

Cherwell District Council
Licensing Sub-Committee

5 April 2018

Premises Licence Variation Application Hearing

Report of Public Protection Manager

This report is public

Purpose of report

To consider an application for a Licensing Act 2003 Premises Licence variation for Costcutter Express, Bloxham Service Station, Bloxham

1.0 Recommendations

- 1.1 There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

2.0 Introduction

- 2.1 To consider an application for a variation to a premises licence submitted for Costcutter Express, Bloxham Service Station, Bloxham.

3.0 Report Details

- 3.1 Costcutter Express will be situated in Bloxham Service Station, South Newington Road, Bloxham.
- 3.2 An application for a Licensing Act 2003 premises licence variation was submitted to Cherwell District Council on 19 February 2018 to extend the hours for the sale of alcohol and to add the provision of late night refreshment. The openings hours are currently 24 hours, seven days a week however the garage is only open from 06.00 – 23.00 (Appendix 1) . The variation application seeks to extend the sale of alcohol from 06.00 – 23.00 to 24 hours and include late night refreshment from 23.00 – 05.00. Late night refreshment is the provision of hot food and drink (Appendix 2 and 3).
- 3.3 The premise licence was originally granted on 24 November 2005 to St Albans Operating Company and transferred on 24 July 2015 to Motor Fuel Limited. There is no adverse history recorded against this application.

4.0 Conclusion and Reasons for Recommendations

4.1 There is no recommendation.

5.0 Consultation

5.1 When an application for a premises license variation is submitted the applicant must display a blue notice at or near the relevant premises and advertise the application in a local publication no later than 10 days after submitting the application. This was published in the Banbury Guardian on Thursday 1 March 2018. The consultation period runs for 28 days from the day after the application is received. This gives interested parties and responsible authorities the opportunity to make representations in relation to the application.

5.2 The responses from responsible authorities were as follows:

- Police – no objection
- Fire Service – no response
- Child Protection – no response
- Trading Standards – no response
- Health & Safety Executive – no response
- Environmental Protection – no objection
- Health Protection – no objection
- Planning – no objection
- Parish Council – Representation received

5.3 There have also been 27 representations received from local residents all objecting to the application. One resident has supported the application. 10 representations received from local residents were invalid.

5.4 The applicant and all interested parties submitting representations have been invited to attend this hearing.

6.0 Alternative Options and Reasons for Rejection

6.1 At the end of the consultation period the licensing authority must hold a hearing if relevant representations are received. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.2 The steps the Sub-Committee can take are to:

- issue the licence as applied for;
- issue the licence with amended hours or licensable activities
- reject the application if it is considered necessary in order to promote the licensing objectives

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by Kelly Wheeler, Principal Accountant for Operations and Delivery, 01327 322230, kelly.wheeler@cherwellandsouthnorthants.gov.uk

7.2 Legal Implications

The Licensing Sub-Committee's determination must comply with the Licensing Act 2003, the statutory guidance issued pursuant to section 182 of the Licensing Act 2003 and the council's Statement of Licensing Policy.

The applicant or 'other persons' who have submitted 'relevant representations' may appeal to the magistrates' court a decision of the Licensing Sub-Committee.

Comments checked by Matt Marsh, Solicitor, 01295 221691, matt.marsh@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Adderbury, Bloxham and Bodicote

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Not applicable

Document Information

Appendix No	Title
Appendix 1	Premise licence
Appendix 2	Full application
Appendix 3	Layout
Appendix 4	Representations – objections
Appendix 5	Representation – support
Appendix 6	Map
Background Papers	
None	
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