

Application for the grant of a Premises Licence in respect of Moredon Off Licence, 275 Whitworth Road, Moredon, Swindon, SN2 3BU

Licensing Panel

Date: 4 October 2016

Author:	Fiona MacAdam – Environmental Health Officer – Licensing and Events
Wards:	Rodbourne Cheney
Locality Affected:	North Central
Parishes Affected:	None

1. Purpose and Reasons

- To consider the application made by Gonul Howell, Moredon Off Licence, 275 Whitworth Road, Moredon, Swindon, SN2 3BU, for the grant of a premises licence and to determine the application.

2. Recommendations

That The Panel:

- 2.1 Considers the application made by Gonul Howell, taking into account the representation made by local residents (8) (**Appendix C**), in respect of this application, the Licensing Panel is asked to determine the application. 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 grant the premises licence for Moredon Off Licence, 275 Whitworth Road, Moredon, Swindon, SN2 3BU has been received from Ms Gonul Howell, 61 Moredon Road, Swindon, SN2 2JG. The application is for a convenience store with alcohol sales. 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.

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- 3.2 Sian Kalyuka – Police Licensing Officer requested conditions to be attached to the licence to ensure compliance with the Licensing Act 2003 by letter to the applicant on 22nd August 2016. These were:

The operation of a Challenge 25 policy, training of staff in its operation with regard to underage sales and acceptable identification as proof of age, with refresher training every 3 months, records of training to be kept and records of refusals to be kept;

CCTV equipment covering all trading areas, smoking areas and entrance areas and the maintenance of CCTV product for a minimum of 28 days;

Induction training of staff prior to selling alcohol to cover the supply of alcohol to persons who are intoxicated, drug awareness and Challenge 25, and refresher training six monthly with records of training kept.

A copy of the letter from the Police Licensing Officer is attached as **Appendix B**

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

- 3.3 The application seeks the following licensable activities:

Sale by retail of alcohol

*Sale by Retail of Alcohol for consumption off the premises Monday to Sunday
08:00 – 24:00*

Opening hours of premises

Monday to Sunday inclusive 08.00 until 00.30 hours

- 3.4 Previously the premises was a Post Office and has never been licensed.
- 3.5 The use for this premises is described by the applicant as a convenience store with alcohol sales.
- 3.6 The applicant has offered conditions contained within the Operating Schedule which is attached as part of the application. In addition the applicant has accepted the conditions requested by the Police Licensing Officer attached as part of the application. These will be attached to any licence should the Panel be mindful to grant the application.

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- 3.7 The proposed Designated Premises Supervisor lives within 30 minutes travel of the premises.
- 3.8 Representations have been received from eight residents, Rodbourne Cheney Residents Association and Whitworth Residents Association who consider that the licensing objective in respect of the prevention of crime and disorder, Public Nuisance and protection of children from harm will be undermined should the application be granted in its current form.
- 3.9 These representations are attached as **Appendix C**.
- 3.10 There have been no objections from any responsible authorities.
- 3.11 A petition containing 12 signatures of residents living at Walker House flats, 277 Whitworth Road has been received after the end of the formal consultation period. The petition is attached for information only (**Appendix D**).
- 3.12 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.
- 3.13 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.

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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.

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 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**

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Appendix A -	Application for the grant of a Premises Licence in respect of
Appendix B -	Letter from Sian Kalyuka – Police Licensing Officer requesting Conditions to be added to the Licence
Appendix C -	Representation from 8 residents and 2 residents' associations
Appendix D -	Petition for information only.