

Cherwell District Council
Licensing Sub-Committee

24 August 2018

Premises Licence Review Hearing

Report of Assistant Director, Environmental Health and Licensing

This report is public

Purpose of report

To consider a request from the responsible authority of Oxfordshire Trading Standards to review of the premises licence of:

International Supermarket
33 - 34 High Street
Banbury
OX16 5ER

1.0 Recommendations

- 1.1 There are no recommendations, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, and in line with the Cherwell District Council Statement of Licensing, the steps the Sub-Committee can take are outlined in paragraph 6.2.
- 1.2 Cherwell District Council Licensing Act 2003 Statement of Licensing Policy can be viewed and downloaded through the Cherwell District Council web site:

<https://www.cherwell.gov.uk/downloads/26/licensing>

2.0 Introduction

To consider a request from Trading Standards to revoke, suspend or condition the premises licence for International Supermarket, 33-34 High Street, Banbury.

3.0 Report Details

- 3.1 The International Supermarket, at 33-34 High Street, Banbury is a convenience store in Banbury, which specialises in European food, and currently benefits from a premises licence issued in accordance with the Licensing Act 2003. This licence covers the off sale of alcohol by retail between the hours of 08.00 to 00.00 Monday to 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 authorities.
- 3.4 On 15 February 2016 applications were received to transfer the premises licence, change the shops trading name, and change the DPS. These changes resulted in the licence and DPS being changed to Mr Alan Ali Mohammed. The premises licence was issued to Mr Alan Ali Mohammed on 1 March 2016.
- 3.5 Mr Alan Ali Mohammed is the company director of Tainal Ltd. Tainal Ltd is listed as a retail sales company, and its registered address is 33-34 High Street, Banbury, OX16 5ER.
- 3.6 On 8 February 2018 applications were received to transfer the premises licence, and vary the DPS. These changes resulted in the licence and DPS being changed to Mr Rafik Mohammed Tofiq. The premises licence was issued to Mr Rafik Mohammed Tofiq on 23 February.2018.
- 3.7 On 10 July 2018 Cherwell District Council Licensing received an application from Oxfordshire Trading Standards, requesting a premises license review. The review request is attached to this report as Appendix 2.
- 3.7 On 6 August 2018 Cherwell District Council Licensing received an application to make a minor variation to International Supermarket 33-34 High Street, Banbury. This variation, submitted by the licence holder's legal agent, requested the following condition to be added to the said licence:

There shall be no sales of tobacco at the premises.

All staff engaged in the sale of products at the premises will be advised as to the Conditions imposed upon the premises licence.

This variation was subject to a statutory consultation period, at the time of this report. This consultation period allows Responsible Authorities to comment or/and object to the requested variation to licence.

4.0 Consultation

- 4.1 When an application to review a premises license is received the licensing authority must display a notice at or near the relevant premises, at the council offices and on the council's website. 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.

4.2 Representations have been received from Thames Valley Police, details of which are attached to this report as appendix 3.

4.3 All information and evidence from the License holder, interested parties, and responsible Authorities will be presented to the committee by the respective representative present.

5.0 Conclusion and Reasons for Recommendations

5.1 There is no recommendation

6.0 Alternative Options and Reasons for Rejection

6.1 At the end of the consultation period the licensing authority must hold a hearing. 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:

- to modify the conditions of the licence
- to exclude a licensable activity from the licence
- to suspend the licence for a period not exceeding 3 months
- to revoke the licence.

7.0 Implications

Financial and Resource Implications

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

Comments to be checked by Kelly Wheeler Principal Accountant, 01327 32230,
kelly.wheeler@cherwellandsouthnorthants.gov.uk

7.2 Legal Implications

The decision must comply with relevant legislation and Council Policy. All parties have a right of appeal to the Magistrates Court against any decision made by the Sub-Committee.

Comments checked by Matt Marsh, Solicitor, 01295 221 691
matt.marsh@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Banbury Cross & Neithrop

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Not applicable

Document Information

Appendix No	Title
1	International Supermarket premise licence PRM0635
2	Copy of application to review a premises licence issued by Oxfordshire Trading Standards, dated 10/07/2018
3	Copy of representations from Thames Valley Police dated 02/08/2018.
4	Copy of notice of hearing , dated 08/08/2018
5	Map demonstrating the vicinity of the licensed premises.
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