

**Swindon Borough Council
Licensing Act 2003 – Licensing Panel**

NOTICE OF HEARING

Date of Hearing: Friday, 2 December 2016

Place of Hearing: Committee Room 5, Civic Offices

Time of Hearing: 11.00 a.m.

Panel Members:

Conservative Councillors

Malcolm Davies

Vera Tomlinson

Labour Councillors

Nadine Watts

Committee Officer: Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

Address: Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH

AGENDA

- 1. Appointment of Chair**
- 2. Apologies for Absence**
- 3. Minutes** (Pages 9 - 20)
To receive the minutes of the meetings held on 28th September and 4th October 2016.
- 4. Declarations of Interest**
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
- 5. Application to vary a premises licence in respect of Simply Local, 15 -17 Moredon Road, Swindon together with a copy of each relevant representation made and supporting documents** (Pages 21 - 60)

Date of Despatch: 16 November 2016

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

Action following receipt of Notice of Hearing:

A party shall give to the Licensing Panel within the period of time provided for in the following provisions of this regulation a notice (in the form attached) stating: -

- Whether he intends to attend or be represented at the hearing.
- Whether he considers a hearing to be unnecessary.
- In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

The following notice periods apply:

No later than one working day in respect of:

- Cancellation of interim authority notice following police objection, or
- Counter notice following police objection to temporary event notice.

No later than two working days before the first day of hearing:

- Review of premises licence following closure order or review of premises licence following review notice;
- Determination of application for conversion of existing licence;
- Determination of application for conversion of existing club certificate; or
- Determination of application by holder of justices' licence for grant of personal licence.

In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right of attendance, assistance and representation:

A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The hearing will take place in public. However the Licensing Panel may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return, or
- permit him to return only on such conditions as the authority may specify.

Any such person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Representations and Supporting Information:

At the hearing a party shall be entitled to:

- Give further information as appropriate in response to a point upon which the Licensing Panel has given notice that clarification is required (Note – if clarification is required from any party this will have been indicated in the Notice of Hearing);
- If given permission by the Licensing Panel, question any other party; and
- Address the authority.
- Failure of Parties to attend the Hearing

If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may: -

- Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- Hold the hearing in the party's absence.
- Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned

Procedure:

A summary of the procedure that will normally be followed at the hearing is attached.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all Hearings. However depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to): -

- Whether to proceed in the absence of a party;
- Whether to admit new documents or information submitted at the hearing;
- Whether it is in the public interest to exclude members of the public from the hearing or any part of it;

- Whether any party wished to withdraw representations previously submitted
- Whether to disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to:
 - Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
 - The promotion of the licensing objectives

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Standard procedure for licensing committee or licensing panel hearings, where representations have been made

- 1) The general facts of the application will be put to the hearing by an officer of the Licensing Authority.**
- 2) Ward Members who wish to speak on behalf of constituents who have expressed opposition to the application or aspects of the application will be invited to speak. Written notification of those representations must be submitted within the required period of notice.**
- 3) Where individuals or organisations have given the required notice that they wish to make relevant representations, they will be invited one at a time to clarify and support (but not add to) their written submissions. Representations will be heard only from those who have submitted an objection in writing before the deadline given for comments. This restriction applies equally to Members and Officers of the Council.**
- 4) Members of the Licensing Committee (or Panel) may ask questions arising from each representation, as may any other Member of Swindon Borough Council who is present. The applicant will not be allowed to comment or reply at this stage but may ask those making representations to give a brief clarification of any point they have made.**
- 5) Ward Members who wish to speak on behalf of constituents who have expressed a positive case in favour of the application will be invited to speak. Written notification of the positive representation must have been submitted within the required period of notice.**

- 6) The applicant and / or their solicitor or representative will be invited to make representations in support of the application and also to respond to points made by those who have made representations on the application in writing or in person. No unreasonable limits will be placed on the right of the applicant to make their case and they may present plans or artists impressions etc. if they wish.**
- 7) Members of the Licensing Committee (or Panel) may ask questions arising from the applicant's submission, as may any other Member of Swindon Borough Council who is present.**
- 8) Those who have made representations will be allowed to ask the applicant to give a brief clarification of any point they have made and they will be permitted to ask questions of the applicant. They will not be permitted to restate or develop their original representations and must limit their comments to issues that arise directly from answers given by the applicant or the applicant's representative.**
- 9) Members of the Committee or Panel hearing the application will then discuss the application in private, accompanied only by non-partisan officers who are there in a support role.**
- 10) Should any person present act in a disruptive manner the Chair will first warn him or her about their conduct and then, if the Chair considers it appropriate, may require the person concerned to leave the meeting forthwith. Where a party to the hearing insists on wasting the time of the hearing by needlessly repeating points that have been well aired and clearly put by earlier speakers, their actions may be judged to be disruptive and they may be asked to leave. It is strongly recommended that any spoken representations from groups of people with common concerns are made through an agreed spokesperson.**

LICENSING PANEL

FRIDAY, 30 SEPTEMBER 2016

PRESENT:- Councillors Carol Shelley, Vera Tomlinson and Nadine Watts.

11. Appointment of Chair

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

12. 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.

13. Application to Review the Premises Licence in respect of King and Queen, 15 High Street, Highworth, Swindon

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Review of the Premises Licence for the King and Queen Public House, 15 High Street, Highworth, Swindon, SN1 2JH, (b) written representations from Wiltshire Police in support of the review, (c) oral submissions in support of the application for a review received from Sian Kalynka (Police Licensing Officer) in support of the Police Objection, (d) oral submissions received opposing the application for review from Mr Daniel Pruett (Landlord), (e) questions from Members to the applicants and objectors and answers received, and (f) 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 introduced the report noting that:

- The review of the premises licence for the King and Queen Public House, 15 High Street, Highworth, Swindon had been made under the Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.
- The request for the review had been received by the Licensing Authority in February 2016 and had been advertised in accordance with the statutory regulations.
- The delay in the hearing was partly due to a family bereavement.
- The Landlord accepted a caution offered by the Police for the breach of the licensing conditions set out in the Licensing Manager's report.
- That on 7th February 2016 police officers in plain clothes entered the premises and witnessed a number of sales of alcohol beyond the permitted licensing hours of 01:00.
- The landlord had sent an email to the Licensing Authority on 12th June 2016 but no formal application to revise his premises licence had been received.
- Since 16th April 2016 the Designated Premises Supervisor had been Mr Benjamin Kelsey.
- Mr Pruett had requested premises licence variation forms immediately prior to the hearing.

The Police case for a review and summary of raised points can be broadly

summarised as follows that:

- The Police submitted the application to review the premises licence on 15th April 2016.
- The permitted hours for the sale of alcohol at the premises were 10:00 to 01:00 daily.
- The Police had received intelligence that sales of alcohol were being made after permitted hours prior to their visit on 7th February 2016.
- On 7th February 2016 Police Officers in plain clothes entered the premises and witnessed the sale of alcohol after 01:00, the permitted time for sales.
- The Police Officers in plain clothes remained on the premises until 01:30 and during this period further sales of alcohol took place.
- At the time of this visit Mr Pruett was the Designated Premises Supervisor.
- When approached Mr Pruett appeared drunk and explained that he was not working at that time.
- Police Officers checked till readings which confirmed sales of alcohol had been made after the permitted hours.
- A copy of the till receipts were attached as pages 24 -26 of the agenda papers.
- The Police Licensing Officer and PC Michael Diffin met with Mr Pruett following the after-hours sales and wrote to him on 18th February 2016 setting out some proposed minor variations to the premises licence.
- The Police believe that the inclusion of the amended conditions on the premises licence would reduce similar incidents and prevent anti-social behaviour.
- Mr Pruett had been given ample opportunity to respond to and agree the inclusion of the amended conditions and to vary the premises licence but no application for variation of the premises licence had been submitted to the Licensing Authority.
- The Police, in the first instance, had tried to work with premises to remedy issues, but, in this case felt that they had no option but to progress to a review hearing with a view to seeking the inclusion of the amended conditions.

The Police answered questions in respect of:

- Further minor incidents at the premises following the review application.
- Police intelligence that there had been a number of occasions where after hours sales of alcohol had occurred.
- The number of after-hours sales witnessed by police officers on 7th February 2016.
- Checks to ensure the accuracy of information set out on the till receipts appended to the agenda papers.

Points and issues raised by the Respondent included, but were not limited to:

- That he was not opposed to the additional conditions proposed by the Police.
- That he accepted that he had not completed the necessary work to amend his premises licence.
- Some of the delay in amending his premises licence was a result of his wife's terminal illness and looking after his teenage daughters.

- He had tried and failed on a number of occasions to get a copy of the premises licence from both the former premises licence holder Enterprise Inns, and the Council's Licensing Team and felt disappointed that this had not made available to him sooner.
- When he took over the running of the premises it had been closed and he had sought, without success, a copy of the premises licence at this time.
- He thought the terminal hour for the sale of alcohol was 02:00 hours.
- Since taking over the premises, the number of complaints from neighbours had significantly reduced.
- Since taking over the premises he had tried to change its reputation through measures such as providing food; the premises still had a clientele that liked to drink late but he was trying to move away from this.
- He and his family lived on the premises.
- He had met all of the additional conditions requested by the Police who had used his CCTV footage to view an incident outside of, and not related to, the premises.

Questions to the Respondents and responses received in respect of:

- The reasons behind Mr Pruett being unable to obtain a copy of the premises licence despite him seeking this on several occasions.
- Mr Pruett's experience as a licensee prior to him becoming landlord three years ago.
- His customers informing him that the terminal hour for the sale of alcohol was 01:30 hours.
- Sales of alcohol on 7th February at 01:40 hours.
- The failure to respond to Police correspondence over a five month period.
- That the premises was now operating within the conditions (including the additional conditions requested by the Police) of the premises licence conditions.
- Staff training.
- That the licensing hours were now prominently displayed on the premises.

Clarification by the Council's Licensing Manager and Wiltshire Police as to:

- Regular changes of landlords at the premises prior to Mr Pruett taking over the premises.
- That the premises licence had been suspended for a period prior to Mr Pruett taking over as a result of the non-payment of fees by Enterprise Inns.
- That following the incident on 7th February 2016 the licensable hours had been confirmed with Mr Pruett.
- That the failure to vary his licence was serious as the Licensing Authority didn't have recourse to the amended conditions if there were an incident at the premises.
- That a variation cost £87 and involved the completion of a simple form.

Resolved - After considering: -

1. A review of the Premises Licence in respect of the King and Queen Public House, 15 High Street, Highworth, Swindon relating to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing

Objectives.

2. Representations and material put forward on behalf of the Police, and the licensee;

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 and in particular: -

- i. The prevention of crime and disorder;
- ii. The prevention of public nuisance;

the Panel noted (i) that the Premises Licence holder had informally implemented the terms of three conditions requested by the Police in their correspondence dated 18th February 2016, (ii) that there had been no similar incidents at the premises since the review had been called, and (iii) that the licensee had not formally submitted paperwork to the Licensing Authority to amend the premise licence by the addition of the proposed conditions as requested by the Police.

The Panel determined that the premises licence held by the licensee in respect of the King and Queen Public House, 15 High Street, Highworth, Swindon, be amended to include the three additional conditions requested by the Police in their correspondence dated 18th February 2016, and set out on page 28 of the hearing papers.

Reasons

1. The Panel was satisfied that the conditions proposed by the Wiltshire Police, and agreed by the applicant (confirmed by the applicant at the hearing) would uphold the Licensing Objectives.
2. The Panel noted that since the review of the premises licence had been commenced in April 2016, no further substantive breaches of the Licensing Objectives or further breaches of the licensing conditions had been reported by the Police or Licensing Authority.
3. That the Panel was satisfied that the conditions proposed by the Police and agreed by the respondents offered oversight of the licensable activities at the premises.
4. That given the comments of the Police to the hearing that, with the attachment of the additional conditions to the premises licence, that they felt no additional action was required at this time the Panel determined that the decision was fair and proportionate.

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

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LICENSING PANEL

TUESDAY, 4 OCTOBER 2016

PRESENT:- Councillors Alan Bishop, Maureen Penny and Vera Tomlinson

14. Appointment of Chair

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

15. 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 Vera Tomlinson made a non prejudicial declaration of interest in respect of Agenda Item No. 4 as she knew one of the objectors who made a submission.

16. Application for the grant of a Premises Licence in respect of Moredon Off Licence, 275 Whitworth Road, Moredon, Swindon

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Premises Licence for Moredon Off Licence, 275 Whitworth Road, Swindon, SN2 3BU, (b) written representations from Whitworth Road Residents Association, Rodbourne Cheney Residents Association, Mr S Hatt, Mr R Kimber and Miss P Strange (local residents) opposing the grant of a licence, (c) oral representations against the grant of a premises licence by Councillor Peter Watts (Ward Councillor), (d) oral representations by local residents in support of their written submissions opposing the grant of a premises licence, (e) conditions proposed by Wiltshire Police for inclusion on the premises licence, if granted, (f) oral submissions in support of the application by Ms Gonul Howell (applicant), (g) questions from Members to the applicant and objectors and answers received, and (h) 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 introduced the report noting that:

- The application was for a premises licence for an Off-Licence at 275 Whitworth Road, Swindon.
- The premises had previously been a Post Office and had not previously held a premises licence.
- That a petition containing eight signatures opposing the grant of a premises licence had been received after the end of the consultation period. The wording of this petition had been included, for information, in the agenda papers pack but would not form part of the panel's consideration.
- The Police had submitted proposed conditions for inclusion on the premises licence, should this be granted, and the applicant had agreed to the conditions requested.
- The proposed designated premises licence holder lived within thirty minutes of the store location.

Councillor Peter Watts' made representations on behalf of local residents at Walker House, Whitworth Road Residents Association and Rodbourne Cheney Residents Association opposing the grant of a premises licence. These representations can be broadly summarised as:

- That local people believed that there was no need for an off-licence in the area around 275 Whitworth Road, Swindon as they believed the three supermarkets in the immediate vicinity catered for local needs (the opening hours of these stores covering Monday to Saturday 08:00 to 23:00 hours and Sunday 10:00 to 22:00 hours).
- There were currently parking problems on Whitworth Road and these would be exacerbated by an off-licence. There was currently one space with a maximum stay time of 30 minutes outside the premises and three others in close proximity on the road with a maximum one hour stay during daytime.
- After 5:00pm and on weekends the car parking spaces associated with the premises were used by local residents.
- The carparks for Farm Foods and Co-operative stores were for customer use only and were regulated by a local company.
- There were double yellow lines on both sides of Whitworth Road in the vicinity.
- The Road to the side of 275 Whitworth Road was private and offered access to the residential accommodation behind the proposed store.
- Residents already suffered problems of obstruction with cars blocking the alley.
- There were five flats that formed part of the 275 Whitworth Road premises (three accessed from the front and two from the rear) and they had the same landlord as the applicant.
- There was a real concern that the residents of these flats would suffer a loss of amenity through customers parking inconsiderately should the premises licence be granted.
- The site had previously been a post office and had operated at less intrusive hours.
- The Panel should give weight to the fact that so many local people had concerns in respect of the application.
- That should the premises licence be granted it was requested that this be through a temporary permission so that the effect of the business on the local community could be monitored and confirmed at a later date if there were no substantive problems. (It was noted that this was not an option available to the Panel.)

Representations were made by objectors on behalf of local residents, opposing the grant of a premises licence. These can be broadly summarised as:

- Parking problems along Whitworth Road had been a major issue when the Post Office at 275 Whitworth Road was operating and residents believed that, with the extended hours requested for the premises licence, this would become considerably worse; especially in the evening.
- Whitworth Road had previously been a B Road, which was not designed for high volumes of casual traffic and this was likely to cause problems for local residents.
- The extended hours of operation and the 08:00 start meant that it would add

to traffic during the morning school “run”.

- The operation until after 22:00 would lead to additional loss of amenity for residents through additional noise in the evening.
- There was restricted parking in the area and the car parks for Farm Foods and the Co-operative were only for use by customers of those shops.
- There was the real possibility that the premises could act as a magnet for younger people creating additional noise problems.
- There were two other outlets in the close vicinity that sold alcohol after 22:00 and local residents didn’t believe another one was required.

The objectors responded to questions put in respect of:

- Private parking provisions in the vicinity for local residents and in particular those in the area immediately adjacent to 275 Whitworth Road.
- Increased traffic problems on Whitworth Road arising from increased levels of traffic using the road.
- Residents’ views that an off-licence at 275 Whitworth Road would lead to increased volumes of traffic and parking problems.
- That the extended hours of operation requested would exaggerate the problems caused because they would be prevalent at later times.
- Access arrangements for the flats to the rear of 275 Whitworth Road.
- Whether the premises were currently in use.
- The planning permission in force for the premises allowing a convenience store to operate there.
- The opening hours of the other shops in the vicinity.
- Problems experienced at the premises when it operated as a Post Office.
- Previous levels of complaints regarding parking problems in that area of Whitworth Road.
- Parking restrictions currently in force on Whitworth Road.
- The potential for increased litter with the opening of an of-licence at the site.

The applicant commented on a number of issues, including, but not limited to:

- The application for a premises licence was intended to compliment the general store that was being opened.
- The store would include reference to Rodbourne Cheney to reflect its location.
- That parking was not considered to be an issue as the store was fairly small in size and was intended to cater for local residents.
- Due to its location and size it was not anticipated that it would attract a lot of passing trade.
- That the applicant was content to reduce the hours requested from 00:00 to 23:00 to help reduce the risk of noise nuisance to local residents.
- The premises had been run as a convenience store and/or Post Office for approximately 20 years.

The applicant responded to questions put by the Panel on:

- Issues with local car parking and where customers would be likely to park if the spaces available immediately outside the premises were taken.

- Whether the store would operate regardless of whether a premises licence was granted.
- Deliveries to the premises and whether these could be managed to avoid busy traffic periods and how they would be managed if no car parking spaces were available.
- The rationale for the hours of operation requested.
- The clientele that was expected to use the premises.

Resolved - After considering: -

1. The application for a premises licence 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:

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 determined that a Premises Licence be granted subject to: -

1. The permitted hours for the sale of alcohol be:
Monday to Saturday 08:00 until 23:00.
Sunday 08:00 until 22:30.
2. That the conditions requested by the Police and set out in the hearing papers shall be applied to the Premises Licence.

Reasons

1. The Panel was satisfied that the conditions proposed by the Wiltshire Police, and agreed by the applicant (confirmed by the applicant at the hearing) would minimise the impact on the amenities of local residents and uphold the Licensing Objectives.
2. The Panel noted that the applicant had offered an amendment to the end sale time for alcohol and determined that in the light of this offer the end time be amended to 23:00 in order to help protect the amenity of local residents.
3. The Panel carefully considered the written and oral representations of those who opposed the application and the written and oral submissions of the applicant and were mindful that there had been no objections from the Statutory Authorities.
4. The Panel noted that applicants had confirmed the store would be opening regardless of the grant or otherwise of a premises licence.

5. Whilst carefully considering the objectors representations the Panel was mindful that harm caused by the grant of a licence needed to be definitively linked to the application and needed to be evidence based.

6. The Panel noted that whilst acknowledging current issues within the locality there was no evidence further nuisance would arise from the operation of the sale of alcohol at the premises give that the hours of operation were in line with nearby shops.

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

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**Application to vary a Premises Licence in respect of
Simply Local, 15-17 Moredon Road, Moredon, Swindon, SN25 3DQ**

Licensing Panel

Date:

Author: Kathryn Ashton, Licensing Manager

Wards: Rodbourne Cheney

Locality Affected:

Parishes Affected: None

1. Purpose and Reasons

- To consider the application made by Drinksworld Limited, Unit 6, Unicorn Hill, Redditch, Worcestershire, B97 4QR, for the grant of a variation to the premises licence and to determine the application.

2. Recommendations

That The Panel:

2.1 Considers and determines the application made by Drinksworld Limited, taking into account the representation made by Rodbourne Cheney Residents Association (**Appendix C**). The options available to the Panel are:

- To grant the application in its current form with conditions consistent with the operating schedule;
- To grant the application but to modify the conditions by amending, omitting or attaching new conditions; or
- To reject the application in whole or in part.

3.0 Detail

3.1 An application to vary the premises licence for Simply Local, 15-17 Moredon Road, Moredon, Swindon, SN25 3DQ has been received from Drinksworld Limited, Unit 6, Unicorn Hill, Redditch, Worcestershire, B97 4QR. The application is to vary the existing premises licence to extend the times the licence authorises the retail sale of alcohol for consumption off the premises in the mornings to 06:00hrs Monday to Saturday (from 08:00hrs) and 06:00hrs Sunday (from 10:00hrs), to 06:00 on Good Friday (from 08:00hrs) and Christmas Day 08:00 – 22:30 hrs from 12:00 - 15:00hrs and 19:00 – 22:30hrs. The application does not propose any alteration to the finish hours for the retail sale of alcohol. The opening hours of the premises are proposed to change in line with the proposed

**Application to vary a Premises Licence in respect of
Simply Local, 15-17 Moredon Road, Moredon, Swindon, SN25 3DQ**

Licensing Panel

Date:

hours for the retail sale of alcohol. The opening hours of the premises are currently unrestricted.

The sale of alcohol will be subject to Challenge 25 checks, staff will be trained in the sale of alcohol to persons who are intoxicated, underage and in the operation of the Challenge 25 policy. CCTV equipment covering trading areas will be operated.

3.2 A copy of the application is attached as **Appendix A**.

3.3 The Police Licensing Officer, Constable Michael Diffin did not make any representations as he had requested conditions to be attached to the Licence during the consultation period which have been agreed by the applicant.

A copy of the email from the Police Licensing Officer and agreement to conditions by the applicant is attached as **Appendix B**

3.3 The application seeks the following licensable activities:

Sale by Retail of Alcohol for consumption off the premises

Monday to Saturday 06:00 – 23:00hrs

Sunday 06:00 – 22:30 hrs

Good Friday 06:00- 22:30hrs

Christmas Day 08:00 – 22:30hrs

3.4 The existing licence allows

Sale by Retail of Alcohol for consumption off the premises

Monday to Saturday 08:00 – 23:00hrs

Sunday 10:00 – 22:30 hrs

Good Friday 08:00- 22:30hrs

Christmas Day 12:00 – 15:00hrs and 19:00 – 22:30hrs

A copy of the existing licence is attached as **Appendix D**.

3.5 The use for this premises is a convenience store with alcohol sales.

Application to vary a Premises Licence in respect of Simply Local, 15-17 Moredon Road, Moredon, Swindon, SN25 3DQ

Licensing Panel

Date:

-
- 3.6 The applicant has offered conditions contained within the Operating Schedule which is attached as part of the application. They have also agreed that the conditions requested by the Police Licensing Officer be attached to the Licence.
- 3.7 Representations have been received from Rodbourne Cheney Residents Association.
- 3.8 This representation is attached as **Appendix C**.
- 3.9 There have been no objections from any responsible authorities.
- 3.10 The Panel is requested to consider the application for the grant of variation to the existing Premises Licence having regard to Swindon Borough Council's Statement of Licensing Policy and the amended Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 3.11 Having regard to the information put forward by the applicant and the representations made by other persons, the Panel must take such steps, (if any), that it considers appropriate for the promotion of the licensing objectives. Such steps are set out in Section 18(4) of the Licensing Act 2003 and are as follows:
- To grant the application in its current form with conditions consistent with the operating schedule;
 - To grant the application but to modify the conditions by amending, omitting or attaching new conditions; or
 - To reject the application in whole or in part.

To refuse to specify a person in the licence as the premises supervisor

4. Alternative Options

- 4.1 None.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime and disorder or nuisance to the public or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

Application to vary a Premises Licence in respect of Simply Local, 15-17 Moredon Road, Moredon, Swindon, SN25 3DQ

Licensing Panel

Date:

Legal and Human Rights Implications

- 5.2 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 6 affords a right to a fair hearing, Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

5.3 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

5.4 Diversity Impact Assessment

It is not considered that the preparation of a DIA is required in respect of this report.

5.5 **Consultees**

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5.6 **Background Papers**

Licensing Act 2003

Secretary of State revised Section 182 Guidance

Licensing Authority Statement of Licensing Policy

5.7 **Appendices**

Appendix A - Application for the grant of a variation to the Premises Licence in respect of Simply Local

Appendix B - Email showing conditions requested by the Police Licensing Officer and agreement by applicant to their attachment to the Licence.

Appendix C – Representation from Rodbourne Cheney Residents Association.

**Application to vary a Premises Licence in respect of
Simply Local, 15-17 Moredon Road, Moredon, Swindon, SN25 3DQ**

Licensing Panel

Date:

Appendix D - Existing Licence

This page is intentionally left blank

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

☒ We DRINKSWORLD LTD being the premises licence holder, apply to vary a
(Insert name(s) of applicant)
premises licence under section 34 of the Licensing Act 2003 for the premises
described in Part 1 below

Premises licence number

88 114 0324 LADDS

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference, or description 15-17 MOREDON ROAD MOREDON SWINDON	
Post town MOREDON	Post code SN25 3AQ

Telephone number at premises (if any)

Non-domestic rateable value of premises

£

Part 2 – Applicant details

Daytime contact telephone number

E-mail address
(optional)

Current postal
address if
different from
premises address

UNIT 6
UNICORN HILL
REDDITCH
WORCESTERSHIRE
C/O CAPITAL LAW LLP

Post Town

REDDITCH

Postcode

B97 4QR

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick Yyes

☒

If not do you want the variation to take effect from

Day	Month	Year

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

CHANGE OF OPENING AND SELLING HOURS
(LICENCED HOURS) FOR SALE OF ALCOHOL.
WE WISH TO VARY OUR LICENCE FOR THE SALE
OF ALCHOL AT THE PREMISES. WE WISH TO
VARY THE START TIME WHICH IS CURRENTLY
8AM (MONDAY TO SATURDAY) AND 10AM
(SUNDAY) TO 6AM EVERYDAY. WE DO
NOT WISH TO EXTEND THE FINISH TIME.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- | | | |
|----|---|--------------------------|
| a) | plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) | films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) | performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities for:

- | | | |
|----|---|--------------------------|
| i) | making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place <u>Indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place <u>Indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				

Sun			
-----	--	--	--

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur					

Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
Mon				Both	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri			
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick [X] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
Mon				Both	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Fri			
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) GOOD FRIDAY - (6 AM TO 22.30) CHRISTMAS DAY (8 AM TO 22.30).		
Mon	6.00	23.00			
Tue	6.00	23.00			
Wed	6.00	23.00			
Thur	6.00	23.00			
Fri	6.00	23.00			
Sat	6.00	23.00			
Sun	6.00	22.30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) GOOD FRIDAY - 6 AM - 10.30 PM CHRISTMAS DAY - 8 AM - 10.30 PM
Day	Start	Finish	
Mon	6.00	23.00	
Tue	6.00	23.00	

Wed	6.00	23.00	<u>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u>
Thur	6.00	23.00	
Fri	6.00	23.00	
Sat	6.00	23.00	
Sun	6.00	22.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

I have enclosed the premises licence ☒ Yes

I have enclosed the relevant part of the premises licence ☒ Yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

The original premises licence is still with yourselves from a previous application to vary the OPS.

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

- NEW CCTV RECORDING SYSTEM WITH A HIGH DEFINITION CAMERA AND 30 DAY RECORDING

b) The prevention of crime and disorder

- CCTV CAMERA AS DESCRIBED ABOVE
- AGE RESTRICTIONS

c) Public safety

- CCTV CAMERA

d) The prevention of public nuisance

- AGE RESTRICTIONS
- CCTV CAMERA

e) The protection of children from harm

- CHALLENGE 25 POLICY TOGETHER WITH A REFUSAL LOG WHICH IS DIGITALLY MAINTAINED

Please tick ✓ yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity

Signature

Date

Capacity

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

CAPITAL LAW, BINOMALL STREET,
CARDIFF

Post town

CARDIFF

Post code

CF24 4AZ

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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Michael

This is agreed.

I thank you for your assistance.

On Fri, Oct 14, 2016 at 5:24 PM, Diffin, Michael <Michael.Diffin@wiltshire.pnn.police.uk> wrote:

Mr Khera

Re the below just to confirm that the following conditions will be applied to the premises licence

1. A Challenge 25 policy shall be operated. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, photo driving licence or PASS accredited card. Where proper verification is not provided the sale shall be refused. A record of the refusal shall be kept in a refusals book, identifying the member of staff who refused the sale. This book is to be kept on the premises and shall be made available to officers of any of the responsible authorities on request.

2. No staff shall be permitted to sell alcohol until they have completed training upon induction, designed to ensure that no person who is unduly intoxicated is sold alcohol and to ensure that they understand the 'Challenge 25' policy. Those staff shall receive refresher training every six months. Records of this training shall be kept at the premises and shall be made available to officers of any of the responsible authorities on request.

3. The opening times of the premises shall be prominently displayed so that they are clearly visible from the exterior of the premises.

4. CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. The CCTV product will be maintained for a minimum of 28 days and shall be provided to

enforcement bodies on request. There must be a person on the premises able to download CCTV at all times the premises is open for trading.

Regards

Michael DIFFIN MBE

Police Constable 1630

Police Licensing Officer

Swindon Hub

Town Centre Hub

Civic Offices

Euclid Street

Swindon

SN1 2JH

michael.diffin@wiltshire.pnn.police.uk

Landline -

From: Sukhjit Khera

Sent: 13 October 2016 13:21

To: Diffin, Michael

Cc: E & P Licensing; Fiona MacAdam (FMacAdam@swindon.gov.uk)

Subject: Re: 15-17 Moredon Road, variation of Premises Licence

Michael

Can we agree to a refresher course every 6 months as a compromise.

On Wed, Oct 12, 2016 at 2:06 PM, Diffin, Michael
<Michael.Diffin@wiltshire.pnn.police.uk> wrote:

Mr Khera

Condition two is not open to negotiation I am afraid as it is in the statement of licensing, the training does not need to be conducted by an outside trainer and can be delivered by the DPS so long as it is recorded you will need to discuss this with your company further and they should be able to advise you of what is required.

You will need to notify the licensing authority if you are not willing to accept this condition so that they can arrange a hearing with the licensing panel.

Regards

Michael DIFFIN MBE

Police Constable 1630

Police Licensing Officer

Swindon Hub

Town Centre Hub

Civic Offices

Euclid Street

Swindon

SN1 2JH

michael.diffin@wiltshire.pnn.police.uk

Landline -

From: Sukhjit Khera
Sent: 12 October 2016 13:41
To: Diffin, Michael
Subject: Re: 15-17 Moredon Road, variation of Premises Licence

Michael

Thank you for this. In our meeting I also wished to discuss point 2. This would put a great strain on the business as training course are not always readily available when we take on staff and they can cost £800 per session.

Could you look at this also please.

Just for reference, we have booked one in for our staff to get them up to speed with challenge 25.

On Wed, Oct 12, 2016 at 8:53 AM, Diffin, Michael
<Michael.Diffin@wiltshire.pnn.police.uk> wrote:

Mr Khera

I am sorry that I will not be able to meet with you this week I have a full day today and am on nights on Friday.

Further to our conversation on Monday re condition 5 I have spoken with the local policing Team for your area and looked at incidents in the locality and am happy to remove condition 5 from my letter of response dated 04/10/16.

Condition 5 - No single cans or bottles of beer, lager or cider of 5.5% ABV (alcohol by volume) or above shall be sold. – Not to be included on application at this time.

Licensing please note above response to applicant re this application Wiltshire police are happy with the above condition not to be added to the licence.

Thanks

Michael DIFFIN MBE

Police Constable 1630

Police Licensing Officer

Swindon Hub

Town Centre Hub

Civic Offices

Euclid Street

Swindon

SN1 2JH

michael.diffin@wiltshire.pnn.police.uk

Landline -

From: Sukhjot Khera

Sent: 10 October 2016 14:00

To: Diffin, Michael

Subject: Fwd: 15-17 Moredon Road, variation of Premises Licence

----- Forwarded message -----

From: **Sukhjot Khera** <sukhjot.khera@simplyfresh.info>

Date: Mon, Oct 10, 2016 at 9:25 AM

Subject: 15-17 Moredon Road, variation of Premises Licence

To: michael.diffin@wiltshire.pnn.police.co.uk

Dear Sir

We have applied for a variation on our current premises licence to bring into line our current premises licence with our trading hours.

The police have made some recommendations as license conditions for this. Could we meet up to discuss this, I am in Swindon today, Wednesday and Friday this week if any of these dates work for you.

--

Kind regards

Sukhjot Khera

Mob:

Email:

Office:

www.simplyfresh.info



SimplyFresh // 2 Anderson Road Birmingham West Midlands B66 4AR



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Rodbourne Cheney Residents Association

The Broadway Rodbourne Cheney,
Swindon Wilts, SN25 3BW.
Telephone:

28th October 2016

Licencing Officer,
Swindon Borough Council,
Wat Tyler House,
Beckhampton Street,
Swindon.
SN1 2JH

Dear Sir/Madam,

On behalf of our residents we would like to object to the proposal to extend the hours for sale of alcohol at the Simply Local Store in Moredon Road from 6am to 11pm. There is no off road parking at the shop and limited on road parking which already leads to constant illegal and dangerous parking on double yellow lines at the entrance to Church Walk South. This would possibly cause a lot more parking and traffic issues at the time that people are starting and finishing work and the morning deliveries to adjacent shops. We are also concerned that this may result in other premises in the area applying for extensions to their licencing hours

Yours Faithfully
Michael Lucas (Vice Chairman)

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Licensing Authority
5th Floor, Wat Tyler West
Beckhampton Street
Swindon
SN1 2JG
Tel: 01793 466113
licensing@swindon.gov.uk

Premises Licence

Schedule 12 - Part A

(THIS PART OF THE LICENCE MUST BE KEPT AT THE PREMISES AT ALL TIMES AND PRODUCED
UPON REQUEST OF AN AUTHORISED OFFICER)

Premises Licence Number	881160725LAPDPS
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code Simply Local 15-17 Moredon Road Moredon Swindon SN25 3DQ
Telephone number NIL

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities Sale by Retail of Alcohol Sunday 10:00 - 22:30 Monday to Saturday 08:00 - 23:00

Non-Standard Timings

Sale by Retail of Alcohol

Good Friday 08:00 - 22:30

Christmas Day 12:00 - 15:00 and 19:00 - 22:30

The opening hours of the premises

Unrestricted

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol may only be supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Drinksworld Ltd.
15-17 Moredon Road
Swindon
SN25 3DQ

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 04579202

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Sukhraj Chatha


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence No: WN/009406

Licensing Authority: Wolverhampton City Council

This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 8th July 2016



Licensing Manager

Mandatory Conditions

1. No supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4.
 - (1) A "relevant person" shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the "permitted price".
 - (2) For the purposes of the condition set out in paragraph (1)
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

where

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

- 5. Alcohol shall not be supplied unless it is paid for before or at the time that it is supplied.
- 6. Alcohol shall not be sold or supplied in an open container or be consumed in the licensed premises.

Conditions attached after a hearing by the Licensing Authority

None

Plans

No changes to original plans



Licensing Authority
5th Floor, Wat Tyler West
Beckhampton Street
Swindon
SN1 2JG
Tel: 01793 466113
licensing@swindon.gov.uk

Premises Licence Schedule 12 - Part B

(THIS PART OF THE LICENCE MUST BE DISPLAYED IN A PROMINENT POSITION WITHIN THE PREMISES)

Premises Licence Number

881160725LAPDPS

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Simply Local
15 -17 Moredon Road
Moredon
Swindon
SN25 3DQ

Telephone number

NIL

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Sunday 10:00 - 22:30

Monday to Saturday 08:00 - 23:00

Non-Standard Timings

Sale by Retail of Alcohol

Good Friday 08:00 - 22:30

Christmas Day 12:00 - 15:00 and 19:00 - 22:30

The opening hours of the premises

Unrestricted

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol may only be supplied for consumption off the premises.

Name, (registered) address of holder of premises licence

Drinksworld Ltd.
15-17 Moredon Road
Swindon
SN25 3DQ

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number - 04579202

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Sukhraj Chatha

State whether access to the premises by children is restricted or prohibited

Not Restricted or Prohibited

This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 8th July 2016


Licensing Manager

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