

Cherwell District Council

Licensing Sub-Committee

12 September 2018

Premises Licence Review Hearing

Report of Licensing Manager

This report is public

Appendices 2, 3, 4 and 6 to this report are exempt from publication by virtue of paragraph 1, 2, 3 and 7 of Schedule 12A of Local Government Act 1972

Purpose of report

To consider a request from Oxfordshire Trading Standards (OTS) for a review of the premises licence relating to:

Wisla Supermarket, 12 The Parade, Kidlington, Oxfordshire, OX5 1EE.

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, the steps the Sub-Committee can take are outlined in paragraph 6.2.

2.0 Introduction

- 2.1 To consider an application to review a premises licence submitted by OTS.

3.0 Report Details

- 3.1 Wisla Supermarket at 12 The Parade, Kidlington is a small convenience store, in a residential area, on the outskirts of the village centre. The store currently benefits from a premises licence ("the Licence") issued in accordance with the Licensing Act 2003 ("the Act"), covering the off sale of alcohol by retail.
- 3.2 A premises licence is granted once the applicant has satisfied the licensing authority that their proposed business will meet all of the licensing objectives, as prescribed in the Act.

For the promotion of the licensing objectives, mandatory conditions are attached on all premises licences, and premises' may also propose conditions to their licence which demonstrate their ability for their business to meet the requirements under the Act.

A copy of the Licence, listing the licensing conditions, is attached to this report as appendix 1.

- 3.3 Any sale of alcohol must be authorised by a person who holds a personal licence issued under the 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.
- 3.4 On the 17th July 2018 Cherwell District Council Licensing Department received an application from OTS requesting a review of the Licence.
- A copy of the licence review application submitted by OTS is attached to this report as appendix 2; the details of which will be presented to the committee by the review applicants.
- 3.5 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
- 3.6 From 14th January 2016 until 29 January 2018 Mr Soran Mohammed Salih was the Licence holder and from 02 March 2017 until 23rd July 2018 Ms Monika Baranowska was the DPS.
- 3.7 Mr Erfan Gharib became the premises licence holder on 29th January 2018 following a transfer application being submitted.
- 3.8 An application to transfer the Licence holder from Erfan Gharib to Diyari Abdulla and to vary the DPS from Monika Baranowska to Diyari Abudulla was subsequently received on the 23rd July 2018. This was granted on the 7th August 2018. These changes are reflected on the copy of the Licence attached as appendix 1.
- 3.9 On the 13th August 2018 the Licensing Authority received further evidence from OTS in relation to the new Licence holder, Mr Diyari Abudulla, attached as appendix 3.
- 3.10 On 04th September 2018 the Licensing Authority received evidence from Mr Abdulla and this can be found in appendix 6.

4.0 Consultation

- 4.1 When an application to review a premises licence 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 4.
- 4.3 Environmental Health, Planning, Health Protection and Compliance and the Secretary of State responded with 'no objections' or 'no comments' to make'. No response was received from:
- Oxfordshire Fire and Rescue Service
 - Oxfordshire Safeguarding Children's Board
 - Public Health Board
- 4.4 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:

- take no action;
- modify the conditions of the licence;
- remove the designated premises supervisor;
- exclude a licensable activity from the licence;
- suspend the licence for a period not exceeding 3 months;
- revoke the licence.

7.0 Implications

7.1 Financial and Resource Implications

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 Sophie Phillips, Solicitor 01295 753701
Sophie.phillips@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Kidlington East

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Not applicable

Document Information

Appendix No	Title
1	Wisla Supermarket premise licence PRM0595
2 - EXEMPT	Copy of application to review a premises licence issued by Oxfordshire Trading Standards, received 17 July 2018.
3 - EXEMPT	Copy of additional evidence received on 13 th August 2018.
4 - EXEMPT	Copy of representations from Thames Valley Police dated 03 August 2018.
5	Copy of Licence premises plans, and maps displaying the vicinity of the licensed premises.
6 - EXEMPT	Copy of evidence from Mr Abdulla.
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