

Cherwell District Council
Licensing Sub-Committee

29 October 2019

Premises Licence Review Hearing
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Report of Environmental Health & Licensing Manager

This report is public.

Purpose of report

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

Banbury Express Food and Wine, 179 Warwick Road, Banbury, OX16 1AS.

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 Banbury Express Food and Wine is a small convenience store on the Warwick Road in Banbury. 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 The premises licence was first granted on 31 August 2016 and was transferred to a private limited company on 3 September 2019 having received an application from Mr Narinder Singh Malhotra. Mr Malhotra is listed on companies house as the sole Director of the limited company.
- 3.5 On the 17th September 2019 Cherwell District Council Licensing Department received an application from OTS requesting a review of the Licence. The grounds for the review were based on the Licensing objectives in relation to Crime and Disorder and Protection of children from harm.

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 applicant.

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. Full compliance requirements have been met in respect of this review.
- 4.2 Representations have been received from the following responsible Licensing authorities: Thames Valley Police, Cherwell District Council and Oxfordshire Public Health, details of which are attached to this report as appendix 3, 4 and 5. Under section 13(4) of the Act the Licensing Authority may submit representations as one of the responsible authorities.
- 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
- 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, Finance Business Partner,
01295 221570,
kelly.wheeler@cherwell-dc.gov.uk

7.2 Legal Implications

The determination of this application must be made in accordance with the relevant legislation, statutory guidance and the Council's licensing policy.

Comments checked by Sophie Phillips, Solicitor 01295 753701
Sophie.phillips@cherwell-dc.gov.uk

8.0 Decision Information

Wards Affected

Banbury Ruscote

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Not applicable

Document Information

Appendix No	Title
1	Banbury Express Food and Wine premise Licence PRM0712
2	Copy of application to review a premises licence issued by Oxfordshire Trading Standards, received 17 September 2019.
3	Copy of representation received from Thames Valley Police dated 11 October 2019.
4	Copy of representation received from Cherwell District Council received 2 October 2019.
5	Copy of representation received from Oxfordshire Public Health 11 October 2019.
6	Map of the location and vicinity of Banbury Express Food and Wine.
Background Papers	None
Report Author	Michael Sands, Licensing Enforcement Officer.
Contact Information	01295 753744 licensing@cherwell-dc.gov.uk