



BY FIRST CLASS POST AND EMAIL
Licensing Team
Spelthorne Borough Council
Council Offices
Knowle Green
Staines upon Thames TW18 1XB

Please ask for: Richard Taylor
Direct Tel: [REDACTED]
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 098454.23811
#GS1531031
Your ref:
Date: 16th August 2017

Dear Sirs,

Re: **Licensing Act 2003 – Review Proceedings**
Jolly Butcher, 174 Kingston Road, Staines Upon Thames
Premises Licence number 08/00704/LAPRE

We act on behalf of Ei Group plc (formerly Enterprise Inns Plc). Our client is the freeholder owner of these premises and we have received, from them, a copy of the application for review of the premises licence issued on behalf of three local residents.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Plc owns around 4000 public houses in England and Wales. The vast majority of those public houses (more than 95%) are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant.

The Jolly Butcher is the subject of a 21 year lease agreement in favour of the premises licence holder, Soul Curry Limited. That company took assignment of the lease in July 2015 and have been operating these premises, therefore, just over 2 years.

Please note, that our client takes a wholly neutral stance with regard to the allegations raised in the application for review. As our client has no operational responsibility for these premises, it cannot comment upon specific allegations.

The allegations are of poor management. It will be a matter of evidence before the Committee whether or not this allegation is substantiated. If, however, the Committee feel that the premises are poorly managed then we would respectfully submit that consideration be given to the removal of the designated premises supervisor and perhaps the imposition of additional conditions to address the issues raised in the review.

Paragraph 11.20 of the Home Office Guidance issued in April 2017 is clear that "*Licensing Authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.*"

It will not have escaped the Committees notice that the poor management alleged did not result in any of the responsible authorities issuing an application for review. This must be a relevant consideration as if there were problems caused by the operation of these premises then the responsible authorities (the experts) would have undoubtedly lodged their own application for review.

It remains to be seen whether or not the review will be supported by any of the responsible authorities.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation when the review is considered by the Licensing Authority.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS