

SLOUGH BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE – 26 APRIL 2012
LICENSING ACT 2003

APPLICATION TO A VARY A PREMISES LICENCE FOR ‘CO-OPERATIVE’
238-240 TRELAWNEY AVE, LANGLEY, SLOUGH, SL3 7UD

1. The Application

1.1 The application has been made by Co-operative Group Food Ltd, to vary a Premises Licence for ‘Co-operative’ at 238-240 Trelawney Ave, Langley, Slough, SL3 7UD.

1.2 The current opening times and for the supply of alcohol are as follows:-

Premises Opening hours

Mon-Sat 8am until 23.00

Sunday 10am until 22.30

Good Friday 8am until 22.30

Christmas Day 12pm until 15.00 and then 19.00 until 22.30.

Supply of alcohol (Off the premises only)

Mon-Sat 8am until 23.00

Sunday 10am until 22.30

Good Friday 8am until 22.30

Christmas Day 12pm until 22.30

1.3 The application is to vary the following licensable activities to the following times:

- (M) Supply of Alcohol (Off the premises only)
Monday to Sunday 06:00 to 23:00

- (O) Hours the premises are open to the public-
Monday to Sunday 06:00 to 23:00

1.4 The full application and the plan are attached at **Appendices A and B respectively.**

2. Background

2.1 Following the application being made, there have been no objections by local residents.

3. Responsible Authority Representations

3.1 On 6th March 2012 Debie Pearmain the Thames Valley Police Licensing Officer requested the following amendments to the application:-

a) CCTV to be installed and maintained to Thames Valley Police standard and CCTV to be kept for 31 days and made available upon the request of Thames Valley Police employees and relevant agencies.

b) DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees or relevant agencies . The full requirement is attached at **Appendix C**

3.2 Since receiving this request Thames Valley Police have agreed **on this occasion only** to vary the CCTV condition to read '30 days recording' as that is representative of the equipment currently installed.

3.3 On 23rd March 2012, Richard Palacio – Team Leader, Neighbourhood Enforcement, for Slough Borough Council responded to the application and requested that the “Can Marking Scheme” be made a formal requirement by imposing the following condition on the licence:-

“The Premises Licence Holder is required to undertake the requirements of the Council’s can marking scheme to enable alcohol cans and bottles to be linked to the premises and provide “prima-facie” evidence to enable further investigation by the licensee to refuse sales to underage or intoxicated individuals. The full representation is attached at **Appendix D.**

3.4 At the time of this report being prepared the applicant has intimated that they are not in agreement with the imposition of this condition, however no formal written confirmation or agreement of this has been received.

4. The Sub-Committee must have regard to:

- The Licensing Act 2003
- The Guidance given by the Secretary of State – The Sub-Committee can decide not to follow the Guidance if it has good reason to do so
- The Council’s Statement of Licensing Policy. The Sub-Committee must have regard to the Council’s policy but may depart from it if it has good reason to do so.
- The overriding principle is that each application will be determined on its merits.

5. Human Rights Act 1998

Article 6 of the Human Rights Act 1998 applies:

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

6. Options Available

The Sub-Committee may

1. Grant the application as it stands in which case it would be issued subject to the relevant mandatory conditions and conditions consistent with the application made and those made by Thames Valley Police.
2. Grant the application subject to further conditions which are reasonable, proportionate and necessary in order to meet one or more of the four licensing objectives i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.
3. Refuse the application.

7. Appeals

Any party to the hearing may appeal against a decision of the licensing authority by giving notice to the Clerk to the Magistrates within 21 days of being notified of the decision.

8. Appendices

- A. Copy of Application to vary premises licence.
- B. Copy of Plan.
- C. Copy of response from Thames Valley Police request.
- D. Copy of response from Neighbourhood Enforcement.

9. Background Papers

1. The Licensing Act 2003.
2. Guidance issued under Section 182 of the Licensing Act 2003.
3. Regulations (cited as the Licensing Act 2003 ([various]) Orders 2005).
4. Slough Borough Council Statement of Licensing Policy – December 2010.

Contacts for further information

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