

DRAFT MINUTES SUBJECT TO APPROVAL AT THE NEXT MEETING

Draft Minutes of the Licensing Sub-Committee (Hearing) Meeting held on Wednesday 31st January 2007 at Monkton Park, Chippenham commencing at 9.30am

Hearing Councillors Present: Councillors D. B. Allen, I. J. Henderson and J. M. Wood

Officers Present: P. Taylor (Assistant Solicitor), K. Tiley (Licensing Officer) and S. Wright (Policy and Democratic Services Officer)

LH3-12. Election of Chairman

Councillor J. M. Wood proposed and Councillor I. J. Henderson seconded that Councillor D. B. Allen be elected Chairman for this hearing only. There were no further nominations.

Resolved that Councillor D. B. Allen be elected Chairman for the duration of the hearing.

Councillor D. B. Allen in the Chair.

LH3-13. Chairman's Announcements

The Chairman gave details of the exits to be used in the event the fire alarm sounding.

LH3-14. Minutes

The Minutes of the Licensing Sub Committee (Hearing) held on 29th November 2006 (circulated with the Agenda) were considered.

Resolved that the Minutes of the Licensing Sub Committee (Hearing) held on 29th November 2006 be confirmed and signed as a correct record.

LH3-15. Declarations of Interest

There were no declarations of interest made in respect to the item contained in the Agenda.

LH3-16. Spar, Katherine Park, Corsham

Summary of Application and Representations Received

The Chairman welcomed everyone to the Hearing, introduced the Councillors and asked Officers present to introduce themselves.

The Chairman then referred to the Hearing Procedure, which had been circulated with the Agenda that outlined how the Hearing would be conducted.

Consideration was then given to Report No.5 (circulated with the Agenda) which advised Members of relevant representations that had been received in respect of an application by Nearby Stores Ltd for a Premises Licence at Spar, Katherine Park, Corsham.

The hearing was informed that this was an application for a Premises Licence for the sale of alcohol. Twelve relevant representations had been received regarding potential noise problems associated with the premises. Clarification was given that the original application had been amended to remove reference to late night refreshments and the terminal hour for the sale of alcohol had been changed to 23:00 hours. Following further consultation on the revised application two objectors had confirmed that their representations were still to be considered.

Clarification was given of the opening hours of other retailers selling alcohol in the area. The panel's attention was drawn to the Secretary of States guidance recommending that shops, supermarkets and stores be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. The panel was also reminded that the Hearing could only consider issues relating to the sale of alcohol and not the hours that the business operates in relation to non-licensable activities.

Summary of Applicant's Submission

Mr Gover, the Applicant's representative, addressed the Hearing and made the following submission:

- Mr Gover outlined that the applicants were an established company trading under the Spar logo and had 26 convenience stores under their control.
- With regard to trading policy it was advised that the sale of alcohol constituted a small but important part of overall sales and customers expected to be able to purchase alcohol at the stores.
- It was acknowledged that the original application for sales until midnight had been incorrect. The links between licensing and planning legislation were highlighted and it was emphasised that planning permission had been given for the store to open until 23:00 hours and this indicated that there had been no concern from the local planning authority in respect of public nuisance.
- It was suggested that the application was not contentious and the requested hours were not excessive.

In response to questions from Councillors it was clarified that:

- Other premises in the area were licensed to sell alcohol until 23:00 hours.
- Responsible authorities had been consulted and had not raised any objections.

Presentations by Interested Parties

There were no interested parties in attendance to present their representations.

Adjournment and Decision

The Hearing adjourned at 9.50am.

The Members withdrew from the meeting together with the Legal adviser and Meeting Administrators to deliberate in private.

In reaching their decisions the Sub-Committee considered in particular the following evidence that had been presented:

- The reasonableness of the hours applied for.
- The likelihood of public nuisance.

The evidence that had been presented was considered with reference to the Licensing Act Objectives of Prevention of Public Nuisance, Prevention of Crimes and Disorder, Public Safety and Protection of Children from Harm, the relevant sections of the government's statutory guidance and the Council's own Licensing Policy.

Resolved that: The application for the supply of alcohol be granted subject to timings detailed below:

Monday - Sunday - 06:00 - 23:00;

Reasons for Decision

The Sub-Committee preferred the evidence of the applicant that the sale of alcohol during the hours requested would not lead to public nuisance problems and that it was not necessary to add any additional conditions in order to meet the licensing objectives.

Announcement of Decision

Members returned to the meeting and the Chairman informed those present of the decision made and confirmed that written notification would be given in due course.

Administrator's Note:

The Chairman of the Committee also gave an Informative to the Applicants.

"The Panel must reiterate that it is possible for any party to request a review of the licence should any issues relating to the licensing objectives occur in the future."

The meeting started at 9.30am and finished at 10.00am.

There were 2 members of the public present.