

Licensing Sub-Committee

Premise Licence Determination Hearing

11 April 2013

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To provide an outline of an application to for the grant of a Premises Licence in relation to Baltika Supermarket, 33-34 High Street, Banbury and detail the representation received from an Interested Party that has resulted in the need for a hearing to determine the application.

This report is public

Recommendations

There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- (1) approve the application for the grant of a premises licence as submitted
- (2) reject the application for the grant of premises licence in whole or part
- (3) place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Executive Summary

Introduction

- 1.1 On 18 February 2013, the Licensing Authority received an application for the grant of a premises licence to permit the retail supply of alcohol for off sales at Baltika Supermarket, 33-34 High Street, Banbury.
- 1.2 The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The Guidance issued under Section 182 of the Licensing Act 2003 states:

Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times. But the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- *the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;*
- *the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;*
- *greater choice for consumers, including tourists, about where, when and how they spend their leisure time;*
- *the encouragement of more family friendly premises where younger children can be free to go with the family;*
- *the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities.*

1.4 For the Licensing Authority to accept a representation as relevant, it must firstly address one or all of the four licensing objectives and the likely effect of the grant of the premises licence upon the promotion of those objectives. The licensing authority must then determine whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

1.5 During the consultation period the Licensing Authority received a representation from an Interested Parties in the vicinity of the premises. Full details of all relevant representations received are included at paragraph 2 of this report.

Proposals

- 1.6 The applicant has proposed to provide the following regulated activities for the days and times specified:

Sale(by retail) of Alcohol (off the premises only);

Monday – Sunday inclusive from 08:00 to Midnight inclusive

- 1.7 The applicant has proposed the following opening hours for the premises:

Monday – Sunday inclusive from 08:00 to Midnight inclusive

Background Information

- 2.1 A full copy of the application, including plans of the premise to be licensed submitted by the applicant is attached at Appendix 1.
- 2.2 During the consultation period, one representation was received in respect of this application.
- 2.3 The representation is attached to this report at Appendix 2.
- 2.4 Upon receipt of the representation, the Licensing Team Leader at Cherwell District Council made contact with the interested party to discuss their concerns. During the discussion, it was highlighted that certain elements raised in the representation could not be deemed relevant, namely the number of other premises within the vicinity and the impact upon anti social behaviour that this premises may have. The interested party was advised that the relevant parts of the representation would be put to the Licensing Sub-Committee for their consideration.
- 2.5 On 19 February 2013, the Licensing Authority received a response to the application from Rob Lowther, Anti Social Behaviour Manager advising they had no objections to the application. A copy of the correspondence is attached at Appendix 3.
- 2.6 On 21 February 2013, the Licensing Authority received a response to the application from Laura Morris, Oxfordshire Licensing Officer with Thames Valley Police advising they had no objections to the application. A copy of the correspondence is attached at Appendix 4.
- 2.7 On 28 February 2013, the Licensing Authority received a response to the application from Trading Standards advising they had no objections to the application. A copy of the correspondence is attached at Appendix 5.
- 2.8 A Map showing the location of the premises in relation to the location of the Interested Party is attached at Appendix 6.

Key Issues for Consideration/Reasons for Decision and Options

3.1 The Licensing Act 2003 states that all licensing matters must promote the four Licensing Objectives, they are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

3.2 Representations received have stated concerns in relation to potential issues in respect of the prevention of crime and disorder and the prevention of public nuisance.

3.3 Details of how the applicant intends to promote the four licensing objectives in general in addition to specifically related to promotion of the prevention of crime and disorder objective and the promotion of the prevention of public nuisance objective is given below:

Objective	Applicants response
General	<ul style="list-style-type: none"> • All alcohol products will be monitored against theft • Age verification scheme will be operated "Challenge 25" • Alcohol will be refused to be sold to persons who appear drunk
Prevention of crime & disorder	<ul style="list-style-type: none"> • Notices will be placed in the shop reminding customers of age restrictions • CCTV will be in operation – recordings available to police upon request
Prevention of public nuisance	<ul style="list-style-type: none"> • Customers will be discouraged from drinking their alcohol purchases directly outside the shop

3.4 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for this case are as follows:

GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003, APRIL 2012:

Page 58	Section 9.4	Relevant, Vexatious and Frivolous Representations
Pages 77 – 78	Sections 10.12 – 10.19	Imposed Conditions, Proportionality, Duplication with other statutory provisions
Page 78	Sections 10.20 – 10.22	Hours of Trading
Pages 8 – 11	Sections 2.1 – 2.16	Crime & Disorder
Pages 15 –	Sections	Public Nuisance

Risk Management: There is a risk that if policy and legislation has not been correctly followed, any resulting appeal could be successful. Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Wards Affected

Banbury Town Ward

Document Information

Appendix No	Title
1	Application for a premises licence to be granted under the Licensing Act 2003 in respect of Baltika Supermarket, 33-34 High Street, Banbury
2	Representation from Interested Party
3	Representation from Rob Lowther of the Anti-Social Behaviour Team at Cherwell District Council
4	Representation from Laura Morris of the Licensing Team at Thames Valley Police
5	Representation from Jody Kerman of the Trading Standards Service at Oxfordshire County Council
6	Map showing the location of the Interested Party properties in relation to the premises.
Background Papers	
Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them to the meeting.	
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