

TITLE	MAXI'S NEWS & OFF LICENCE 47 RAVENSBOURNE DRIVE, WOODLEY RG5 4LJ APPLICATION FOR NEW PREMISES LICENCE
FOR CONSIDERATION BY	Sub Committee of the Licensing and Appeals Committee on 30 October 2012
WARD	Coronation
STRATEGIC DIRECTOR	Paul Anstey, Joint Service Delivery Manager for Environmental Health & Licensing

OUTCOME / BENEFITS TO THE COMMUNITY

In accordance with S18 of the Licensing Act 2003 and the Wokingham Borough Council Licensing Policy, the application is referred to the Licensing and Appeals Sub Committee for determination as representations have been received.

RECOMMENDATION

The Sub Committee to determine the application to grant or refuse the application, with conditions and/or amendments as appropriate.

SUMMARY OF REPORT

To provide relevant information for the Sub Committee to consider and determine the application from Mr Amit Kumar for a new premises licence at 47 Ravensbourne Drive, Woodley.

Background

The application for a new premises licence for Maxi's News & Off Licence (described by the applicant as a convenience store with alcohol off licence) was accepted on 13 September 2012 after resubmission.

The following documentation is attached – copy of the application (Appendix One) and location / layout plans (Appendix Two)

The application was checked and confirmed to be correctly made. The 28 day consultation period ran until 11 October 2012. The responsible authorities were advised of the application by email on 18 September 2012.

Details of the application are as follows:

Sale by retail of alcohol, (for consumption off the premises only):

- 1000 to 2200 hours Monday to Sunday

Hours premises are open to the public:

- 0700 to 2200 hours Monday to Sunday

The application has been advertised correctly, with site notices displayed at the premises (checked 10 October 2012) and a notice placed in Reading Post on 26 September 2012.

During the statutory consultation period of 28 days, representation was received from Environmental Health, a responsible authority.

Representations from Responsible Authorities

Thames Valley Police – no representation

- Police licensing officer made checks with local neighbourhood team and met with the applicant who is also the proposed DPS for the premises and holds a personal licence. Satisfied with the application. Advised that Mr Kumar will have CCTV, operate Challenge 25 policy, maintain refusals register etc.

Fire Authority – no representation

Environmental Health – representation made

Health & Safety – will carry out routine programmed inspection

Trading Standards – no response

Planning – no objection

Children and Young People's Services – no response

Primary Care Trust – no response

Representations from Interested Parties

Representation was received from Environmental Health as a responsible authority, Shaun Underhill's email representation attached as Appendix Three:

- Objection on the grounds that the granting of a licence may cause problems with noise and other associated anti social behaviour by a certain type of clientele to the detriment of local residents.

Analysis of Issues

Promotion of the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Section Q of the application details how the applicant proposes to address these.

Requirement of Licensing Act 2003 to determine an application and achieve the four licensing objectives – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

Wokingham Borough Council's licensing policy – operating hours – the council recognises that one important aspect of the Licensing Act 2003 is the abolition of national opening hours for premises selling alcohol and will only determine the opening hours of any licensable activity if there is the belief that by limiting the operating hours one or more of the licensing objectives will be met.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Not applicable		
Next Financial Year (Year 2)	Not applicable		
Following Financial Year (Year 3)	Not applicable		

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications (how does this decision impact on other Council services and priorities?)

Not applicable

Reasons for considering the report in Part 2

None

List of Background Papers

Application forms, location plans, representations

Contact	Karen Court	Service	Licensing Service
Telephone No	0118 974 6358	Email	karen.court@wokingham.gov.uk
Date	18 October 2012	Version No.	1

APPENDIX ONE

SK 51201

F/2011/1031
Red all 500
+ new notes
Blair 2011
13/9/11

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We AMIT KUMAR
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
47 RAVENSBOURNE DRIVE Maxi's News 13.9.12			
Post town	WOODLEY	Post code	RG54 LJ

Telephone number at premises (if any)	07704966313 0118 9699500
Non-domestic rateable value of premises	£ 5900.00

13.9.12

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname KUMAR			First names AMIT		
I am 18 years old or over			<input checked="" type="checkbox"/> Please tick yes		
Current postal address if different from premises address		161 WHIPPENDELL ROAD			
Post Town	WATFORD		Postcode	WD187NH	
Daytime contact telephone number			07704966313		
E-mail address (optional)		AMIT.KUMAR.8319@YAHOO.CO.UK			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over			<input type="checkbox"/> Please tick yes		

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	
Address	N/A
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	0	9
2	0	1
2		

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

CONVENIENCE STORE WITH
ALCOHOL OFF LICENCE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

PAGES 5 - 16 INCLUSIVE LEFT
 BLANK AND MARKED "N/A" (RE
 ENTERTAINMENT & LATE NIGHT
 REFRESHMENT)

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	10:00	22:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) <div style="text-align: center;">N</div> Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) <div style="text-align: center;">A</div>		
Tue	10:00	22:00			
Wed	10:00	22:00			
Thur	10:00	22:00			
Fri	10:00	22:00			
Sat	10:00	22:00			
Sun	10:00	22:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	AMIT KUMAR
Address	161 WHIPPENDELL ROAD WATFORD
Postcode	WD18 7NH
Personal Licence number (if known)	12/01079/LAPER
Issuing licensing authority (if known)	WATFORD

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	22:00	<i>N A</i>
Tue	07:00	22:00	
Wed	07:00	22:00	
Thur	07:00	22:00	
Fri	07:00	22:00	
Sat	07:00	22:00	
Sun	07:00	22:00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

- ① PREMISES WILL BE SECURE.
- ② STAFF TRAINING TO PROMOTE LICENSING OBJECTIVES.
- ③ CCTV 31 DAYS RECORDING
- ④ ALL INCIDENTS WILL BE RECORDED IN REGISTER AND KEPT IN PREMISES.
- ⑤ RISK ASSESSMENT FOR PROMOTING AND LICENSING OBJECTIVES WILL BE ONGOING.

b) The prevention of crime and disorder

- ① STOCK WILL BE KEPT SECURE.
- ② STAFF TRAINING
- ③ REGULAR DOWNLOADING TILLS
- ④ CCTV RECORDING 31 DAYS
- ⑤ BANKING TIMES MAY VARY
- ⑥ BE AWARE OF THE NEED TO IDENTIFY AND REPORT DRUG ACTIVITY.

c) Public safety

- ① STAFF TRAINING IN FIRE PREVENTION.
- ② WE HAVE HEALTH AND SAFETY POLICY.
- ③ WE ALWAYS DO CHECK ANY HAZARDS BEFORE OPEN OUR PREMISES.

d) The prevention of public nuisance

- ① WE WILL NOT EMPLIFY MUSIC IN THE PREMISES.
- ② WE WILL DISCOURAGE PEOPLES TO TAKE THEIR PURCHASES TO THEIR HOUSE AND NOT TO GETHER OUTSIDE SHOP.

e) The protection of children from harm

- ① POLICY OF AGE RESTRICTION.
- ② WE ALWAYS ASK PHOTO ID ANYBODY WHO LOOK AGE UNDER 25.
- ③ NOTICE ADVERTISE CHALLENGE 25 AND PROOF OF AGE.
- ④ KEEP INCIDENT BOOK AND CCTV RECORDING.
- ⑤ LOCATE ALCOHOL KEEP NEAR SERVING COUNTER.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	09/08/2012
Capacity	AMIT KUMAR

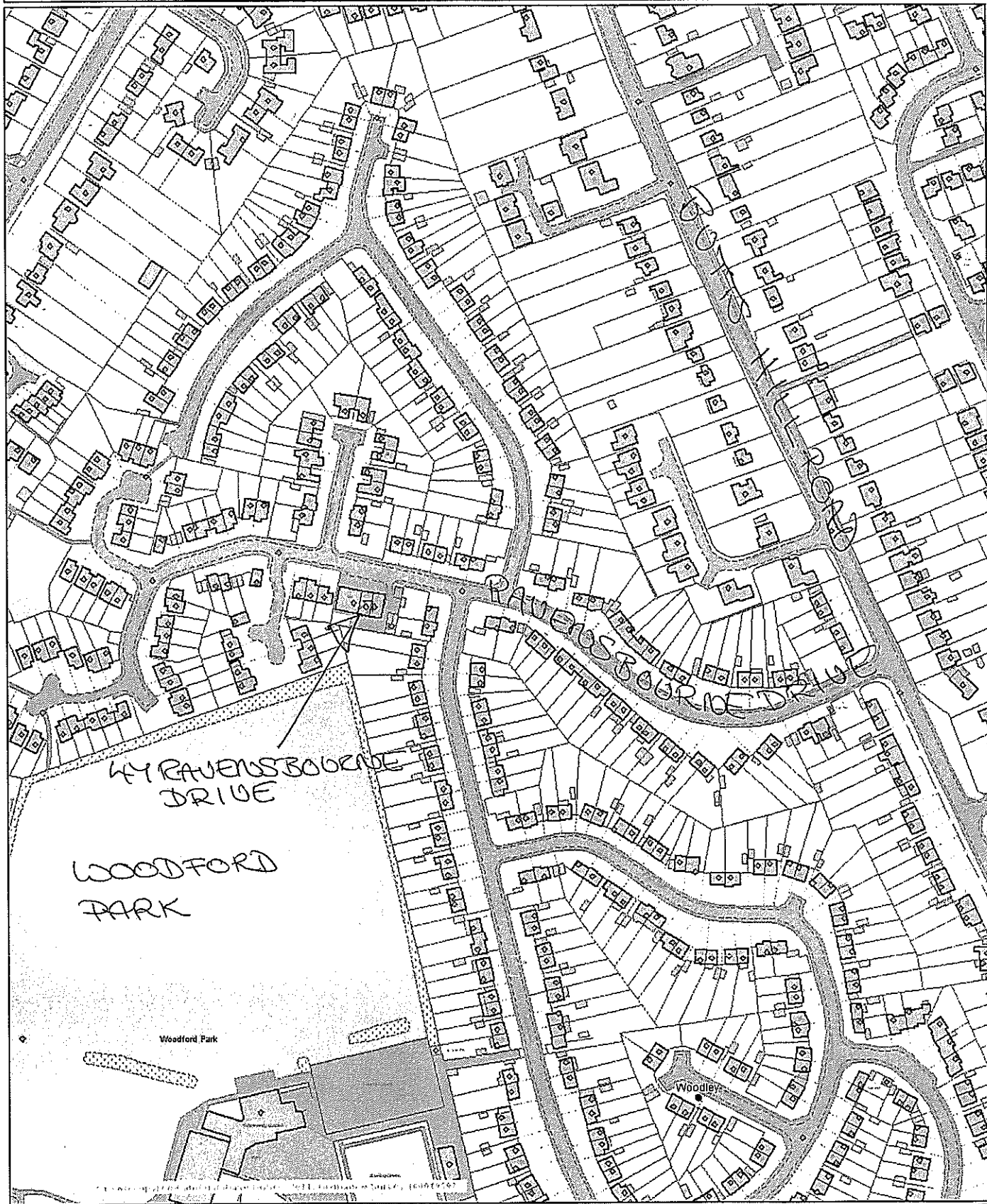
For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

47 RAVENSBOURNE DRIVE, WOODLEY

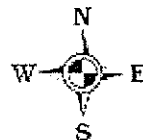


WOKINGHAM
BOROUGH COUNCIL

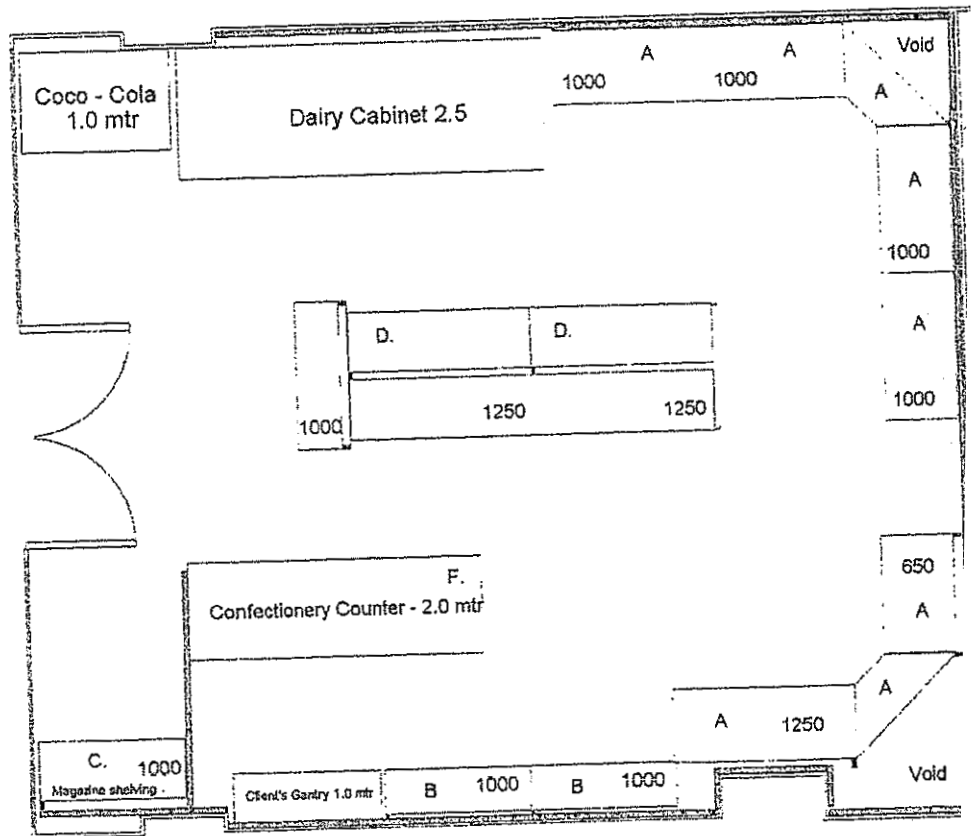
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Date 22/10/2012

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Entrance.



H.M. LAND REGISTRY

DISG 25274

ORDNANCE SURVEY
PLAN REFERENCE

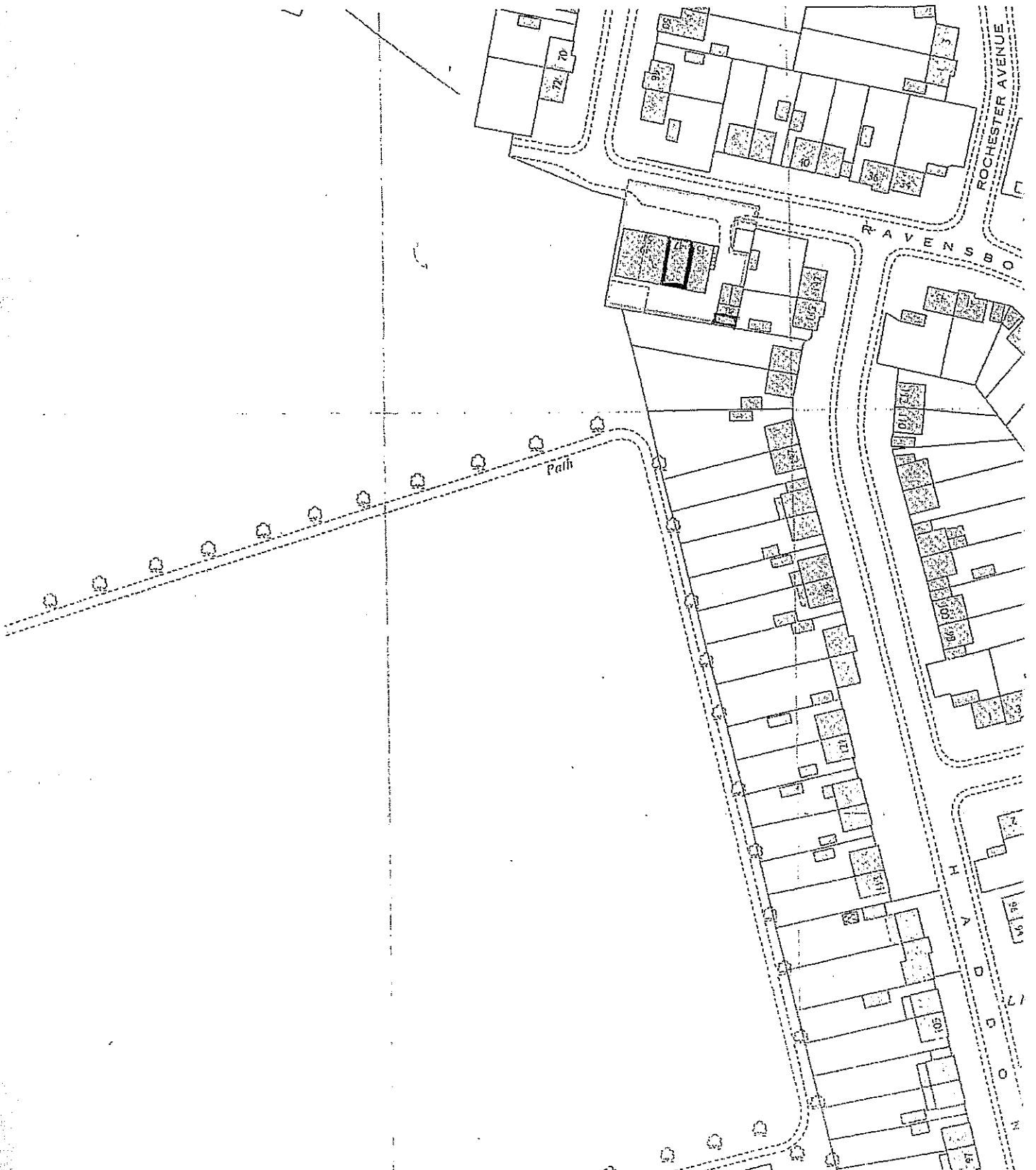
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COUNTY BERKSHIRE

DISTRICT WOKINGHAM

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APPENDIX
THREE**Karen Court**

From: Shaun Underhill**Sent:** 10 October 2012 08:28**To:** Karen Court**Subject:** RE: APPLICATION FOR PREMISES LICENCE - CONVENIENCE STORE AT 47
RAVENSBOURNE DRIVE, WOODLEY - RESUBMISSION - CONSULTATION PERIOD**Subject:** RE: APPLICATION FOR PREMISES LICENCE - CONVENIENCE STORE AT 47 RAVENSBOURNE
DRIVE, WOODLEY, BERKSHIRE RG5 4LJ

With reference to this application for a Premises Licence I have considered the matter and decided to object to the granting of such a licence. This is on the grounds that the granting of a licence may cause problems with noise and other associated anti social behaviour by a certain type of clientele to the detriment of local residents. In this instance the Environmental Protection Act 1990 clearly defines the offence of committing a statutory noise nuisance by a commercial undertaking.

This property is located at ground floor level within a small block of flats in a generally quiet high density residential area and has formerly traded as a cake supplier. An adjoining commercial premise has been trading as a high tech video service provider. During 2011 a planning application for number 47 was submitted applying for a change from business to residential usage which was supported by a number of local residents on the grounds that it would lead to a quieter neighbourhood. In this regard concerns were also voiced about the premises being turned into a convenience store with the potential for the sale of alcohol and the associated risk of anti social behaviour. This application which can be viewed on the council website, F/2011/1031 was however withdrawn.

In noting the applicant's comments stated within the four licensing objectives particularly that in section 'd' it is apparent that he is aware of the potential for customers to gather outside the shop. I cannot see how there can be any realistic expectation for staff to 'discourage' anyone from loitering in the vicinity even if they were serious in wanting to do so.

Submitted for your further consideration.

Regards

Shaun Underhill

Technical Officer
West Berkshire & Wokingham Environmental Health & Licensing
PO Box 155 Shute End
Wokingham
Berkshire
RG40 1WW

Direct Call: 0118 9746516