

LICENSING PANEL

FRIDAY, 14 DECEMBER 2018

PRESENT:- Councillors Vera Tomlinson (Chair), John Ballman and Caryl Sydney-Smith.

19. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

20. 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.

21. Application for the Grant of a Premises Licence, Rani's Local, 30 County Road, Swindon, SN1 2 EW

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Premises Licence for Rani's Local, 30 County Road, Swindon, (b) written and oral submissions received on behalf of the Licensing Authority opposing the grant of a Premises Licence, (c) written representations from Wiltshire Police in support of their objection to the application, (d) conditions submitted by the Police should the application for a Premises Licence be granted, (e) oral submissions opposing the application for a Premises Licence by Wiltshire Police, (f) additional information tabled at the meeting by the applicant, (g) oral submissions supporting the application by Mr Kowsan Mohan (Applicant), (h) answers received in response to questions to the objectors and applicant, and (i) 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 Manager introduced the report noting:

- The application was for the grant of a Premises Licence for Rani's Local, 30 County Road, Swindon, by Mr Kowsan Mohan.
- The application received objections on behalf of Wiltshire Police, the Licensing Authority and two individuals.
- There was a written submission from Councillor Bob Wright (Ward Councillor) which was in writing and formed part of the agenda papers.
- The options available to the Panel in considering the application and objections received.
- The application was for the sale of alcohol for consumption off the Premises seven days a week between the hours 06:00 and 23:00 hours.
- The premises had previously been licensed for the sale of alcohol seven days a week between 09:00 and 22:00 hours and had been the subject of a review in June 2017 when the Premises Licence had been revoked following a history of poor management.
- The premises were located within a Cumulative Impact Policy Area, which had been introduced in 2016, following evidence that the saturation of licensed premises were undermining the four Licensing Objectives in the

Broad Green area.

- The Cumulative Impact Policy meant that applications for Licensed Premises in this area would be refused by the Licensing Authority and that it was a matter for the applicant to prove that any such application would not undermine the Licensing Objectives or add to the Cumulative Impact experience.
- The applicant had provided additional information which was before members.

Objections to the application can be broadly summarised as:

- There was currently a saturation of Licenced Premises within the locality covered by the Cumulative Impact Policy.
- The competition to sell alcohol had meant prices were kept artificially low leading to more alcohol related issues in the area, including disturbance, violence and litter.
- That the Cumulative Impact Policy had been introduced following evidence from statutory bodies, other organisations and individuals as to the serious issues facing local residents arising from alcohol related issues.
- That the Designated Premises Supervisor did not live within 30 minutes of the premises as required within the Council's Licensing Policy.
- That the grant of a Premises Licence would lead to additional sales of alcohol within the area and this would likely give rise to additional problems within the Broad Green area.
- No evidence had been produced by the applicant to prove their effectiveness in managing establishments within a high risk area.
- No evidence had been produced to prove that the grant of a Premises Licence would both uphold the Licensing Objectives and ensure that there was no adverse impact on the locality or its residents.
- That should a licence be granted the Police would request a number of conditions and restrictions be placed upon the Premises Licence.
- That the premises was being advertised as an off-licence shop.

Responses to questions to the Objectors can be broadly summarised as:

- Mr Mohan had been sent a copy of the Council's Cumulative Impact Policy by the Licensing Authority as part of the application pack.
- There was only one area covered by a Cumulative Impact Policy and the Panel could consider the number of premises licences within this area as part of their deliberations.
- Street drinking in the locality was largely the result of the cultural drinking habits of the local community who did not tend to drink alcohol in their homes.
- Street drinkers in the area tended to consume alcohol drinks with a high abv strength, mixed with spirits and this contributed to the problems being experienced locally, including drunkenness, alcohol related violence and noise pollution, to the detriment of the whole local community.

Submissions in support of the application can be broadly summarised as:

- The applicant was not aware of the Cumulative Impact Policy when making

the initial application.

- The applicant had supplied additional information setting out how he would comply with the Licensing Objectives and ensure that there was no adverse impact on the local community.
- The applicant had a Designated Premises Supervisor licence and had experience working in a supermarket selling alcohol.
- The applicant would ensure that he complied with any conditions placed upon the Premises Licence if the application was granted.

Responses to questions to the Applicant can be broadly summarised as:

- The applicant's home address was now in Swindon, and he would update his personal licence details if the application were granted.
- The applicant's solicitor had not brought the Cumulative Impact Policy to his attention during the purchase of the business premises.
- The applicant's solicitor was based in London.
- The business in County Road had not yet opened.
- That the applicant had held a Personal Licence for more than two years and had been a nominated Designated Premises Supervisor at a Tesco store in London.
- That the condition proposed by the Police to limit the sale of alcohol between 10:00 and 18:00 hours would not be beneficial to the applicant's business but he would accept 07:00 to 22:00 hours.
- The application for a Premises Licence had been made on 21st August using a London Address which his wife had been using.
- The applicant moved to Swindon in July prior to the application for a Premises Licence.
- The business would primarily sell Asian groceries, including Sri Lankan products and alcohol sales would only form a small part of his anticipated sales and would be no more than 25% of total sales.
- The applicant's research, undertaken on the internet, identified potential alcohol related issues in the locality.
- Sales of alcohol would be ancillary to the sale of food products and the price of alcohol sold at the premises would not be discounted and the applicant would not stock cheap beer for sale.
- The applicant had not yet opened the shop as he wanted the full range of products available from the first day of opening.
- Whilst not managing a premises selling alcohol the applicant had experience of selling alcohol in an area that experienced street drinking.
- The applicant and his wife would be working the premises and both were experienced in the retail sector selling alcohol. Any staff employed would receive appropriate training provided by the applicant.

Resolved - After considering: -

1. The application for a Premises Licence and representations made by the applicant; 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;
3. The Council's Cumulative Impact Policy covering the area including County Road.

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.

The Panel has determined that the application for a Premises Licence be refused.

Reasons: -

1. The Panel considered that the Cumulative Impact Policy covering the area of 30 County Road remained relevant. The Panel heard evidence from a local resident and Wiltshire Police that, despite 4 licensed premises closing in the area, the issues of crime and public disorder leading to its creation were still as relevant and impactful on the local community.
2. That given the continued significance of the Cumulative Impact Policy the applicant failed to demonstrate that the grant of a Premises Licence would not add to the impact on the local community because
 - i. He had not directly managed a licensed premises in a high risk area.
 - ii. The failure to open the store without a premises licence led the Panel to consider the business was reliant upon the sale of alcohol to trade successfully.
 - iii. The sale of alcohol for consumption off premises would add to the impact of crime and disorder in the cumulative impact zone.
 - iv. The applicant's evidence of the nature of anticipated alcohol sales was not supported by the further evidence put forward at the hearing
3. There was doubt as to the residence of the applicant following his oral submission and the documentation submitted at the hearing. Given this the Panel were not assured that he lived locally and could attend the premises in a timely manner to manage disturbances which would adversely affect the local community.

The Chair reminded both parties that they had a right of appeal to the Magistrates' Court against the determination of this panel and that any such an appeal, must be commenced within 21 days of the Panel's determination.