

Gloucester City Council

Licensing Act 2003

Notice of Determination

Date of Hearing: Wednesday 15 May 2013

Sub-Committee Members: Councillors Porter (Chair), Noakes, C. Witts

Subject: Application for a Premises Licence made by Mr Mohammed Alif in respect of Kingsholm Store, 55 Worcester Street, Gloucester, GL1 3AW under Section 17 of the Licensing Act 2003

This is an application by Mr Mohammed Alif for a new Premises Licence relating to Kingsholm Store, 55 Worcester Street, Gloucester, GL1 3AW. The application is for the provision of the retail sale of alcohol (off sales only), Monday to Sunday (inclusive) from 06.00 to 23.00 hours.

We have carefully considered the application, and the representations made by residents, the statutory provisions, the Council's Statement of Licensing Policy, the Home Secretary's Guidance, taken into account the licensing objectives, and listened to the presentation of the report of the Licensing and Enforcement Officer. We have also listened carefully to the other presentations made at this application hearing and the replies to questions raised.

Decision

We accept the application and attach conditions that are consistent with the operating schedule. This will include those matters that have been agreed between the Applicant and the Police.

We also include after our reasons a comment on our intended action with regard to the concerns of residents and what the Applicant has agreed with the Environmental Protection Service, particularly in respect of deliveries

Conditions

1. A CCTV system with minimum 4 colour-cameras recording at a frame-rate of not less than 15 frames-per-second shall be maintained in good working order at the premises. One of these cameras shall provide a "head & shoulders" picture (I.D shot) of all customers entering the premises. One camera shall be situated behind the Serving Counter so as to capture the faces and activities of customers at the point of sale. One camera shall

overlook the alcohol-display area. The other camera shall be mounted externally so as to cover the area immediately outside the store. The system shall record at all times the premises are open. Recordings shall be kept for a minimum of 14 days and shall be produced promptly on DVD (preferred) or CD and, in any event within 3 days, at the request of Police, Trading Standards or Council Officers. The system shall be checked daily and, should the system fail to operate on any occasion, the DPS (or representative) shall promptly notify the Licensing Authority Licensing department and Police Licensing department and shall take prompt steps to repair or replace the system.

2. With the exception of alcohol displayed behind the Counter, alcohol shall not be displayed within 5 metres of the customer entrance/exit door.
3. Spirits shall only be displayed behind the Counter. (as volunteered in the schedule)
4. Challenge 25 shall be in operation. (as volunteered in the schedule)

Our reasons for reaching this decision are:

1. As the Licensing-sub committee we are here to consider this application under the Licensing Act 2003 and as such we are only concerned with those matters that are appropriate to promote the 4 licensing objectives (1) the prevention of crime and disorder (2) public safety (3) prevention of public nuisance and (4) protection of children from harm.
2. The Applicant has volunteered and agreed with the Police a number of measures to be included as Conditions to deal with the licensing objectives and we accept that these will promote the licensing objectives.
3. We are not here to consider matters that come under the jurisdiction of the Council's Development Control Service and Planning Committee which includes matters such as use of the premises as a store, Listed Building issues and Conservation Area issues. Many of the concerns expressed by residents are of a planning nature and where relevant will be considered by the Council as Planning Authority. The Premises Licence granted does not give the applicant any Planning Permission that may be required.
4. In granting the application we cannot be concerned with competition and the fact that there are other convenience stores in the area is not a consideration.
5. This is a new application for a licence to sell alcohol and therefore until the premises are actually operating, evidence to the effect of the licence on the four licensing objectives can only be speculative. Once operating, if any of the matters arise that are concerns of residents and relate to the licensing

objectives, then provided there is the necessary evidence, it is open to residents to seek a review of this Licence we are granting.

6. The opening and closing hours applied are fairly typical of other small stores and shops in the City who sell a variety of goods. The Home Office Guidance allows for alcohol sales to be consistent with the sale times of other goods, unless there are good reasons to have different hours. As the premises are not yet operating, there are no such reasons. This is not to say that this could become a consideration for a review of this Licence if there was evidence produced that would support different hours for the sale of alcohol.

Finally, and not part of this Decision Notice, the Sub-Committee Members would like to make the following comments.

We note the agreement reached between the Applicant and the Environmental Protection Service and will be writing to the Planning Department with the terms of this agreement and will encourage them to incorporate these into their planning decision as far as they are able.