

LICENSING PANEL

TUESDAY, 14 JULY 2015

PRESENT:- Councillors Abdul Amin, Alan Bishop and Vera Tomlinson

11. Appointment of Chair

Resolved – That Councillor Alan Bishop Chair this meeting of the Panel.
(Councillor Bishop took the Chair.)

12. Minutes

Resolved – That the minutes of the meetings held on 21st and 27th May 2015 be confirmed and signed.

13. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

14. Application for the Grant of a Premises Licence in respect of 36 Trevello Road, Swindon, SN1 7BZ

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Premises Licence for 36 Trevello Road, Swindon, SN1 7BZ, (b) written representations from Mrs Elizabeth Bridges (local resident) opposing the application, (c) written representations from the applicant supporting her application for a Premises Licence, (d) a written submission supporting the application received from Councillor Nadine Watts (Ward Councillor), (e) oral submissions opposing the application received from Mr and Mrs Bridges (local residents), (f) questions from Members to the objectors and answers received, and (g) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Officer advised the Panel that the applicant, Miss Karenjit Samra, was unable to attend the hearing as she was currently working at a family shop in Sheffield in order to broaden her experience.

The written submission from the applicant in support of her application can be broadly summarised as follows:

- The application was for a convenience store with alcohol as part of the operation.
- She had completed the personal licence accredited qualification and held a personal licence.
- Her family had run licensed stores for a number of years and she was conversant with her responsibilities as a licence holder and proprietor of a store.
- All staff would be trained in a Challenge 25 Policy which would be operated at the store and to use a refusals book which would be maintained and available for inspection at the store.

- CCTV would be operated at the store and youth congregations at the site would not be permitted.
- Although she preferred to be able to sell alcohol from 06:00 to 00:00 midnight daily she would offer the hours of 07:00 to 23:00 daily for the sale of alcohol. The hours specified were intended to allow customers to buy alcohol with their shopping throughout the day and in order to allow for the success of the store.
- The purpose of the store was to offer a wide range of products and that the sale of alcohol was a primary part of the sales strategy.

In response to questions relating to the application the Council's Licensing Officer confirmed that:

- The applicant had experience working in Licensed Premises.
- Officers had no knowledge of problems occurring at stores owned by the applicant's family.
- The store had residential properties to both sides. There were additional residential properties being constructed over the road.
- Whilst the applicant, Miss Karenjit Samra, was currently working in Sheffield at a family store, it was her intention to move back to Swindon to manage the store at 36 Trevello Road.
- The hours of operation requested by the applicant were not unique in Swindon.

Points and issues raised by objectors included but were not limited to the following:

- The hours of operation requested were not appropriate for a store adjoining residential properties on both sides.
- The hours of operation requested would be detrimental to local residents and the objector confirmed that she could, for instance, go to bed at 10:00 pm because of her work commitments.
- The sale of alcohol at the premises could lead to drunken behaviour in a residential area.
- The applicants had witnessed that the grant of a licence to sell alcohol had led to Crime and Disorder issues in other areas.
- The grant of a licence to sell alcohol could lead to underage drinking and the congregation of groups of youths around the shop.
- There was a Waitrose supermarket in close proximity from which alcohol could be purchased.
- If a licence to sell alcohol were granted it should be for fewer hours.

In response to questions asked by the Panel the objectors confirmed that:

- They understood that the application before Members was solely related to the sale of alcohol.
- The hours of opening for the store was a planning issue.

Resolved – That, having listened to and carefully considered (a) all of the evidence and submissions put forward by the applicant and objectors, (b) a submission from Councillors Nadine Watts (Ward Councillor) in support of the application, (c) the Licensing Objectives, (d) the Licensing Act, (e) the Council's

Licensing Statement, and (f) Licensing case law, the Panel determined:

That the application for the grant of a Premises licence for 36 Trevello Road be approved subject to:

1. The opening hours for the sale of alcohol shall be 07:00 until 23:00 hours Monday to Sunday.

Reason:

1. The Panel took account of the written representations of the objectors and the oral arguments received at the meeting. The Panel carefully considered the representations of those who opposed the application and the written submissions of the applicant and the conditions offered by the applicant and felt that these would minimise the impact on the amenities of local residents and uphold the Licensing Objectives.

2. The Panel considered the objections submitted by local residents but were satisfied that, given the experience of the applicant that the concerns raised could be mitigated.

3. The Panel when considering the objections received were mindful that there had been no objections from the Statutory Authorities.

4. The Panel accepted the applicant's offer to amend the hours of operation for the sale of alcohol and determined that these hours of 07:00 to 23:00 daily reflected the location of a convenience store with domestic properties directly adjacent to and surrounding it.

5. The Panel noted that there were conditions in place to minimise the impact on the amenities of local residents with the revised hours and that there was no evidence nuisance would arise from the application as amended.

2. The conditions offered by the applicant be attached to the Premises Licence namely:

(i) The premises shall operate a Challenge 25 Policy. All staff shall be trained in this policy and a refusals and incident book shall be kept for inspection by any authorised officer at any time.

(ii) CCTV shall be installed within the premises and shall operate at all times the premises is trading. The CCTV shall be retained for a minimum of 30 days and shall be made available to any authorised officer on request.

(iii) All staff shall receive training in respect of Challenge 25 and refusals and incident recording. This training shall be recorded and kept available for inspection from any authorised officer. There shall be refresher training for all staff every 6 months and the training records of this refresher training shall also be available to an authorised officer on request.

(iv) All purchases shall be made from reputable wholesale/cash and carry businesses and copies of all invoices shall be available for inspection at the

premises.

(v) A management policy shall be in place and available for inspection by any authorised officer.

(vi) There shall be signage requesting all customers to respect neighbours when leaving and to request customers leave in a quiet and orderly manner.

Reason

The conditions were offered by the applicant as part of the application and the Panel felt that they were appropriate and proportionate and would help protect the amenities of local residents and to assist in upholding the Licensing Objectives.

3. An additional condition be attached to the Premises Licence requiring the prominent placement of signage setting out the permitted hours of sale of alcohol be located adjacent to alcohol for sale within the store.

Reason

To assist the management in the maintenance of the Licensing Objectives and in the operation of the conditions appended to the Premises Licence.

The Chair requested that officers remind both parties that they have the right of appeal to the Magistrates Court and that an application for any such appeal should be made within 21 days of the receipt of this decision notice incorporating the reasons for the Panel's decision.