

# **Cherwell District Council**

## **Licensing Sub-Committee**

**16 July 2018**

<p><b>Application to vary a premises licence to specify an individual as a Designated Premises Supervisor (DPS), and an application to transfer a Premises Licence</b></p>
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### **Report of Assistant Director, Environmental Health and Licensing**

This report is public

#### **Purpose of report**

To consider a request from Thames Valley Police to refuse applications to transfer the premises licence and to specify an individual as a designated premises supervisor for Simply Local, 35-39 Middleton Road, Banbury, OX16 3QH

#### **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**

To consider a request from Thames Valley Police to refuse applications to transfer the premises licence and to specify an individual as a designated premises supervisor for Simply Local, 35-39 Middleton Road, Banbury, OX16 3QH

#### **3.0 Report Details**

- 3.1 The Simply Local store at 35-39 Middleton Road, Banbury, OX16 3QH is a convenience store in Banbury that currently benefits from a premises licence issued in accordance with the Licensing Act 2003, covering the off sale of alcohol by retail between the hours of 06.00 to 23.00 Monday to Saturday and 06.00 to 22.30 on Sunday.
- 3.2 Any sale of alcohol such as this must be authorised by a person who holds a personal licence issued under the Licensing Act, and every premises selling in these circumstances must have a designated premises supervisor (DPS) in place. This is a person holding a personal licence who is ultimately responsible for all alcohol sales.

- 3.3 From time to time the licensing authority receives applications to transfer premises licences and applications to vary a DPS. Any applications must be accompanied by a fee and the applicant must send a copy of their applications to the relevant police force.
- 3.4 The police are the only responsible authority that can make representations in relation to applications to transfer premises licences and applications to vary a DPS, and they must do so within 14 days of receiving the notification.
- 3.5 On 13<sup>th</sup> of June 2018 applications were received to transfer the premises licence from Simply Local Willenhall LLP to Grosik Sklep Ban Limited and to vary the licence to specify Mr Zyran Mohammad Sharyf, date of birth 1.1.1980 as the new DPS.
- 3.6 On 27<sup>th</sup> June 2018 Thames Valley Police notified the Licensing Authority of their objection to this application, and they will explain their reasoning to members shortly.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 There is no recommendation

## **5.0 Consultation**

- 5.1 When applications to transfer a premises licence and to specify a DPS are received, the licensing authority must wait for any police comment before issuing a new premises licence. The police have 14 days in which to make any comment.
- 5.2 In this case, Thames Valley Police have made an objection to both the transfer and application to vary designated premises supervisor, and because of this any decision must be made by elected members sitting as a Licensing Sub-Committee.
- 5.3 The applicant and Thames Valley Police have been invited to attend.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The Sub-Committee must take such steps as it considers necessary 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:
- agree to the premises licence transfer;
  - agree to the variation specifying the new designated premises supervisor;
  - reject the applications 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 Wellbeing and Environment, 01327 322230, [kelly.wheeler@cherwellandsouthnorthants.gov.uk](mailto:kelly.wheeler@cherwellandsouthnorthants.gov.uk)

### 7.2 Legal Implications

The decision must comply with the Licensing Act 2003, the statutory guidance issued pursuant to section 182 of the Licensing Act 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 Sub-Committee.

Comments checked by Matt Marsh, Solicitor, 01295 221691, [matt.marsh@cherwellandsouthnorthants.gov.uk](mailto:matt.marsh@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

Banbury Grimsbury and Hightown

### Links to Corporate Plan and Policy Framework

Not applicable

### Lead Councillor

Not applicable

### Document Information

Appendix No	Title
NS 1	Transfer Application
NS 2	Vary DPS Application
NS 3	Copy of Police Objection
Background Papers	
None	
Report Author	Nicholas Sutcliffe, Licensing Manager
Contact Information	01327 322278 / 01295 753745