

LICENSING AND GAMBLING ACTS SUB-COMMITTEE HEARING

Members' Record of Determination

RE: Kala l'Anson

Kingsbury Newsagents, 10 Kingsbury ,Aylesbury HP20 2HT

Application for Premises Licence under s.17 of the Licensing Act 2003

Date: 5th March 2019 at 10.00 am in The Olympic Room at the Gateway Aylesbury
Vale District Council

Constitution of the Sub-Committee:	Cllrs T Mills and Sue Renshell
Chair:	Cllr Judy Brandis
Others present:	-

Legal Advisor:	Ifty Ali
Licensing Officer:	Kerryann Ashton-Licensing Officer
Applicant:	Kala L'Anson and Jon Payne (Legal Representative)
Responsible Authority:	Simon Gallacher
Interested Parties:	See Attendance list .
Members of the Public:	See Attendance list
Documentation:	Report and Appendices
Apologies:	Diane Fawcett (interested party)- Apologies given not attending
Disclosures of Interest:	None

FINDINGS OF FACT

The Sub-Committee accepted the following findings of fact from the evidence available:

1. This hearing relates to an application for a new Premises Licence in respect of Kingsbury Newsagents, 10 Kingsbury, Aylesbury HP20 2HT.
2. Kingsbury is subject to a Public Space Protection Order. Kingsbury is an area subject to anti-social and nuisance behaviour.
3. The premises are situated in Kingsbury in the Town Centre and are subject to the Special Saturation Policy- Aylesbury Town Centre.
4. There were representations made by two Responsible Authorities: (Namely : Thames Valley Police and The Licensing Authority). A representation was made by an Interested Party being the Town Centre Manager.
5. The Applicant and TVP agreed conditions i.e. to “keep a refusals log” and employ “staff trained to operate CCTV with personal immediate access”.
6. The Applicant offered a number of additional conditions contained within the report and offered to reduce the hours of alcohol sales effectively from 9am to 9pm Monday to Saturday and 9am to 8pm Sundays (although in terms of the start time the Applicant was clear that this was offered even though there was no evidence that there was a problem at that time).
7. The Applicant has said that she knows the area well and that there is no impact from her application.
8. The applicant confirmed that the floor space of food to alcohol is 60/40 (in favour of food).

Taking into account the application and representations received together with the relevant law, section 182 guidance, the Licensing Policy Statement (Nov 2015) the Sub-Committee **RESOLVED:**

Application Not Granted

REASONS FOR DECISION

The Sub-Committee were concerned about the potential for increasing public nuisance in Kingsbury in the future, being mindful, and having taken into consideration that the premises were not yet in operation in terms of alcohol sales. The Sub-Committee took into consideration that the premises are within the Aylesbury Town Special Saturation Area and therefore special consideration has been given to the impact of the application on the licensing objectives.

The Sub-Committee welcomed the willingness by the Applicant to reduce the proposed hours for the sale and supply of alcohol to between 9am and 9pm. It was felt that this may help to reduce problems with pre-loading. However, there is evidence that street drinking in Kingsbury occurs throughout the day as witnessed by Council Licensing Officers and the local PCSO. The Sub-Committee felt that it was inevitable that nuisance and ASB would arise from the continued presence of street drinkers and the presence of another highly visible off-licence in Kingsbury. Further the Applicant confirmed to the Sub-Committee that they intended to offer regular high street brands of alcoholic drinks and would not rule out the possibility of discounts and drink promotions to compete with other local shops. The Sub-Committee felt that such an approach would further attract drinking (street drinking and pre-loading) increasing the risk of harm to the licensing objectives.

The Sub-Committee had concerns with regard to the management, in that, there was a great deal of emphasis on the knowledge of one person (the Applicant) who would not be at the premises all the time due to working full time elsewhere and who additionally was not aware of the problem of the impact of such premises on the area.

The Sub-Committee did consider granting the licence (subject to conditions) being mindful of the fact that any licence can be reviewed by a Responsible Authority or any Interested Person. However, in view of the Special Saturation Policy and the concern that the premises may in the future contribute to harm the licensing objectives, decided not to do so.

The Sub-Committee is satisfied that the above decision and reasons given are a reasonable and proportionate response to the representations made.

RIGHT OF APPEAL

An appeal against the decision of the Sub-Committee may be made by:

- a) The applicant
- b) The person who made the relevant representations

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice