

Report of Application:

MRH Viking Service Station, Aylesbury Street, Bletchley

Application Reference No: 142649

1. Summary of Application

- 1.1 This is an application to vary a premises licence submitted by Malthurst Ltd. It seeks extend the hours for alcohol off supply to 24 hours a day 7 days a week, replace conditions in the operating schedule of the premises licence and to alter the licensed plan.
- 1.2 The application is detailed at **Annex A**.

2. Background Information

- 2.1 The premises is a BP petrol station located on Aylesbury Street in Bletchley and is adjacent to a retirement home and residential properties. Aylesbury Street is also populated by various licensed premises (see area plan attached at **Annex B**).
- 2.2 The premises was granted a premises licence on 13 September 2005. The existing licence, attached at **Annex C**, permits the following:
- (a) Late Night Refreshment
Monday to Sunday 23:00 to 05:00 the following day
- (b) Supply of Alcohol
Monday to Sunday 08:00 to 23:00

The opening hours of the premises:

Monday to Sunday 00:00 to 24:00 (i.e. 24 Hours every day)

3. Promotion of Licensing Objectives

- 3.1 It is the responsibility of a premises licence holder to promote the licensing objectives and ensure any licensable activities are provided responsibly. The applicant has furnished the application with controls that shall be incorporated as conditions as part of any grant, with the intention to update the existing conditions in the operating schedule of the current premises licence.

4. **Responsible Authorities**

- 4.1 The applicant agreed additional conditions on the request of Trading Standards (attached at **Annex D**).

5. **Interested Parties**

- 5.1 Six local residents have raised objections against the application, and refers to crime, nuisance and anti-social behaviour witnessed in connection to the premises, that will be further exacerbated by extending the hours of alcohol supply. Representations are attached at **Annex E**.
- 5.2 Representations also refer to a break in at the premises on New Year's Day 2017. Thames Valley have confirmed an incident did occur, details are attached at **Annex F**.
- 5.3 The legislation permits any person to make representation as long as it is relevant and relates to a licensing objective.
- 5.4 The applicant has responded to the representations, outlining the licensee's experience in operating 24 hour premises would prevent the objectors' concerns from materialising (attached at **Annex G**).

6. **Policy Considerations**

Relevant sections of the Guidance issued under Section 182 of the Licensing Act 2003

2.2

In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.5

Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the

prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

9.4

A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

Licensing Authorities Statement of Licensing Policy

2. Licensing Objectives

2.1 The council will carry out its statutory duties under the Licensing Act 2003 as the licensing authority and have due regard to the licensing objectives.

2.2 It is important to note that all objectives have equal importance in the implementation of this policy.

The Licensing Objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

17.1 General and Related Issues

17.1.1 Licence conditions will not be imposed for any other purpose than meeting the licensing objectives. The licensing authority will not impose blanket standard conditions.

17.1.2 The licensing authority will attach conditions to licences or certificates only to ensure that they will:

- refer to licensable activities as stated in the operating schedule;

- refer to one or more of the licensing objectives; and
 - deal with any relevant representations received from a responsible authority or interested party that are considered by officers or the licensing sub committee to be appropriate.
- 17.1.3 Conditions will assume that persons with disabilities are present on the licensed premises and guide or assistance dogs should be permitted access with their partner.
- 17.1.4 Conditions will not be drafted which could have a direct or indirect discriminatory impact on particular ethnic groups contrary to the council's equality policy.
- 17.1.5 The licensing authority will normally stipulate the relevant mandatory conditions under the Licensing Act 2003 on all licences or certificates.
- 17.1.6 Conditions will accurately reflect the individual style, location and characteristics of the particular premises, and be clear, unambiguous, and proportionate.
- 17.1.10 Example conditions can be found in the Secretary of State's guidance (pool of conditions) although the licensing authority reserves the right to impose other conditions were appropriate to do so.

The Prevention of Public Nuisance

17.5.1 The licensing authority wishes to protect the amenity of residents and businesses in the vicinity of licensed premises and for these purposes 'in the vicinity' is taken to mean the immediate area around licensed premises without any stated distance criteria. Matters of concern will be dealt with on an individual basis

Where considerations apply to late night refreshment premises, they shall only be taken to apply to their operation between the hours of 11 p.m. and 5 a.m. when a premises licence would be required.

In considering licence applications, the licensing authority will consider any information from the responsible authorities concerning legislative compliance relevant to this licensing objective.

The licensing authority will also consider representations made by relevant persons or responsible authorities on the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. These could include the steps taken or proposed to be taken by the applicant regarding the following issues:

- Excessive noise and vibration escaping from the premises, including music, noise from mechanical ventilation equipment and human voices.

- Disturbance by customers, staff, delivery vehicles or contractors arriving at or leaving the premises. This will be of greater importance between 11p.m. and 7a.m.
- Queuing either by pedestrian or vehicular traffic on land under the applicant's control.
- Arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents
- Use of gardens and other open-air areas within the curtilage of the premises.
- Siting of external lighting.
- Increase in refuse storage or additional littering in the vicinity of the premises.
- Previous history of nuisance complaints.
- Potential for odour nuisance.
- Confidence in the management to deliver the control measures proposed.

7. **Officer's Observations**

- 7.1 It will be useful to determine if the applicant has considered any further measures to ensure that their customers do not disturb residents in the locality.

8. **Associated Papers**

None.

Contact Officer: For further information on this application please contact Kieran Evans on telephone 01908 252647, e-mail: kieran.evans@milton-keynes.gov.uk or 01908 252800 licensing@milton-keynes.gov.uk