

# Licensing Sub-Committee report



26 November 2020

Report of: Licensing Officer  
 Application: Variation to Premises Licence  
 Premises: Fenny Stratford Convenience Store  
 Applicant: Mrs Divarshana Manohar  
 Date of Application: 30 September 2020  
 Application Ref: 156771

Exempt / confidential / not for publication	No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

1.1 This is an application to vary the premises licence at Fenny Stratford Convenience Store, served by the business owner, Mrs D Manohar. The application is attached at **Annex A** and, if granted, would permit the following:

(a) **Sale of alcohol off the premises**

0600 - 0100hrs, seven days a week

(b) **Opening hours**

0600 - 0100hrs, seven days a week

The current licence contains several conditions in respect of CCTV, training and how underage sales are prevented. The application doesn't offer any additional conditions, though it does state the CCTV system will hold images for 31 days instead of the currently conditioned 28.

1.2 **Annex B** shows the current premises licence. The premises has differing morning opening times, but currently must stop selling alcohol at 2300hrs across the week.

- 1.3 The premises is located on a parade of shops in Fenny Stratford. There are other businesses in the immediate vicinity, including other shops, restaurants, pubs and a night club, Pink Punters. The road is busy with a few parking spaces directly outside the parade of shops. There is also a lot of foot traffic in the area. The shop is quite large and operates as a general grocery store. **Annex I** shows a plan of the locality.
- 1.4 The current licence has been held by Mrs Manohar since early 2015. Soon after grant of licence, March 2015, the premises was inspected and found to be operating in breach of many of the conditions on the licence. Officers worked with Mrs Manohar and brought the premises into compliance.
- 1.5 A year later in February 2016, there was a complaint from a member of the public that alcohol had been sold to a drunk customer. On inspection, the premises was generally compliant, though Mrs Manohar was advised to improve the checking of the refusal log. A follow up visit showed actions had been implemented and the complaint closed.
- 1.6 There has been a history of street drinker frequenting the area, and periodic complaints were made to the licensing authority, however from October 2016 onwards, the premises was witnessed refusing to sell alcohol to street drinkers and proactively took other measures to help deter the street drinkers.
- 1.7 A routine visit in September 2019 again identified that the shop was generally compliant but could do better with record keeping.

## 2. Responsible Authorities

- 2.1 The Licensing Authority received a representation (attached at **Annex C**) from the Licensing Authority operating as a Responsible Authority. This was in part based on the lack of any additional controls offered by the applicant in respect of the increased hours. The Licensing Officer has arranged a visit to discuss the application with the applicant. A verbal report of this meeting will be provided at the hearing.
- 2.2 The Thames Valley Police have submitted a representation (attached at **Annex D**). The Police Licensing Officer has not been able to suggest any effective conditions that could mitigate the risk of undermining the licensing objectives. The proximity to the night club is the primary concern of the Officer.

## 3. Other Persons

- 3.1 Councillor Darlington submitted a representation as a Ward Member for the area mentioning a current problem in Fenny Stratford in respect of late night drinking (attached at **Annex E(i)**). The applicant provided a response which is attached at **Annex E(ii)**.

3.2 The Bletchley and Fenny Stratford Town Council also submitted a representation (attached at **Annex F(i)**). The applicant provided a response (attached at **Annex F(ii)**).

#### 4. Operating Schedule / Conditions

4.1 The premises licence does contain general conditions in relation to the promotion of the licensing objectives. Compliance with these were not acceptable early in the applicant's operation of the business, though after the initial issues, compliance appears more acceptable.

4.2 The applicant has not offered any further conditions as part of this application, and this is a concern highlighted by the Licensing Officer and the Police Licensing Officer.

4.3 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 the Police Licensing Officer has stated it may be difficult to identify such conditions.

#### 5. Officer Observations

5.1 Looking at the history of the premises, it is always disappointing when a new applicant has failed to comply with the licence conditions on the first inspection. That being said, subsequent inspections have led officers to conclude the applicant can comply with conditions and operate responsibly.

5.2 The area has a history of street drinkers, though there does not appear to be a current problem reported to the Licensing Authority. A previous shop on the parade had its licence removed following a review hearing.

5.3 The Pink Punters night club is 220m away and on one of the walking routes for customers entering / leaving the club.

5.4 Whilst the shop should not be held responsible for the customers of another premises, the objectors have referenced the proximity of the night club as a particular concern.

5.5 It should be noted that there are other off licensed premises in the vicinity, both with 24hour licence. They are located over 500m from the club and out of direct line of site. Both have conditions in relation to no lone working and security provisions after midnight.

#### 6. Determination of the Application by the 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 G**. A full copy is available online or from the Licensing Team.
8. **Milton Keynes Council Licensing Policy**
- 8.1 Extracts from the Council's Statement of Licensing Policy relevant to this application are attached at **Annex H**. A full copy is available online or from the Licensing Team.

## 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

## Contact Officer

For further information on this application please contact James Sloan on telephone 01908 252801 or e-mail: [james.sloan@milton-keynes.gov.uk](mailto:james.sloan@milton-keynes.gov.uk)