

Licensing Sub-Committee report



Report of: Licensing Officer
 Application: New Premises Licence
 Premises: Strawberry Local, St Johns Street, Newport Pagnell
 Applicant: Strawberry Local Express Limited
 Date of Application: 15 June 2021
 Application Ref: 159017

Exempt / confidential / not for publication	No
---------------------------------------------	----

1. Application

- 1.1 This is an application for a new premises licence (**Annex A**). The premises are designed to operate as a convenience store that also supplies alcohol for consumption off the premises (off supply). The premises are not currently trading and will occupy the former Lloyds bank building in St Johns Street in Newport Pagnell Town Centre. The Sub-Committee only has discretion to consider the issue of alcohol supply, the retail use is not within its gift.

Application for Sale of Alcohol

Monday to Sunday

07:00 to 00:00 (midnight)

The licensed area of the shop is shown as per the plan at **Annex A**.

- 1.2 The application contains an operating schedule at section 18 that details the steps the applicant would take if the licence was granted. During the consultation period this was amended and added to and the Sub-Committee should now consider **Annex B** as the conditions the applicant is proposing to abide by on any granted application.
- 1.3 The application was advertised both in the newspaper and via the statutory blue notice erected at the site. A public consultation letter was issued to residents in the surrounding area as shown in **Annex E**.
- 1.4 Within the 28-day consultation period the Council received representations from one responsible authority; a petition from residents mainly in Newport

Pagnell and one other person (a nearby business). For assistance, photographs showing the premises and its location is provided at **Annex C**.

2. Responsible Authorities

- 2.1 The Licensing Authority received a representation from Trading Standards in terms of supply of alcohol to under 18's and what controls would be required. The offered conditions at **Annex B** addressed these concerns and the representation was withdrawn.

3. Other Persons

- 3.1 Other Persons is the legal term that encompasses residents, businesses and others who feel that granting of a licence would undermine the Licensing objectives in some way.
- 3.2 In this instance the Council has received one representation from Mr Sage, a nearby business and a petition, see **Annex D and Annex E** respectively.
- 3.3 Mr Sage is concerned that the hours sought (midnight) are too late and there is no requirement for a further premise selling alcohol.
- 3.4 The petition raises similar concerns but also that parking is inadequate, and that there will be associated noise and littering. Unfortunately, the petition has not detailed the full addresses of many of the signatories and the petitioner has not been able to assist on this matter. As a result, the licensing officer has written to those 42 addresses that can be identified from the list as persons who have made a representation, but 52 others remain unidentifiable by address and their representation should, therefore, not be accepted because we cannot identify where they live. Many petitioners do not live in the vicinity of the premises as shown by the map at the end of the petition. Many live beyond the areas shown on the maps and those that are mainly live to the South East of the premises some distance away. The petition is linked to a small shop on Tickford Street.

4. Officer Observations

- 4.1 There are no standard hours for shops in terms of alcohol supply – each case must be decided on their own merits. However, historically 'typical' off licence hours are Monday to Saturday 08:00 to 23:00 and Sundays 10:00 to 22:30. Several other shops in Newport Pagnell authorised to sell alcohol have these hours.
- 4.2 Whilst the petitioners are concerned about a lack of parking, the shop is in a retail area and was previously a bank. There is a car park a short distance away indicated on the plan in **Annex E** and parking outside the premise.

4.3 Newport Pagnell does not have what is called a Cumulative impact Policy so there are no policy restrictions on granting further licences or a restriction on the hours that can be granted. It is on a case by case basis.

5. Determination of the Application by the Sub-Committee

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

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

- (a) modify the terms of the application in granting a licence;
- (b) rejecting the application or part of the application; or
- (c) grant the Licence as applied for.

5.3 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.

5.4 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.

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

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

Contact Officer

For further information on this application please contact Ed Fisher on telephone 01908 252801 or e-mail: eddie.fisher@milton-keynes.gov.uk

List of Background Papers

Milton Keynes Council Statement of Licensing Policy 2018-2023.

<https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/alcohol-and-entertainment/milton-keynes-council-licensing-policy>

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf