the Police Licensing Officer would use the Police intelligence available to her to base the Police's response to the application.

- Mr Wilks reported that there were major problems in Wootton Bassett caused by those under the influence of alcohol and that nothing was being done about this and this proposed off licence with add to the existing problems.

The Council's Solicitor gave details to the Panel of what the Council's Licensing Policy says about the cumulative impact of a new licence adding

to existing problems in an area and highlighted that the onus is on any persons making relevant representations to prove the assertion that the addition of the premises concerned would cause the cumulative impact claimed.

- Mr Wilks suggested that the premises should close at 18.00 instead of the 22.00 proposed so that neighbours would not be affected.

Mr Manoharan made the following points as his closing submission on behalf of the Applicant:

- That the Applicant would fully comply with the conditions suggested by Wiltshire Police, namely the installation of a CCTV system and the introduction of the 'Challenge 25' Policy;
- A refusal book for the sale of alcohol would be maintained;
- The Applicant would join the local Pubwatch Scheme;
- Tobacco and spirits would be kept behind the counter at the premises; and
- The Applicant would ensure that he and his staff are fully aware of their responsibilities in relation to the promotion of the licensing objectives and would receive the appropriate training.

Mr Wilks (Interested Party) made the following point as his closing submission:

- That the opening of the proposed off licence would exacerbate existing problems as he felt the area was already over populated with alcohol establishments.

The Sub Committee retired to consider the application at 11.20am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1.00pm.

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, other than to draw members' attention to the Council's policy on the cumulative impact of licensed premises and the related provisions in the statutory guidance.

The Chairman then read out the decision to the hearing:

Resolved:

The Northern Area Licensing Sub Committee has resolved to grant the application for a Premises Licence for 18 High Street, Wootton Bassett for:

The supply of alcohol off the premises:

Monday to Saturday	10.00 to 22.00
Sunday	10.30 to 22.00

Hours open to the public

Monday to Saturday	10.00 to 22.00
Sunday	10.30 to 22.00

And subject to the following additional conditions:

1. A CCTV system will be installed at the premises to cover the licensed area and the rear door. The system will be operational and maintained at all times; the system will retain images for a period of not less than 28 days. CCTV images will be produced to a Police Officer or a Council Licensing Officer on request
2. The premises will operate a 'Think 25' Policy and will display signage promoting this policy.
3. The Applicant become a member of and actively participate in the Wootton Bassett Pubwatch Scheme.

Reasons:

The Sub Committee considered that the reduction in the closing time to 22.00, the requirement to install CCTV and the requirement to participate in the local Pubwatch scheme would sufficiently address the concerns relating to public nuisance.

The requirement for a 'Think 25 Policy' was needed to address the objective on protecting children from harm.

Evidence:

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from Mr Manoharan (On behalf of the Applicant), and Mr Wilks, (Interested Party).

The Sub Committee considered the statements made regarding the cumulative impact of this application but felt that there was insufficient evidence to support

the contention that the granting of this application would make a material difference.

The Sub Committee welcomes the Applicant's offer to engage with the local residents regarding any concerns they might have.

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. A review would not normally be considered unless a reasonable period has elapsed since the grant of the licence.

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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