

Aylesbury Vale District Council

DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE FOLLOWING A HEARING ON 5TH NOVEMBER 2014 AT THE COUNCIL'S GATEWAY OFFICES, GATEHOUSE ROAD, AYLESBURY

Application by I & K Prestige Food Ltd T/A Stokrotka ,Unit 3, Rycote Court 23-25 Buckingham Street, Aylesbury, Buckinghamshire, HP20 2LR

Members of the Sub-Committee

Cllr Steven Lambert (Chairman)
Cllr Jenny Bloom
Cllr Peter Cooper

Declarations of interest

None.

The application

The Sub-Committee has given careful consideration to the application before it, namely, to grant a premises licence for I & K Prestige Food Ltd T/A Stokrotka ,Unit 3, Rycote Court 23-25 Buckingham Street, Aylesbury, Buckinghamshire, HP20 2LR.

The application was amended during the hearing by the applicant to seek permission to sell alcohol for consumption off the premises Monday to Saturday 0800 to 2100 and 0900 to 2000 on Sundays. The opening hours remain as applied for.

The applicant was represented by Katarzyna Kitza the Designated Premises Supervisor.

None of the responsible authorities made a representation in response to the application but a relevant representation had been received from Manjit Singh Vohra of Booze Stop Ltd at 41 Buckingham Street, Aylesbury. Mr Vohra was not in attendance today.

Mr Vohra objected to the application on the grounds, duly summarised, that another off-licence would add to the levels of crime and disorder and public nuisance already existing. Mr Vohra shares his considerable experience as a long term trader in this area and assisted the Sub-Committee by proposing a number of conditions, if the application were to be granted.

In support of the application, we heard that alcohol sales would only form a small part the convenience store's business. As a percentage of alcohol sales against convenience food sales a figure of 3% to 97% was given. We also heard that they would, in promotion of the licensing objectives adopt a 'Challenge 25' policy; provide extensive training and support for all staff; together with the installation of a CCTV system. It is noted that all this amongst other conditions forms part of the operating schedule which will be converted into workable conditions.

The decision

To grant the premises licence as applied for.

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Under the Licensing Act, we cannot modify the conditions or reject the whole or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must actually be appropriate in order to promote the licensing objectives and must be supported by the facts and the relevant representations made.

We are satisfied that in all the circumstances the impact of the grant of the premises licence on the licensing objectives does not justify a rejection of the application for the following reasons.

The application is limited in scope and the concerns expressed were unsupported.

The application only received a single objection and even that objection was based on a perceived historic problem. It would not be appropriate in our view to refuse the application particularly in view of the fact that this is a new premises application and we are minded to adopt the light touch approach in respect of this new premise, which has no history of crime and disorder or public nuisance by the very nature of being new.

We are aware that if there were problems in the future, local residents and the responsible authorities could exercise their right of review of the premises licence under the Licensing Act 2003.

Conditions

Having regard to the representations made, we are satisfied that no further conditions are necessary in order to promote the licensing objectives. Those conditions that are contained within the Operating Schedule and will attach as workable conditions as drafted by the Licensing Authority.

The effective date of this decision

This decision takes effect immediately. However, the premises cannot be used in accordance with this decision until the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by Licensing Services as soon as possible.

Right of Appeal

There is a right of appeal to Aylesbury Magistrates' Court against this decision by any person who made a relevant representation.

If you wish to appeal you must notify Aylesbury Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

5th November 2014