



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>LICENSING SUB-COMMITTEE – 28<sup>th</sup> March 2024</b>
Subject	<b>Application for a New Premises Licence</b>
Wards affected	St Michael's
Accountable member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Email: ers@cotswold.gov.uk
Report author	Kevin Dunford, Licensing Officer Email: ers@cotswold.gov.uk
Summary/Purpose	To determine an application for a New Premises Licence made by SSAJ LTD for Unit 3 Woolrich House, The Waterloo, Cirencester.
Annexes	<b>Annex A</b> – Copy of the Application. <b>Annex B</b> – Plan of the site and location. <b>Annex C</b> – Copy of representations.
Recommendation(s)	That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:- <ul style="list-style-type: none"> <li>• grant the application as requested.</li> <li>• grant the application subject to such conditions that are necessary to promote the licensing objectives.</li> <li>• refuse to specify a person in the licence as the premises supervisor.</li> <li>• refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.</li> </ul>
Corporate priorities	<ul style="list-style-type: none"> <li>• Delivering Good Services</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, Parish Council and advertised in accordance with the Licensing Act 2003.



## 1. BACKGROUND

- 1.1 The Licensing Act 2003 (“the Act”) allows Applicants to apply for new Premises Licences, Premises Licence variations, Club Premises Certificates and Personal Licences. This Application is for a new Premises Licence.
- 1.2 The Application was received by the Applicant, SSAJ LTD, on 5th February 2024. The Licensing Authority is satisfied that the Application was duly made, the correct notification process was followed, and the Application was appropriately advertised.
- 1.3 The Application is for a Premises Licence for the following licensable activity and times:
  - Supply by Retail of Alcohol - Every day 06:00 – 23:00  
Off-premises
- 1.4 A copy of the Application is attached in **Annex A**.

## 2. SITE DESCRIPTION

- 2.1 A copy of the site plan and location are attached in **Annex B**.

## 3. REPRESENTATIONS

### Responsible Authorities under the Licensing Act 2003

- 3.1 No representations have been received from Responsible Authorities under the Licensing Act 2003. The Crime Prevention Team for Gloucestershire Constabulary have confirmed correspondence has taken place between themselves and the Applicant and was satisfied with the response received. They have not submitted an objection.

### Town Council and Residents

- 3.2 The Town Council have made a representation which has been attached in **Annex C**. There have also been 6 resident representations received concerning this application, and are attached in **Annex C**.

### Views of the Licensing Authority

- 3.3 The concerns raised which we consider are not relevant in the objections are:
  - Matters to do with traffic, including road safety.
  - Matters involving parking.



- Matters concerning the running of a convenience store rather than the sale of alcohol which is the purpose of the application.
- Matters relating to time periods of the licensable activity; s182 Guidance (10.15) states Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

**3.4** The Licensing Authority does not consider these concerns due to the following reasons:

Traffic and Parking - These concerns cannot be taken into consideration under the Licensing Act 2003 and would be dealt with under Planning Law. Planning and Licensing are two separate jurisdictions, and it is up to the business operator to ensure that they adhere to both and have requirements in place.

**4. NATIONAL GUIDANCE**

- 4.1** The Secretary of State's Guidance (referred to as 'Section 182 Guidance') requires Licensing Authorities, following receipt of relevant representations, to make judgements about what constitutes a public nuisance and what is necessary, in terms of conditions attached to a specific Premises Licence, to prevent it.
- 4.2** Where the Act provides for mandatory conditions to be included in a Premises Licence, it is the duty of the Licensing Authority issuing the Licence to include those conditions in the Licence. Any licence issued will contain the mandatory conditions.

**5. FINANCIAL IMPLICATIONS**

- 5.1** There are no financial implications arising directly from the consideration of this application. However, any appeal to the Magistrates' Court against the refusal of the Application or against the imposition of Conditions could result in the Council having to bear the legal costs of defending its decision.

**6. LEGAL IMPLICATIONS**

- 6.1** There is a right of appeal to the Magistrates' Court within 21 days of the Council's decision.

**7. BACKGROUND DOCUMENTS**



**COTSWOLD**  
DISTRICT COUNCIL

Cotswold District Council's Statement of Licensing Policy – 2021  
Home Office S.182 Statutory Guidance published December 2023.