

## NORTHERN AREA LICENSING SUB COMMITTEE

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**MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 31 MAY 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - TESCO PLC, UNIT 5A, HATHAWAY RETAIL PARK, FOUNDRY LANE, CHIPPENHAM,**

**Present:**

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr George Jeans

**Also Present:**

Cllr Robert Yuill, Paul Taylor (Solicitor for Wiltshire Council), Roy Bahadoor (Licensing Officer) and Kieran Elliott (Senior Democratic Services Officer)

Joshua Liddle, Craig Bayliss, Steven Andrzejuk (Tesco Stores Ltd)

Ann Chard, Charlotte Starlaie (Chippenham Town Council)

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**13 Election of Chairman**

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

**Resolved:**

**To elect Councillor Allison Bucknell as Chairman for this meeting only.**

**14 Apologies for Absence/Substitutions**

There were no apologies or substitutions.

**15 Procedure for the Meeting**

The procedure as contained in the agenda was detailed.

**16 Chairman's Announcements**

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

**17 Declarations of Interest**

There were no interests declared.

## 18 Licensing Application

### **Application by Tesco Stores Ltd for a variation of a Premises Licence in respect of Tesco, Unit 5a Hathaway Retail Park, Foundry Lane, Chippenham, SN15 1JB.**

The Licensing Officer introduced the purpose and scope of the application, which was to extend the hours for supply of alcohol and remove restrictions of sale on Christmas Day and Good Friday, the premises to which it related and the key issues for consideration. One relevant representation had been received from Chippenham Town Council in objection to the proposed variation.

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 Craig Bayliss, Joshua Liddle and Steven Andrzejuk on behalf of the applicants, and details supplied in response to questions from the Sub-Committee were:

- The store had been opening from 0600 for a long time, and the terminal hour at 2300 was not being extended. Tesco already had a store able to sell alcohol from 0600 in the wider area, as did other retailers.
- There had been no representation from the police in objection and no issues of littering or of crime and disorder, street drinking or other issues.
- Sales of alcohol between 0600-0800 would be minimal, it was more a service by matching the retail of alcohol hours with the opening hours, which only did not as the alcohol supply hours were a legacy of the licence inherited from former operators of the property, who had opened later than Tesco policy.
- Additional conditions had been volunteered to ensure the licensing objectives were met, CCTV was already in operation and the store regularly cleaned the store front area.
- Wiltshire Council policy was to permit the supply of alcohol hours to match opening hours in the absence of evidenced reasons it would not be justified.

Having no questions for the applicants, key points raised by Ann Chard and Charlotte Starlaie on behalf of those who made a Relevant Representation, and in response to questions from the Sub-Commitee, were:

- The application had been discussed by a Chippenham Town Council committee, which objected on the grounds the variation proposed would cause a public nuisance due to close proximity to residential areas, railway areas, and would create littering and anti-social behaviour.

All parties were given the opportunity to ask questions of one another before summing up their cases.

The Sub Committee then retired at 1010 to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1030.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed no material legal advice was 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**

**That the Northern Area Licensing Sub Committee grants the application for a Variation of a Premises Licence; Tesco, Unit 5a Hathaway Retail Park, Foundry Lane, Chippenham, SN15 1JB as detailed below:**

<b>Licensable Activity</b>	<b>Days and Timings</b>
<b>Sale by retail of Alcohol (Off sales)</b>	<b>Daily 06:00 – 23:00</b> <b>(No non-standard or seasonal variations)</b>

**And subject to the conditions as set out in the operating schedule.**

### **Reasons**

**The Sub-Committee took into account the written representations, along with verbal representations made at the hearing on behalf of the applicants and those making a relevant representation.**

**The Sub Committee noted the concerns that the variation in hours would lead to an increase in public nuisance. The Sub Committee considered however that the representation in objection had failed to satisfactorily demonstrate with evidence of how the proposed variation would harm the Licensing Objectives, particularly in relation to the prevention of public nuisance. Conditions were in place to manage the sale of alcohol and associated issues, and in the absence of evidence of harm, it was acceptable and in line with policy for the alcohol retail hours to match the opening hours.**

**In reaching its decision the Sub Committee also 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 person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.**

(Duration of meeting: 10.00 - 10.30 am)

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