

LICENSING PANEL

THURSDAY, 29 AUGUST 2013

PRESENT:- Councillors Junab Ali, Michael Bray and Vera Tomlinson.

8. Appointment of Chair

Resolved – that Councillor Mick Bray Chair this meeting of the Panel.
(Councillor Bray took the Chair.)

9. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

Councillor Brian Ford made a non-prejudicial declaration of interest in respect of Agenda Item 4 in his capacity as member serving on the Council's Planning Committee. He noted no application had been made in respect of this site and that should one be received he would consider it solely on the merit of the application.

10. Application for Premises Licence, Morrisons, 47 Devizes Road, Wroughton, Swindon

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a Premises Licence for Morrisons, 47 Devizes Road, Wroughton Swindon, (b) additional papers received from the applicant, within the prescribed time limits, confirming Arkells Brewery were willing to surrender the current Premises Licence issued to the site, (c) written objections to the grant of the Premises Licence from local residents supported by Councillors Wayne Crabbe and Brian Ford (Ward Councillors), (d) oral submissions by Councillor Kennedy (Wroughton Parish Council), Dr. Russell, Mr and Mrs Cane in support of their objection and Councillor Brian Ford (Ward Councillor) in support of constituents who had submitted written objections, (d) submissions received in support of the application received from Clare Johnson, Gosschalks Solicitors (solicitor to the Applicants) and Kelly Nichols (representing Morrisons) (e) questions from Members to the Applicants and Objectors and answers received, and (i) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Licensing Policy.

Resolved - After considering: -

1. The application for a Premises Licence made by the Licensee; and
2. Representations and material put forward on behalf of the Objectors;

And taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives in particular: -

- i. The prevention of crime and disorder;

- ii. The prevention of public nuisance;
- iii. Public Safety;

Resolved - That a Premises Licence be issued to Morrisons for the site at 47 Devizes Road, Wroughton, Swindon for the following hours of operation:

Monday to Sunday – 07:00 hours until 23:00 hours.

Reasons

(1) The Panel discounted objections relating to highway issues, planning issues and competition as it had no legal power to consider them and noted that where applicable these would be the subject of separate applications to the proper authorities..

(2) The Panel considered objections raised in respect of possible underage sales but were content that appropriate safeguards were in operation based on (a) the testing procedures outlined by the representative of Morrisons at the hearing, (b) the existing policies operated by Morrisons, including a Challenge 25 Policy, and (c) the training programme for employees set out at the hearing.

(3) The Panel considered objections based around potential nuisance caused by youths congregating in the car park on the site but found no evidence to support this view and heard evidence from the applicants in respect of management policies to prevent such situations arising.

(4) The Panel considered objections based on potential noise nuisance, particularly in the late evening including traffic resulting from visits to the store. The Panel found that there was no evidence to suggest that there would be significant issues arising from the site and furthermore noted that there had been no reviews brought against other stores in the village on these grounds. It further noted that the site was previously used as a public house with a licence until 2:00am and determined that the use of the site as a supermarket was likely to create less potential nuisance than this former use.

(5) The Panel considered the potential for additional alcohol related problems arising from the grant of a Premises Licence but found no basis to uphold such an argument based on the management experience and history of the management Morrisons stores and given the fact that there were already premises in the village selling alcohol. The Panel heard no evidence that a Morrisons store at the proposed location would create any drunkenness or social disorder.