

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

20 October 2021

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### Application for a Variation of a Premises Licence; Aldi, Beanacre Road, Melksham, Wiltshire, SN12 8RP

#### 1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Aldi, Beanacre Road, Melksham, Wiltshire, SN12 8RP made by Aldi Stores Ltd.

#### 2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Aldi has been made by Aldi Stores Limited 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 necessary 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 the 31 August 2021 an application for a variation to the premises licence was received and accepted as a valid application.

A copy of the application form is attached as **Appendix 1**.

2.6 The variation applied for is summarised as follows:

<b>Licensable Activity</b>	<b>Current Days and Timings</b>	<b>Proposed Days and Timings</b>
Sale by retail of alcohol for consumption OFF the premises	Monday to Saturday 08:00hrs to 23:00hrs Sunday 10:00hrs to 22:30hrs	Monday to Sunday 06:00hrs to 00:00hrs

A copy of the current licence is attached as **Appendix 2**.

2.7 For reference, other shops, stores and supermarkets licenced to sell alcohol by retail for consumption OFF the premises

	<b>Premises</b>	<b>Days</b>	<b>Licensable Hours for the Sale of Alcohol for consumption OFF the premises</b>
1	Melk Stores, 56 Beanacre Road, Melksham	Monday to Saturday Sunday	08:00hrs to 23:00hrs 10:00hrs to 22:30hrs
2	Asda, Western Way, Melksham	Monday to Sunday	24hrs
3	Lidl, Bath Road, Melksham	Monday to Saturday Sunday	07:00hrs to 23:00hrs 09:00hrs to 18:00hrs
4	Sainsbury's, Bath Road, Melksham	Monday to Sunday	06:00hrs to 00:00hrs
5	Waitrose Ltd., Bath Road, Melksham	Monday to Sunday	08:00hrs to 23:00hrs
6	Iceland, 37 – 41 High Street, Melksham	Monday to Saturday Sunday	08:00hrs to 23:00hrs 10:00hrs to 22:30hrs
7	High Street Convenience, 25 High Street, Melksham	Monday to Sunday	08:00hrs to 22:00hrs
8	Co-op Melksham, 2 Blackmore Road, Melksham	Monday to Sunday	06:00hrs to 23:00hrs
9	AVAD Convenience Store, 104 Forest Road, Melksham	Monday to Saturday Sunday	08:00hrs to 23:00hrs 10:00hrs to 22:30hrs
10	McColls, 19 Pembroke Road, Melksham	Monday to Sunday	06:00hrs to 23:00hrs
11	Co-op, 1 verbena Court, Melksham	Monday to Sunday	07:00hrs to 23:00hrs
12	Melksham Service Station, Semington Road, Melksham	Monday to Sunday	24hrs
13	Spa Road Service Station, Spa Road, Melksham	Monday to Sunday	06:00hrs to 22:00hrs
14	Texaco Melksham Service Station, Snarlton Lane, Melksham	Monday to Sunday	06:00hrs to 23:00hrs

Two maps showing the location of premises 1 – 14 above is are enclosed as **Appendix 3a and 3b.**

### **3. Consultation and Representations**

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days. During the consultation period one relevant representation has been received from an Interested Party.

#### **3.2 Responsible Authorities**

No Responsible Authority has made a representation in connection with this application

#### **3.3 Interested Parties**

- Melksham Town Council, The Town Hall, Melksham, SN12 6ES

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

<b>Representation</b>	<b>Licensing Objective</b>
Melksham Town Council	Prevention of Public Nuisance

3.5 The relevant representation is attached as **Appendix 4a**, and further supporting information is attached as **Appendix 4b.**

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 Responsible Authorities and Interested Parties 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 Responsible Authorities and Interested Parties 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) and Interested Parties who have 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 an Interested Party 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 an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author:

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11 October 2021

### **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 Current Premises Licence**  
**3a/b Map of Premises**  
**4a/b Representation and further supporting information**