

**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

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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.

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- 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.

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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.

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Appendix D - Existing Licence