

Licensing Sub Committee-Alcohol and Gambling

Tuesday, 22nd June, 2021
2.05 - 3.20 pm

Attendees	
Councillors:	David Willingham (Chair), Angie Boyes and Tim Harman
Also in attendance:	Vikki Fennell and Jason Kirkwood

Minutes

1. ELECTION OF CHAIR

Cllr Willingham was elected as Chair.

2. DECLARATIONS OF INTEREST

Cllrs Boyes and Willingham had visited the site both independently and prior to the meeting.

3. APPLICATION FOR A PREMISES LICENCE FOR 87 SALISBURY AVENUE, CHELTENHAM GL51 3DA

The Senior Licensing Officer presented the report regarding an application for a premises licence for the sale of alcohol for retail at the premises located at 87 Salisbury Avenue between the hours of 06.00 and 23.00 hours.

Conditions had been added to the application by the Police Authority which the applicant was happy to comply with if the application was approved by the committee.

30 representations had been received from local objectors and those were attached to the report.

A member queried the determination of the application regarding the variance in the core time for selling alcohol of 9am as stated in the policy and the applicants request for 6am. The Officer explained this depended on any relevant representations to the earlier opening time.

In reply to whether certain community groups in the area had been able to submit objections, the Officer confirmed that all representations received were attached to the report.

The objector queried the opening times and these were confirmed by the Officer as being 6am to 11pm.

The Chair invited Mr Allan Knight who spoke in objection to the application to address the committee. Mr Knight thanked members for this opportunity. He stated he was disappointed that alcohol would be on sale for 17 hours every day. He pointed out the detrimental effects that alcohol had on the body, as well as the increasing risk of anti-social behaviour related to alcohol misuse and that this was not wanted in Warden Hill. He said betting shops and off licences

often attracted bad behaviour and crime and disorder and now that the betting shop in this locality had closed, a premises selling alcohol was not welcome. He believed that the conditions put on this application by the Police, suggested what could happen in the area. He pointed out the nature of this residential area with many local facilities frequented by families and children and did not want to see the fabric of the community destroyed by attracting more anti-social problems. He referred to the nearby Co-op and Morrisons and questioned the need for more buying capacity for alcohol. Mr Knight told members he had personal experience of the effects of alcohol on a person and believed all four licensing objectives would be broken in time if this premises licence was permitted. He suggested the committee had a moral and social obligation to reject the application.

The Chair explained that the committee needed evidence that the application would cause problems and clarified that the Police put similar conditions on most premises licences. He suggested the premises could be well run and asked if the objector had any evidence there would be a problem. Mr Knight replied he did not have any evidence as the shop was not currently there yet, but referred to evidence that could be found from google or other Police reports.

The Chair invited the second objector, ward councillor, Cllr Dobie, to address the committee. He confirmed that the committee had already received a letter from his colleague, Cllr Oliver, and that his comments were supplementary to that letter and he was objecting on behalf of the people. He stated that the business model seemed to be based on selling alcohol very early in the morning and late in the evening and that this was an area where children and adolescents played, with teenagers gathering later into evening who could be tempted to buy alcohol. He said the closing time was even later than the Co-op and with people living in the flat above the proposed shop, residents would be likely to suffer more noise nuisance. Those suffering from alcoholism could be attracted to the area and this could lead to rough sleeping with public nuisance consequences. He felt this was not suitable in this residential area, where neighbours would be disturbed, children exposed to risk and a temptation to alcoholics.

In reply to a question as to whether there was evidence of homelessness in Warden Hill which could be exacerbated, Cllr Dobie said there was no chronic problem in Warden Hill, but that was not to say that rough sleepers would not be attracted to this location with the opportunity to get alcohol very early in the morning. He stressed it was a very settled community.

In response to a further question on the age of the teenagers congregating, Cllr Dobie explained the teenagers were not actually hanging about but using the multi-use games area opposite which was very well used. It was more a risk of others buying for younger teenagers and that young people had ways of getting what they wanted, i.e forged identity cards. He hoped this risk would be mitigated by those running the shop but it was a risk that would not be removed.

The objector Mr Knight stated that alcoholics hid their addiction very well and would do anything to get a fix and were very good at adapting to what was around and that he did not feel the shop was relevant in this area.

The applicant confirmed that they actually planned to open from 7am to 10pm and that the reason they had applied for 6am – 11pm was so they could open earlier or close later on special days.

The Chair invited the applicant to address the committee. Mr Weerasinghe explained that he ran three businesses and that Alisha Gulwell would be the DPS for this premises and would be the main person at this location.

Alisha Gulwell addressed the committee stating that she had worked alongside the other two gentlemen present at their Northway store which was located in a very similar situation to the one that would be in Salisbury Avenue, with a Co-op, school, park etc all close by. She had applied to run this shop and explained that her father was helping her out financially and that she was getting her alcohol licence.

The business partner, Mr Bandara, made the following points to the committee:

- Regarding competition with the Co-op – he did not feel this was a fair objection in a democratic society when anyone could set up a business.
- Regarding safety – they planned to open from 7am to 10pm the same as the Co-op and Morrisons.
- Concerning teenagers in the play area, they could just as easily already go and buy alcohol from the Co-op.
- The shop in Northway had recently been commended by the Council for their community service in keeping the area clean and tidy and they planned to do the same and maintain the same standard here.
- Regarding alcoholics coming to the area, he pointed out all the premises in Bath Road only 5 minutes away and did not feel they would walk past those to get alcohol from them.
- The shop in Salisbury Avenue would be selling other household goods, it was not just alcohol.
- Re car parking, the back of the building had a large car parking space as well as the front, so parking would not be an issue.
- Would enforce Challenge 25 and have CCTV and have previous experience and know what to do. Also it was a decent area so not anticipating problems but do have experience in preventing crime.
- They would be happy to provide bins and keep the area clean.
- They would train staff.
- Finally he hoped local people would support them and the shop would provide jobs for local people.

In response to members' questions:

- Alisha Gulwell confirmed that she has a premises licence and that she hoped to get her alcohol licence that day. Mr Weerasinghe had an alcohol licence whilst Alisha was getting hers. She confirmed she used to work at the Northway store and thus had experience of running such a premises, including the Challenge 25 Scheme. She was also happy with the conditions imposed by the Police.
- Mr Bandara stated that they had asked the landlord and property agency about the car parking space at the rear and whether it was just for residents, but had been told using the space for customers was not a problem.

- With regard to mitigating potential risks to children the applicants had spoken to the relevant people and would take the necessary steps to avoid any harm.

The Objector, Mr Knight, queried the car parking situation suggesting the rear was for residents and operational running of the shops and not for customers. The Chair suggested it was not a matter that licensing could consider and was a civil matter between the applicant and their landlord.

There being no further questions the Chair opened the application for debate. Members fully understood the views of the objectors but they were constrained by law and the licensing policies. The proposed opening hours of 7am to 10pm were an improvement, but if the application was granted the applicant could revert to opening 6am to 11pm. It was thus suggested that a condition or variation be added to operate from 7am-10pm.

Another suggestion was to specify how many times a month / year they could operate the longer hours, but some members felt that for clarity a definite time would be preferable. The Licensing Officer proposed that the applicant could amend the application with the shorter time being the default with requests for any extensions. The applicant was happy to do this.

The Chair suggested however that members should vote on the longer time of 6-11, stating that it could be a well-managed shop and that unless there was evidence he was not convinced that there was a strong enough case to move away from that. If the premises was not well run a review of the conditions could be called and then there would be evidence and a stronger case for shorter hours.

A member accepted the difficult situation but wished to consider a slight amendment that would be more acceptable to residents and would not like to vote on the full hours requested.

The Chair proposed an amendment for the licence to run from 7am to 11pm and the applicant agreed to this.

A member recapped that the Police were the only ones who had come back with concerns and those had been satisfied with conditions. She felt there was no evidence to say the opening of the shop would pose any more of a problem, although she did empathise with the objectors. She felt measures were in place to comply with the licensing objectives and that there was not enough evidence to deviate from policy so would be minded to grant.

The Chair concurred with those thoughts stating that competition and things that were not material could not be taken into account. There could be a problem, but the applicants had experience and would hopefully run a tight ship. If not this could be reviewed and then there would be evidence from responsible authorities or objectors that there was a problem and this could be acted upon.

There being no further comments or questions the Chair moved to vote to grant the application with specific conditions as set out in the report and with the amendment of hours from 7am to 11pm.

GRANTED unanimously

The Chair concluded that the Licensing Officer would be in touch with the applicant to confirm the details and advised the objectors that if there was any evidence against the licensing objectives to contact the Police, Parish Council or Licensing Authority to request a review. All parties were reminded of their right to appeal to the local magistrates court within 21 days of the decision.

4. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None.

David Willingham
Chairman

This page is intentionally left blank