

Licensing Sub-Committee

10 August 2017



Subject	Application for a Premises Licence for TJ Food Hall at 21 Edinburgh Drive, Staines upon Thames, TW18 1PJ		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Staines South
Contact	Rob Thomas, Licensing Enforcement Officer, (01784) 446439		

Description and Location	TJ Food Hall is located in Edinburgh Drive, Staines upon Thames. A location plan is attached as Appendix A .
The Application	<p>The application is to permit sale of alcohol seven days a week from 05:30 to 23:00.</p> <p>The application is attached as Appendix B.</p>
Representations	<p>A relevant representation was received from a resident.</p> <p>It is attached at Appendix D.</p>
Options	<p>The Sub-Committee is asked to consider the application on its merits. Having had regard to the representation, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none">▪ To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or▪ To grant the application and modify the conditions of the licence, by alteration, addition or omission or▪ To reject the whole or part of the application.

1. Background

- 1.1 An application for a Premises Licence at 21 Edinburgh Drive, Staines upon Thames, was received on 19 June 2017.

2. Application Summary

- 2.1 To permit sale of alcohol seven days a week from 05:30 to 23:00.
- 2.2 The required notices have been displayed and published in the Staines and Chronicle Informer on 30 June 2017.

3. Promotion of the Licensing Objectives

- 3.1 Applications made under the Licensing Act 2003 must set out what measures will be put in place to promote four statutory Licensing Objectives. These are set out below for information:

Prevention of crime and disorder

- Criminal behaviour on, or directly attributable to, the premises.
- Anti-social behaviour on, or directly attributable to, the premises.

Public safety

- E.g. overcrowding, fire safety, emergency exits and anything related to the safety of the public within the premises.

Prevention of public nuisance

- Noise/light or odour nuisance
- Litter

Protection of children from harm

- Including moral harm from unsuitable entertainment and also allowing underage persons to buy and consume alcohol

- 3.2 Objections that cannot be linked to one or more of the licensing objectives, such as parking, traffic need or the fact that a premises is in a conservation area, cannot be taken into account when making a decision under the Act.
- 3.3 Section 18 of the application form, at **Appendix B**, details the proposed steps to be taken to promote the licensing objectives. The application has outlined measures such as staff training, age restriction schemes, signage, CCTV, litter patrols and a refusals log.
- 3.4 Should the licence be granted, these will be translated, where appropriate for the promotion of the licensing objectives, into enforceable conditions which will be attached to the licence.
- 3.5 Surrey Police have been liaising with the applicant regarding amended wording for the condition about CCTV, and the applicant has agreed this new wording for inclusion in its place for such a time that the licence may be granted. The e-mail exchange between Surrey Police and the applicant's agent which details this proposed new wording is attached as **Appendix C**.

4. Representations

- 4.1 One relevant representation has been received from a resident and is attached at **Appendix D**.
- 4.2 The grounds for objection are self-explanatory but are mainly in relation to increased potential for noise nuisance and antisocial behaviour.
- 4.3 Environmental Health did not express concerns about noise nuisance, and Surrey Police did not corroborate the representor's allegations of antisocial behaviour.
- 4.4 No representations were received from any of the responsible authorities.

5. Licensing Policy

- 5.1 The following sections of the Council's Licensing Policy are relevant.
 - Section 8 gives advice on appropriate and proportionate use of conditions
 - 24.0 in relation to crime and disorder
 - 24.7.1 in relation to noise

6. National Guidance

- 6.1 The following sections of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant in the consideration of this application:
 - 10.8 refers to conditions

To assist, these sections have been copied and are attached at **Appendix E**.

7. Making a decision

- 7.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.
- 7.2 The Sub-Committee must give reasons for its decision.
- 7.3 Additional conditions placed on licences must:
 - be precise and enforceable;
 - be unambiguous;
 - not duplicate other statutory provisions;
 - be clear in what they intend to achieve; and,
 - be appropriate, proportionate and justifiable.
- 7.4 It is important in considering the promotion of the licensing objective on prevention of public nuisance, that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.
- 7.5 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the

fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

Appendices:

Appendix A – Location Plan

Appendix B – Application

Appendix C – Revised operating schedule condition regarding CCTV

Appendix D – Representation

Appendix E – Extracts from Licensing Policy and National Guidance