

Committee Report



Licensing Sub-Committee - 20 January 2025

New Premises Licence Application for Kumerica

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Exempt / confidential / not for publication	No
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Executive Summary

This is a New Premises Licence application for Kumerica Cash and Carry Ltd, a restaurant/ café on Queensway. Queensway is a busy High Street, and the application would permit the sale of alcohol and provision of late night refreshment. The application has been amended to remove provision of regulated entertainment.

Representations were received from several Responsible Authorities. All these representations have been resolved through agreement of conditions. Two representations from local residents do still remain.

1. Application

1.1 This is a new application which will permit the following if granted:

Supply of Alcohol

Monday to Sunday 12:00 to 00:00 hours

Provision of Late Night Entertainment

Monday to Sunday 12:00 to 00:00 hours

Opening Hours

Monday to Sunday 12:00 to 00:0000 hours

The full application can be viewed at **Annex A**.

1.2 A range of conditions have been offered by the applicant. These include training provisions and records, CCTV, age verification process for on and off sales. Additional conditions have been agreed with the Responsible Authorities (see further in report)

1.3 The plan of the premises is at the end of **Annex A**.

2. Responsible Authorities

- 2.1 Thames Valley Police have made a representation (see **Annex B**). The applicant agreed conditions:
- (a) when opening beyond 10.00 pm the final time for ordering alcohol for consumption on the premises will be 30 minutes before closure;
 - (b) alcohol shall only be sold or supplied as an accompaniment to food served from the premises; and
 - (c) all alcohol sold or supplied for consumption off the premises shall be in sealed containers.
- 2.2 The Licensing Authority agreed similar conditions (see **Annex C**) with Thames Valley Police adding:
- ‘The premises will be clear of patrons by the closing time on the premises licence’.
- 2.3 Trading Standards agreed the following condition (see **Annex D**):
- (a) takeaway orders containing alcohol to be delivered to residential or business addresses only (i.e. not to parks, bus stops, car parks etc); and
 - (b) any takeaway alcohol must form part of a food order.
- 2.4 Environmental Health (EH) were satisfied (see **Annex E**) with the removal of regulated entertainment and condition to erect signage to ask patrons to leave quietly.

3. Other Persons

- 3.1 Two local residents have served representations against this application. One has verbally agreed to withdraw their representation but have not confirmed in writing. Consequently, members will need to consider the representations (see **Annex F** and correspondence at **Annex G**).
- 3.2 A second resident has made a representation at **Annex H**. Concerns relate to the current and past operation of the applicant. There is reference to a planning enforcement case. Both Planning and Planning Enforcement have been asked to comment, but neither have made representation.

4. Officer Observations

- 4.1 The premises is located on Queensway in Bletchley, which is a busy high street with many similar businesses, other businesses and also residential premises located in the immediate vicinity. **Annex I** shows plan of locality and photos.
- 4.2 The applicant’s agent has made reference to the premises not necessarily opening to the full extent of the applied for hours, however, there are no conditions limiting the hours or frequency of late opening, so Members must consider the application to be as detailed in this report.

4.3 An odour and food safety complaint has been received by relevant teams in Environmental Health. The business has been inspected for food safety and obtained a rating of 3 - Generally Satisfactory. During this investigation it was determined that BBQs were used during the first two weeks of operation (in the summer). This sort of activity would not be licensable, unless provided after 23:00hrs.

5. Determination of the Application by the Sub-Committee

5.1 The Sub-Committee is required to determine the application in accordance with the Licensing Act and must, having regard to the representations, take such steps that it considers appropriate for the promotion of the Licensing Objectives. The steps that the Sub-Committee can take are:

- (a) modify the terms of the application in granting a licence;
- (b) rejecting the application or part of the application; or
- (c) grant the application as applied for.

5.2 The four Licensing Objectives are:

- (a) The Prevention of Crime and Disorder.
- (b) The Promotion of Public Safety.
- (c) The Prevention of Public Nuisance.
- (d) The Protection of Children from Harm.

5.3 When carrying out its functions under the Licensing Act 2003, and determining an application, the Licensing Authority must have regard to the Guidance issued by the Home Secretary under section 182 of the Act and its own Statement of Licensing Policy.

5.4 Extracts from the Guidance and the Council's Policy appropriate to this application are attached at **Annex J**. A full copy is available online or from the Licensing Team.

List of Annexes

Annex A	New Application and Plan
Annex B	Agreed conditions - Thames Valley Police
Annex C	Agreed conditions - Local Authority
Annex D	Agreed conditions - Trading Standards
Annex E	Agreed conditions - Environmental Health
Annex F	Representation from Local Resident Verbally Withdrawn
Annex G	Correspondence with Resident
Annex H	Representation from Resident - Unresolved
Annex I	Plan of Locality and Photos
Annex J	Extract from Section 182 Guidance and Council's Statement of Licensing Policy

List of Background Papers

Milton Keynes Council Statement of Licensing Policy 2023-2028

<https://www.milton-keynes.gov.uk/environmental-health/licensing/alcohol-entertainment-late-night-refreshment/milton-keynes-council>

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - December 2023

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>