

This report is public	
Premises Licence Review Hearing	
Committee	Licensing Sub-Committee
Date of Committee	10 October 2024
Report of	Jan Southgate, Health Protection, Compliance and Licensing Manager

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, licensed under PRM0813.

1. 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. Executive Summary

- 2.1 To consider an application to review a premises licence submitted by Oxfordshire Trading Standards (OTS).

Implications & Impact Assessments

Implications	Commentary
Finance	There are no financial implications arising directly from this report. Kelly Wheeler, Finance Business Partner, 17 September 2024
Legal	The determination of this application must be made in accordance with the relevant legislation, statutory guidance and the Council's licensing policy. Alan Parr, Solicitor, 17 September 2024
Risk Management	There are no implications arising directly from this report. All proposals and decisions are developed in line with our Equalities, Diversity and Inclusion Framework, in accordance with the Equality Act 2010. Celia Prado-Teeling, Performance & Insight Team Leader, 19 September 2024

Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				N/A
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?				N/A
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				N/A
Climate & Environmental Impact				N/A
ICT & Digital Impact				N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	N/A			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	<p>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. Full compliance requirements have been met in respect of this review.</p> <p>Representations have been received from the following responsible Licensing authorities: Cherwell District Council</p> <p>Details of all representations are attached to this report as Appendix 4.</p>			

It should be noted, under section 13(4) of the Act the Licensing Authority may submit representations as one of the responsible authorities.

Environmental Health, Planning, Health Protection, Oxfordshire Fire and Rescue Service, Oxfordshire Safeguarding Children's Board, and the Secretary of State responded with either 'no objections' or "no comments" to make', or did not respond to the consultation.

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

Supporting Information

3. Background

- 3.1 Banbury Express Food and Wine is a small convenience store on the Warwick Road in Banbury. The store currently benefits from Two premises licences issued in accordance with the Licensing Act 2003 ("the Act"). Currently the site is licensed under PRM0813 and PRM0712. Both licences permit 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.
- 3.3 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.
- 3.4 A copy of the Licence PRM0813, listing the licensing conditions, is attached to this report as appendix 1.
- 3.5 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.
- 3.6 The premises licence PRM0813 was first granted on 29 March 2021. The license was granted to Amerjit Singh acting as both the licensee and the DPS.

4. Details

- 4.1 On 8 July 2024 the Licensing Authority received an application to transfer the license from Amerjit Singh to Mr Singh & Kaur Ltd, company registration number 12890806. As part of this application the licensee also applied to change the DPS from Amerjit Singh to Surinder Singh Malhotra. A new license was issued on 19 August 2024 listing the DPS change to Mr Malhotra. The license transfer to Mr Singh & Kaur Ltd was completed and issued on 12 September 2024, **Appendix 2**.
- 4.2 On 19 August 2024 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.
- 4.3 A copy of the licence review application submitted by OTS is attached to this report as **Appendix 3**; the details of which will be presented to the committee by the review applicant.

5. Alternative Options and Reasons for Rejection

- 5.1 The steps the Sub-Committee can take are set out at paragraph 6.2.

6 Conclusion and Reasons for Recommendations

- 6.1 There is no recommendation. 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.

Decision Information

Key Decision	N/A
Subject to Call in	N/A

If not, why not subject to call in	N/A
Ward(s) Affected	Banbury Ruscote

Document Information

Appendices	
Appendix 1	PRM0813 Banbury Express License
Appendix 2	PRM0813 Transferred and DPS change premises license issued on 12/09/2024 (current license)
Appendix 3	Oxfordshire Trading Standards Licensing review application and associated documents
Appendix 4	Cherwell District Council licensing review representation
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