



**LICENSING SUB-COMMITTEE HEARING
MEMBERS' RECORD OF DETERMINATION**

**FENNY STRATFORD CONVENIENCE STORE
VARIATION TO A PREMISES LICENCE
26 NOVEMBER 2020**

Constitution of the Sub-Committee: Councillors Marlow and Trendall
Chair Councillor Legg

Legal Advisor: Meurig Tiley
Committee Manager: Jane Crighton

Licensing Officers: James Sloan Senior Licensing Officer

Applicants/Licence Holders Mrs Manohar Fenny Stratford Convenience Store

Also Present: A Ward (Licensing Officer [Milton Keynes Council]), G McCormack (Thames Valley Police) and Parish Councillor R Graham (Bletchley and Fenny Stratford Town Council) (Interested Parties)

Documentation: Report of the Senior Licensing Officer and documentation.

Apologies: None

Disclosures of interest: None

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1. Reason for Hearing

The Senior Licensing Officer advised the Sub-Committee that a hearing was necessary to determine an application for a Variation to a Premises Licence in respect of Fenny Stratford Convenience Store, 20 Watling Street, Bletchley, for the following licensable activities:

- (a) Sale of Alcohol off the Premises

0600 - 0100hrs, seven days a week

- (b) Opening Hours

0600 - 0100hrs, seven days a week

The Senior Licensing Officer informed the Sub-Committee that the premises had held a licence since 2015 and, whilst the application had not offered any further conditions, it had stated that CCTV images would be held for 31 days to that of the 28 days currently conditioned on the licence.

2 Considerations

During the consultation process, objections had been received from two interested parties, and also Thames Valley Police and the Licensing Authority.

The applicant informed the Sub-Committee that the additional hours applied for had been for those customers who worked nightshifts to be given the opportunity to purchase alcohol on their way home.

3. Decision

The Sub-Committee carefully considered all the evidence before it, including the applicant's comments and all the representations, and resolved:

That the application for a Variation to a Premises Licence be granted, with the following conditions:

- (a) that the sale of alcohol commence at 8.00 am and cease at midnight, seven days a week;
- (b) that two trained members of staff, including the Designated Premises Supervisor or another Personal Licence Holder, be on the premises at all times after 10.00 pm;

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- (c) that a 'Licensing Folder', containing the following information, be kept on site and be made available at the request of Licensing Officers:
 - (i) a copy of the Premises Licence together with the plan of locality;
 - (ii) a list of staff who had been trained and authorised to sell alcohol under the premises licence;
 - (iii) an example of training material used;
 - (iv) refusal and incident logs;
 - (v) an Age Verification Policy;
- (d) that the above information be reviewed every six months by a suitable representative of the Premises Licence Holder to ensure the relevant information is correct; and
- (e) that, between the hours of midnight and 6.00 am, there would not be a member of staff on their own on the premises.

4. Reasons

The Sub-Committee heard from the applicant and carefully considered the submissions from the interested parties on this matter.

The Sub-Committee noted that the premises was situated on a parade of shops in Fenny Stratford and other businesses, including shops, restaurants, pubs and Pink Punters, also occupied the immediate vicinity.

It noted that there had been a history of street drinkers frequenting the area which had resulted in complaints being made to the Licensing Authority. However, in October 2016, the premises had refused the sale of alcohol to street drinkers and had been proactive in deterring the problem going forward.

It was noted there had been occasions where breaches of the licence conditions had been found, however, compliance had appeared to be more acceptable.

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The Sub-Committee noted the main concern of the Police was the close proximity of Pink Punters to the premises. Pink Punters held a premises licence to open until 1.00 am, Monday to Wednesdays, and 7.00 am, Thursdays to Sundays. If the application be granted this would have a detrimental impact on nearby residents and businesses as this would likely attract intoxicated people.

The Sub-Committee noted the representations from Bletchley and Fenny Stratford Town Council and the Ward Councillor for Bletchley East related to a further increase in anti-social behaviour, the proximity of Pink Punters to the premises and the opportunity for young people to purchase alcohol which could result in harm.

It was noted that the Licensing Officer, who had submitted a representation on behalf of the Licensing Authority, had been surprised that an application had been submitted as the applicant had previously objected to an application from another business who had wanted to increase their hours. A recent visit to the premises had taken place which had highlighted the difficulty of the area and the close proximity of Pink Punters; and concern that the premises may find it challenging to serve customers who were intoxicated.

The Sub-Committee noted that the applicant also ran a takeaway, which was next door to the premises and closed at 11.00 pm. The applicant advised the Sub-Committee that, if problems arose at the licensed premises, staff would be drafted from the takeaway to assist at the premises.

The Sub-Committee was extremely concerned at this as it was important that staff had received adequate training for the sale of alcohol.

5. Appeal

An appeal must be commenced by notice of appeal given by the applicants to the designated officer for the Magistrates' Court within the period of 21 days beginning with the day on which the applicant was notified by the Sub-Committee of the decision appealed against.

Should they choose to appeal this decision, they are advised to seek independent legal advice prior to doing so.

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