

Licensing Sub-Committee report



Report of: Licensing Officer
 Application: Variation to Premises Licence
 Premises: Point Kiosk
 Applicant: Mr Jayantheesan Thirumurugarajah
 Date of Application: 3 November 2020
 Application Ref: 157120

Exempt / confidential / not for publication	No
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1. Application and Current Authorisation

1.1 This is an application, which is attached at **Annex A**, to vary the premises licence at the Point Kiosk. The application is not to change the hours, but to amend the plan and to remove the following condition:

2.4 No alcohol with alcohol levels above 6% will be sold at the premises

Removal of this condition would permit the sale of beers that are a higher percentage ABV and also permit the sale of spirits (previously prohibited due to the 6% limit).

1.2 **Annex B** shows the current premises licence. In summary:

(a) Supply of Alcohol

Monday to Sunday, 10:00 to 23:00

(b) Opening Hours

Monday to Sunday, 06:00 to 23:00

1.3 The premises is located beside the Point in the middle of the shopping centre. The location plan at **Annex E** shows its proximity to the shopping centre. Members will be familiar with the location, it is surrounded by commercial and shopping units, by a public transport hub and the CMK market.

1.4 The current licence has been held by Mr Jayantheesan Thirumurugarajah since 2017. However, unusually, the business has not utilised the licence, and to the best of the Licensing Authorities knowledge, has not sold any alcohol from this premises in the three years since the grant of the original application.

2. Responsible Authorities

2.1 The Licensing Authority received a representation from Thames Valley Police (TVP), attached at **Annex C**. The TVP describe the link between higher ABV strength beers and street drinking and the associated anti-social behaviour (ASB) which has been a problem in CMK in the past. There is a concern that permission to sell such beers and higher strength alcohol is likely to result in an increase of ASB associated behaviours in the area.

2.2 The applicant has replied to the representation, which is attached at **Annex D**.

2.3 The Licensing Authority conducted an inspection of the premises during the consultation period. The staff member at the time of the visit seemed knowledgeable and a lot of the documentation was in place ready to sell alcohol in compliance with the conditions on the licence. However, as noted above, the premises does not currently sell alcohol and therefore it is difficult to accurately assess how the premises will perform. No representation was made by the Licensing Authority acting as a responsible authority.

3. Other Persons

3.1 No representations received.

4. Operating Schedule / Conditions

4.1 The new application does not add additional conditions to the current licence. The current licence does contain a significant number of conditions, providing a similar level of control for off licences in the CMK area.

4.2 The Sub-Committee may suggest conditions to be attached to the licence during the hearing in order to promote the licensing objectives. However, Members should note, that it may be difficult to identify such conditions.

5. Officer Observations

5.1 There is no relevant history associated to this premises.

5.2 Whilst CMK has experienced a range of street drinking issues in the locality these have not been recorded as linked to the Kiosk as there has not been any alcohol sold from the location. General Crime and Disorder of ASB problems in the area would not have been recorded on the Licensing Authority data base.

5.3 There are many licensed premises in CMK. Comparable convenience store with off licences are mainly situated in the food centre and the Lloyds Court area.

- 5.4 There appears to be an evidential link between the availability of high strength alcohol and street drinkers and their associated ASB. Work has been undertaken to reduce the impact and prevalence of street drinkers in CMK over the years and a recent PSPO will allow police officers to ask people to stop drinking in the area if they are causing ASB. To sell specifically the higher strength alcohol that might be commonly, or at least anecdotally, associated to street drinkers, while not having sold 'normal' strength beers may appear to be a step that carries risk of undermining the licensing objectives.

Members will want to question the applicant carefully on why they had not sold 'normal' strength beers but now wish to sell higher strength alcohol, and who their customer base may be.

6. Determination of the Application by the Sub-Committee

- 6.1 The Sub-Committee is required to determine the application in accordance with the Act and must, having regard to the representations, take such steps that it considers appropriate for the promotion of the Licensing Objectives.

- 6.2 The steps that the Sub-Committee can take are:

- (a) modify the conditions of the licence;
- (b) reject the application or part of the application; or
- (c) grant the application as applied.

- 6.3 The four Licensing Objectives are:

- (a) The Prevention of Crime and Disorder.
- (b) Public Safety.
- (c) The prevention of Public Nuisance.
- (d) The Protection of Children from Harm.

- 6.4 When carrying out its functions under the Act, and determining an application, the Licensing Authority must have regard to the Guidance issued by the Home Secretary under section 182 of the Act and its own Statement of Licensing Policy.

7. Guidance issued by Home Secretary Under the Licensing Act 2003

- 7.1 Extracts from the Guidance appropriate to this application are attached at **Annex F**. A full copy is available online or from the Licensing Team.

8. Milton Keynes Council Licensing Policy

- 9.1 Extracts from the Council's Statement of Licensing Policy relevant to this application are attached at **Annex G**. A full copy is available online or from the Licensing Team.

Contact Officer

For further information on this application please contact James Sloan on telephone 01908 252 801 or e-mail: james.sloan@milton-keynes.gov.uk

Background Papers

Milton Keynes Council Statement of Licensing Policy 2018-2023.

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - April 2018.