

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

NOTICE OF HEARING

Date of Hearing: Wednesday, 5 July 2017

Place of Hearing: Committee Room 3, Civic Offices

Time of Hearing: 12.30 p.m.

Panel Members:

Conservative Councillors

Emma Faramarzi

Vera Tomlinson

Labour Councillors

Peter 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. 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.

4. Application to vary Premises Licence, Unit 4, 1-8 Manchester Road, Swindon, SN1 2AB together with a copy of each relevant representation made and supporting documents (Pages 7 - 40)

Date of Despatch: 20 June 2017

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

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.**

Determination of Application to Vary a Premises Licence – Unit 4, 1-8 Manchester Road, Swindon SN1 2AB

Licensing Panel

Date: 5th July 2017

Author: Kathryn Ashton – Licensing Manager
Wards: Central
Parishes Affected: Swindon Central South

1. Purpose and Reasons

- 1.1 To consider and determine the application to vary the premises licence in respect of Nasza Biedronka, Unit 4, 1-8 Manchester Road, Swindon SN1 2AB.

2. Recommendations

That The Panel:

- 2.1 Consider the application to vary the existing premises licence made by Mohammed Rasul Kader, taking into account the representation made by a local resident. The options available to the Licensing Panel are:
- To grant the application in its current form with conditions consistent with the operating schedule and those previously accepted by the applicant from Wilshire Police
 - 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. Detail

- 3.1 An application to vary an existing premises licence is made by Mohammed Rasul Kader in respect of Unit 4, 1-8 Manchester Road, Swindon SN1 2AB.
- 3.2 The premises known as Nasza Biedronka Unit 4, 1-8 Manchester Road was granted an 'Off Sales' licence at a panel hearing on 15th January 2016.
- 3.3 The licence 881150589LAPRE which was granted by the Licensing Panel on 15th January 2016 will be surrendered if this application is successful. A copy of this application is attached as **APPENDIX A**.
- 3.4 The variation application seeks the following;
- i) To include Units 5 and 6, in addition to Unit 4
 - ii) To extend the hours the premises is open to the public, Monday to Sunday from 08:00 until 23:00 and,

Determination of Application to Vary a Premises Licence – Unit 4, 1-8 Manchester Road, Swindon SN1 2AB

Licensing Panel

Date: 5th July 2017

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- iii) To enable the sale by retail of alcohol for consumption off the premises, Monday to Sunday from 08:00 to 23:00.
- 3.4 The applicant has accepted conditions requested by Swindon Borough Council's Licensing Manager and Wiltshire Police.
- 3.5 A representation has been received from one resident who considers that the licensing objective in respect of the Prevention of Crime and Disorder, and Public Nuisance will be undermined should the application be granted in its current form.
- 3.6 The representation is attached as **APPENDIX B**.
- 3.7 When considering the application and objection notice, the Panel must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and also the Licensing Authority's Statement of Licensing Policy. Furthermore, the decision must be made with a view to promoting the licensing objectives. The decision and reasons for the decision should be provided in writing.
- 3.8 The applicant has a right of appeal against a decision to reject the application and the Chief Officer of the Police has a right of appeal against a decision to grant the application. Any such appeal must be commenced by way of notice of appeal given by the appellant to the designated officer for the local magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed against.

4. Alternative Options

- 4.1 It would be possible to defer the determination of the application to a date within five working days of the day (or the last day) on which the hearing was held, or to defer the hearing itself to a specified date (or dates) where it is considered to be necessary for the authority's consideration of any representation or notice made by a party. However, either step should be seen as an exceptional measure.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.

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 8 deals with a right to

2

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Determination of Application to Vary a Premises Licence – Unit 4, 1-8 Manchester Road, Swindon SN1 2AB

Licensing Panel

Date: 5th July 2017

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. The decision must be made with a view to promoting the statutory licensing objectives, which include the prevention of crime and disorder. There are no other implication to be considered.

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 Finance (Section 151 Officer) and 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 to vary the premises licence to specify an individual as the premises supervisor made on 14 April 2015.

Appendix B – Objection notice from the Chief Officer of Wiltshire Police.

Appendix C – Current Premises Licence Part A

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881161357LAPV

06.12.16

Valid

FMB

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.

I/we MOHAMMED RASUL KADER

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	881150589LAPRE
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
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UNITS 4-6 (Nasza Biedronka)
1-8 MANCHESTER ROAD

Post town	SWINDON	Postcode	SN1 2AB
Telephone number at premises (if any)	01793 320934		
Non-domestic rateable value of premises	£		

Part 2 – Applicant details

Daytime contact telephone number	07 803 565556		
E-mail address (optional)	paula.kader@icloud.com		
Current postal address if different from premises address	150 OVERBROOK Eldene		
Post town	SWINDON	Postcode	SN3 6AX

Part 3 - Variation

Please tick as appropriate

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

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

(Please see guidance note 1) ☐ Yes

☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

I would like to vary the current premises licence as follows;

- To include Units 5 & 6,
- * To extend the opening hours from 08:00 to 23:00,
- * To extend the hours for the sale by retail of alcohol from 08:00 to 23:00.

(*Monday to Sunday)

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:

--

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.

Provision of regulated entertainment

Please tick all that apply

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

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

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
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 6)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)			
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 6)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
Thur						
Fri			<u>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</u> (please read guidance note 6)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur				
Fri				
Sat			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 (please read guidance note 6)	
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed						
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri						
Sat						
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
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 6)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) NONE		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	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 6) NONE		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			

K

<p>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 9).</p> <p>NONE</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) NONE
Day	Start	Finish	
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	Non standard timings. Where you intend 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 6) NONE
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

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.

Please tick as appropriate

M

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 and e) (please read guidance note 10)

Various steps agreed with Wiltshire Police and the Licensing Authority.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

- | | |
|--|--|
| • I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy. | <input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where
applicable. | <input checked="" type="checkbox"/> |
| • I understand that I must now advertise my application. | <input checked="" type="checkbox"/> |
| • I have enclosed the premises licence or relevant part of it or explanation. | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be
rejected. | <input checked="" type="checkbox"/> |

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
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 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	X 
Date	06.12.16
Capacity	Premises Licence Holder

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 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

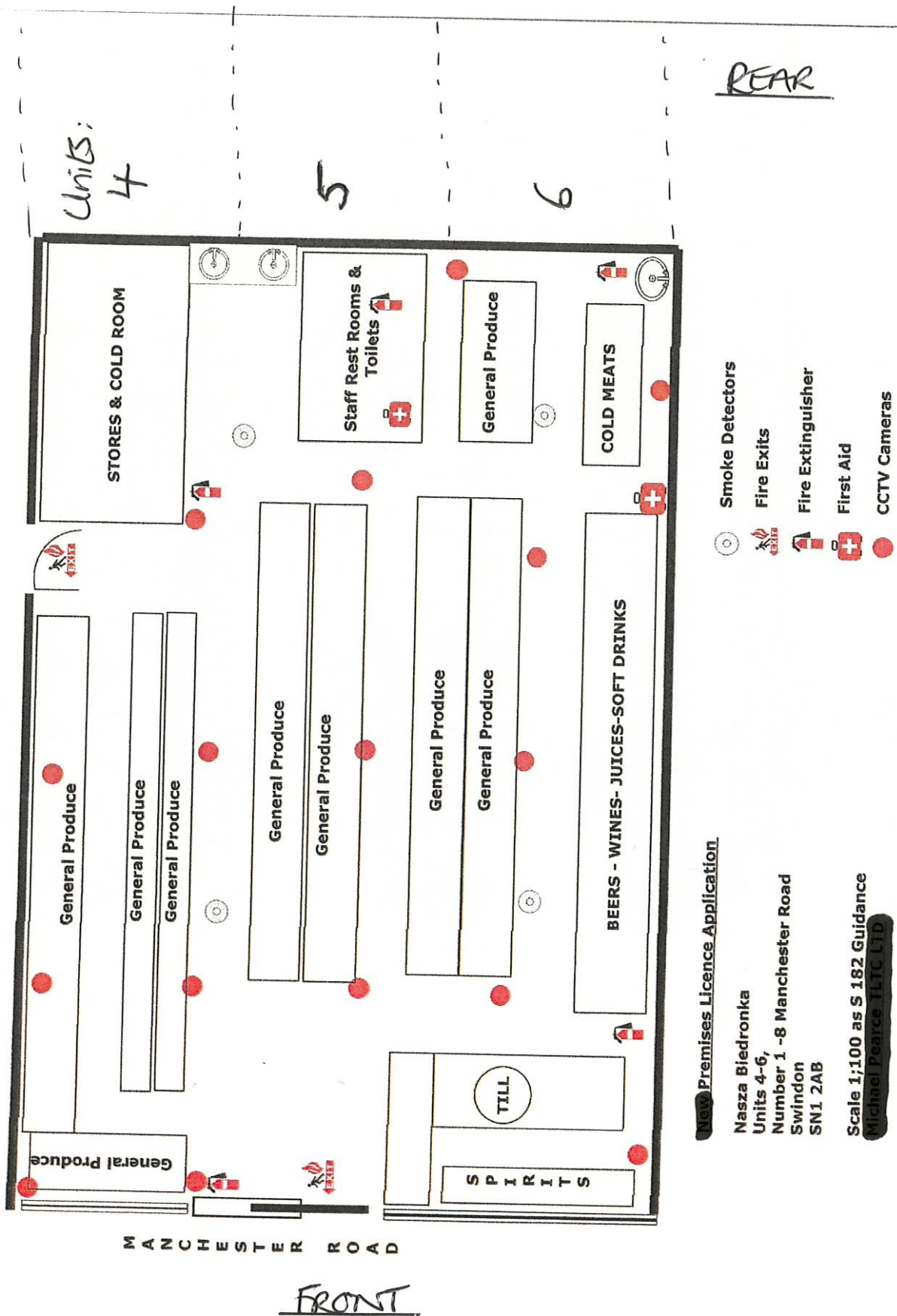
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.

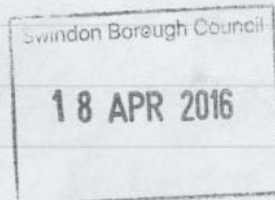


1. A Challenge 25 policy shall be operated. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, 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.
2. No member staff shall be permitted to sell alcohol until they have completed training upon induction that covers the supply of alcohol to persons who are intoxicated, drug awareness and the operation of the 'Challenge 25' policy. Staff shall receive refresher training on these subjects at no greater than six month intervals. Records of this training shall be kept on the premises and shall be made available to officers of any of the responsible authorities upon 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. No alcohol shall be consumed on the premises.
5. The sale of, displaying of, or supply of any new psychoactive substances (NPS)(Legal Highs) is prohibited at any time on the premises whilst there a Premises Licence is in place authorising the sale or supply of alcohol.
6. CCTV equipment which is fit for purpose and which covers all trading areas, smoking 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.
7. A marking system agreed by the Licensing Authority, in liaison with Wiltshire Police shall be adopted for all single bottles of alcohol sold from the premises. Where cans of alcohol are sold, including multi-packs, each individual shall be similarly marked.
8. The DPS is responsible for notifying the Licensing Authority and Wiltshire Police as to what mark is being used, and on all occasions when the mark is changed.
9. No single cans or bottles of beer, lager or cider of 5.5% ABV (Alcohol By Volume) or above shall be sold.
10. The DPS shall ensure that people do not loiter outside the shop and cause nuisance between the hours of opening until the premises is closed.
11. A fire risk assessment shall be carried out and updated as necessary. A copy shall be kept on the premises and available for inspection by any authorised officer.

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Licensing Authority
Wat Tyler House
Beckhampton Street
Swindon.

SN1 2N4



The Licensing Officer
Application for Premises Licence

With Reference to the Premises to be known
as Nasga Bedronka Unit 4-6. number 1-8
Manchester Road. Swindon SN1 2AB.

Who has applied for a Alcohol Licence.
I am writing this as The Broad Street
Area Community Council, is opposed to any
more Drink Licences to be given out in The
Manchester Road. - Broad Green Area.

There is by far enough shops selling Alcohol
in The Area stated to Cover all needs.

Yours Sincerely
[Signature]

This is a copy of an original
document seen and received by

ASHLEY PEACHEY
Position held CSA 01793 44633

DATE : 18 APR 2016

Signed

Swindon Borough Council
Benefits Office

15TH APRIL 2015

YOUR REF: PREMISES LICENCE APPLICATION FOR
UNITS 4-6 AT 1-8 MANCHESTER ROAD.

DEAR SIR/MADAM,

ONCE AGAIN I FIND MYSELF
HAVING TO PUT PEN TO PAPER IN ORDER TO
OBJECT TO THIS LICENCE APPLICATION.

AS A LOCAL RESIDENT SINCE 1983
I HAVE WITNESSED FIRST-HAND THE
DECLINE OF THE NEIGHBOURHOOD BECAUSE
OF DRINK, DRUGS AND PROSTITUTION. THE
GRANTING OF YET ANOTHER PREMISES
LICENCE IN THE AREA, WOULD I FEEL, ONLY
LEAD TO A PRICE WAR WHICH WOULD ONLY
BENEFIT THE STREET DRINKERS.

WE, THE RESIDENTS OF BROADGREEN,
ARE ALREADY HAVING TO DEAL WITH THE
CUMULATIVE EFFECTS OF STREET DRINKERS (I.E.
ANTI-SOCIAL BEHAVIOUR, NOISE, LITTER AND
USE OF ALLEYWAYS AS TOILETS.), ALSO, IS IT
NECESSARY TO BE ABLE TO SELL ALCOHOL
FROM 8 A.M. IN THE MORNING UNTIL 11 P.M.
AT NIGHT. I HOPE THE POLICE OBJECT TO
THESE TIMINGS IF NOT THE WHOLE OF THE
APPLICATION ITSELF.

FINALLY, AS MENTIONED ABOVE, I HOPE
THE POLICE ALONG WITH SWINDON BOROUGH

COUNCIL REJECT THIS APPLICATION UNDER
THE POWERS THEY HAVE THROUGH THE NEW
'CUMULATIVE IMPACT ORDER'

I HOPE I HAVE MADE MY POINTS
CONCISELY AND SUCCINCTLY AND HOPING
FOR YOUR FAVOURABLE DELIBERATION,
I REMAIN,

YOURS FAITHFULLY

[REDACTED]

[REDACTED]

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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	881150589LAPRE
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code
Unit 4 1-8 Manchester Road Swindon SN1 2AB
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 Monday to Sunday 09:00 - 22:00

The opening hours of the premises

Monday to Sunday 08:00 - 22:00

Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

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

Off sales only

Part 2

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

Mr Akbar Mazaheri
21 Churchway
Blunsdon
Swindon
SN26 7DG

Email Address - elsmazaheri@aol.com

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

Not Applicable

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

None (No sale of alcohol allowed)

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

None

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 18th January 2016

Kathryn Ashton
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 attached after a hearing by the Licensing Authority on 15.01.16

- 5. No alcohol shall be consumed in the premises.
- 6. The opening times of the premises shall be prominently displayed so that they are clearly visible from the exterior of the premises.
- 7. No excessive noise shall emanate from the premises.
- 8. All deliveries and waste collections shall occur during the hours that the premises is open to the public.
- 9. Adequate waste receptacles shall be provided for members of the public.
- 10. 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 a 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.

11. No staff shall be permitted to sell alcohol until they have completed training in relation to Challenge 25 and the sale of alcohol to drunks this training shall be documented and kept on the premises and shall be documented and kept on the premises and shall be shown to a Police Constable or any authorised officer on request or at any reasonable time. Refresher training is to be conducted every 6 months and this is to be documented and available for inspection by a Police Constable or any authorised officer on request or at any reasonable time.
12. CCTV which is fit for purpose and which covers all trading areas, Smoking 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 28days 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.
13. A marking system shall be adopted for all single bottles of alcohol sold below a capacity of 75cl to indicate that the bottle has been sold from the premises. Where cans of alcohol are sold, including multi packs, each individual can shall be similarly marked. The DPS responsible for notifying the Police and Local authority authorised officers as to what mark is being used and on all occasions when the mark is changed.
14. No single cans or bottles of beer, lager or cider of 5.5% ABV (alcohol by volume) or above shall be sold.
15. The DPS shall regularly monitor and check the external areas of the premises to ensure that litter is kept to a minimum. These checks will be recorded in a book kept on the premises and shall be made available to officers of any of the responsible authorities on request.
16. There will be no acceptance of deliveries at the premises between the hours of 2300 and 0600hrs until closure.
17. The DPS is to ensure that people do not loiter outside the shop and cause nuisance between 2100hrs until closure.

Plans

No changes to original plans