

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 MARCH 2014 AT NORTH WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE; ABBEY FOOD CITY, 4 MARKET CROSS, MALMESBURY, WILTSHIRE, SN16 9AS

Present:

Wiltshire Councillors

Cllr Trevor Carbin, Cllr Bill Douglas and Cllr Simon Jacobs

Also Present:

Wiltshire Council Officers

Kieran Elliott (Senior Democratic Services Officer), Roy Bahadoor (Public Protection Officer), Teresa Bray (Public Protection Officer) and Paul Taylor (Senior Solicitor)

Members of the Public

Mr P Balakrishnan (Applicant), Mr W Sykes and Suresh Kanapathi (agent).

In Attendance

Asifa Ashraf (Legal), Caroline Doyle-Wiaczek (Legal), Linda Holland (Public Protection), Naji Darwish (Public Protection).

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" (Pages 1 – 8) of the Agenda refers).

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**

Application by Pakeerathan Balakrishnan for a Premises Licence at Abbey Food City, 4 Market Cross, Malmesbury, SN16 9AS.

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 and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Suresh Kanapathi on behalf of the Applicant Mr Pakeerathan Balakrishnan were:

- The applicant has previous experience working in a retail environment where alcohol is sold.
- The applicant lives locally.
- The applicant is a local employer who trains staff of their legal obligation to prevent the sale of alcohol to minors and those already intoxicated.
- The applicant was willing to amend their application to permit the sale of alcohol to 2200 rather than 2300.

Key points raised by those who made a Relevant Representation (Mr Bill Sykes) were:

- Fear of damage to a grade one listed structure which is located outside of the premises.
- Local anti-social behaviour causing distress to residents.
- The opening hours are inappropriate.

All parties were given the opportunity to ask questions of the Applicant, and those who made a Relevant Representation and Wiltshire Council Officers.

The Sub Committee members sought clarification on some points including the hours of operation of other licensed premises in the area and previous anti-social behaviour in the area before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 14:30.

The Hearing reconvened at 15:00.

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:

No legal advice was required.

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

Decision:

The Northern Area Licensing Sub Committee has resolved to grant the application for a Premises Licence for Abbey Food City, 4 Market Cross, Malmesbury, Wiltshire, SN16 9AS with the provision detailed below:

Licensable Activity	Timings	Days
Sale by retail of alcohol (off-sales)	06:00 – 22:00	Daily

And subject to the following additional or varied conditions:

- 1. CCTV equipment will be installed and fully maintained to cover all trading areas, entrances and exits when the premise is open to the public. The CCTV will be of sufficient quality so as to produce images which enable identification; images will be securely stored for a minimum of 28 days. CCTV images will be produced to a Wiltshire Council Officer or Police Officer on request.**

Reasons:

The Sub Committee took into account the written representations from the applicant and those making a relevant representation, in addition to oral arguments presented at the hearing.

The Sub Committee felt that restricting the hours of the sale of alcohol from 06:00 to 22:00 with the agreement of the applicant would be satisfactory to address concerns regarding public nuisance.

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.

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: 2.00 - 4.00 pm)

The Officer who has produced these minutes is , of Democratic Services, direct line ,
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