

LICENSING PANEL

WEDNESDAY, 28 SEPTEMBER 2016

PRESENT:- Councillors Alan Bishop, Derique Montaut and Vera Tomlinson

4. Appointment of Chair

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

5. Minutes

Resolved – That the minutes of the meeting held on 2nd June 2016, be confirmed and signed as a correct record.

6. 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.

7. Application for the grant of a Premises Licence in respect of Unit 4-6, 1-8 Manchester Road, Swindon

The Panel considered (a) a report of the Council's Licensing Manager setting out an application for a Premises Licence for Unit 4-6, 1-8 Manchester Road, Swindon, (b) revised paperwork submitted at the meeting in respect of the application, (c) information set out in the Licensing Manager's report, (d) the Council's procedure for licensing hearings, (e) correspondence from Wiltshire Police requesting the attachment of conditions should the application be granted, (f) objections received from Broad Green Community Council and two local residents opposing the grant of a Premises Licence, (g) oral representations from the applicant in support of his application, (h) questions and answers to officers, the applicant (Mr Kadir) and the owner of the premises (Mr Muhammad), (i) the Licensing Act 2013 and the Secretary of State's Section 182 Guidance, and (j) the Council's Licensing Policy.

The Head of Planning, Regulatory Services and Heritage introduced the report noting that:

- Revised paperwork had been tabled at the meeting to replace pages 17 – 39 of the agenda papers.
- Unit 4 had been granted a premises Licence for Unit 4 of the premises on 15th January 2016.
- The hours requested for the sale of alcohol were 08:00 – 23:00 daily.
- The application was for a supermarket comprising a single unit and if granted would require the issue of a new premises licence.
- The objections to the grant of a new premises licence had been received from Broad Green Community Council and two local residents.
- The objections received could be broadly summarised as opposing a new outlet for the sale of alcohol in the locality and the hours for the sale of alcohol requested.

- The area for alcohol display was set out on the floor plan appended to the report of the Council's Licensing Officer.
- Wiltshire Police had requested a number of conditions which were set out on pages 44 -45 of the agenda papers. The applicant had accepted these conditions in their entirety.
- In the event that a new premises licence be granted the existing premises licence would need to be surrendered by the premises licence holder.

In the absence of the objectors, the Panel had before them their written submissions set out on pages 41 – 44 of the agenda papers, these can be broadly summarised as:

- There were already too many retail outlets selling alcohol in the area.
- The grant of further premises licences could lead to a depression of alcohol prices in existing shops.
- The availability of cheaper alcohol could attract street drinkers and lower prices would deprive existing shops of income.
- Many local residents do not have cars and rely on corner shops in the area.
- The Council had considered a Cumulative Impact Policy for the area.
- Larger retail units in Manchester Road thrive despite not selling alcohol.
- There are enough outlets in the area to cater for local needs.
- The area already suffers from anti-social behaviour from street drinkers.

In the absence of Police representatives, the Panel considered the conditions requested by Wiltshire Police in the event the application was granted. These were set out on pages 45 – 47 of the agenda papers.

The Panel considered oral representations in support of the application from the applicant (Mr Kadir) and the owner of the premises (Mr Muhammad) which can be broadly summarised as:

- The applicant was willing to accept, in their entirety, the conditions requested by Wiltshire Police.
- The applicant would be willing to reduce the hours for the sale of alcohol until 22:30 daily with the shop closing at 23:00 daily.

The applicant answered questions in respect of:

- Whether ceasing the sale of alcohol earlier than adjacent shops would make managing the premises more difficult.
- Shop policies to prevent the sale of alcohol to groups of youths.
- Staffing arrangements during the period where the sale of alcohol was permitted.
- Shop policies regarding the sale of alcohol on days where Swindon Town Football Club was playing home fixtures.
- Current security at the premises including staff alarms and CCTV.

Resolved - After considering: -

1. The application for a new Premises Licence in respect of Units 4-6, 1-8 Manchester Road, Swindon made by the Licensee; 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 has determined that a new premises licence be granted for Units 4-6, 1-8 Manchester Road, Swindon, subject to the following conditions: -

1. The permitted hours for the sale of alcohol be:
Monday to Sunday 08:00 until 23:00.
2. That in addition to the conditions on the existing Premises Licence, which shall be transferred, as applicable, the conditions requested by Wiltshire Police and agreed by the licensee shall be appended to the new premises licence.
3. That, prior to the issue of the new premises licence the licensee shall be required to surrender the premises licence in force for Unit 4, 1-8 Manchester Road.

Reasons

1. The Panel was satisfied that the conditions proposed 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 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.

3. The Panel noted that the application was to extend an existing retail outlet and further noted that no substantive issues had been reported to it either by Wiltshire Police or the Council's Licensing Officers.

4. The Panel noted that whilst acknowledging current issues within the locality there was no evidence further nuisance would arise from the operation of the revised premises.

5. That, whilst the Council had adopted a Cumulative Impact Policy for the area, the premises in question was not affected as it was already operating under a premises licence before the Cumulative Impact Policy was adopted and also because the application for the new premises licence was received prior to the policy's adoption.

6. That the current premises licence should be surrendered prior to the issue of a new premises licence in order to ensure there was only one premises licence in

operation.

The Panel noted the licensee's comments regarding the installation of panic buttons in the premises for use by staff. Whilst the Panel did not condition such installation it recommended, in the interests of staff safety, these be fitted.

The Chair advised the hearing that both parties had a right of appeal to the Magistrates' Court against the panel's determination. Such an appeal must be commenced within 21 days of receipt of the written determination including reasons.