

# Licensing Sub-Committee

20 April 2018



<b>Title</b>	Application for a Full Variation to the Premises Licence at MRH Shepperton, Walton Bridge Road, Shepperton, TW17 8NE		
<b>Purpose of the report</b>	For determination		
<b>Report of</b>	Deputy Chief Executive	Ward	Shepperton Town
<b>Contact</b>	Lucy Hopkins, Licensing Officer, 01784 444295		

<b>Description and Location</b>	MRH Shepperton is a service station shop known as 'Esso', located nearby residential properties. A plan of the premises is attached as <b>Appendix A</b> .
<b>The Application</b>	<p>The application is to permit:</p> <ol style="list-style-type: none"><li>1. The extension of the hours for the sale of alcohol to 24 hours daily</li><li>2. The removal of conditions numbered 1, 2, 3, 4, 5, 6 and 7 from Annex 2 of the Premises licence</li><li>3. The inclusion in Annex 2 the conditions in boxes b to e of section 16 of this application.</li><li>4. alterations to the premises</li></ol> <p>The current licence is attached as <b>Appendix B</b>. The application form is attached in full at <b>Appendix C</b>.</p>
<b>Representations</b>	One relevant representation has been received from a nearby resident on the grounds of prevention of crime and disorder / prevention of public nuisance and is attached at <b>Appendix D</b> .
<b>Options</b>	<ol style="list-style-type: none"><li>1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.</li><li>2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives:<ul style="list-style-type: none"><li>• <b>To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or</b></li></ul></li></ol>

	<ul style="list-style-type: none"><li>• <b>To grant the application and modify the conditions of the licence, by alteration, addition or omission; or</b></li><li>• <b>To exclude from the scope of the licence any of the licensable activities to which the application relates; or</b></li><li>• <b>To refuse to specify a person in the licence as the premises supervisor; or</b></li><li>• <b>To reject the whole or part of the application.</b></li></ul>
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## **1. Premises history**

- 1.1 An application was submitted by Malthurst Limited to transfer the premises licence on 14 July 2015 which took effect from 20 July 2015. The current premises licence is still in the name of Malthurst.
- 1.2 The Designated Premises Supervisor Sivalingam Kokulakannan has been in place since 1 July 2016.

## **2. Application Summary**

- 2.1 An application was received for a full variation to the premises licence on 22 February 2018 which was processed accordingly.
- 2.2 We received an email from the applicant's representative on 2 March 2018 advising that following discussion with Surrey Police they are amending the application submitted and want to replace conditions 1-6 in box (B) of the Application Form concerning CCTV. A copy of the email is at **Appendix E**.
- 2.3 Consultation notices were displayed in accordance with the Licensing Act 2003, at the premises itself and in the 2 March 2018 edition of the Chronicle and Informer Staines Edition (page 29).
- 2.4 The application in its entirety was also available for inspection via Spelthorne Borough Council's Licensing Online system, for the duration of the 28-day consultation period.
- 2.5 I have reviewed the complaint history from when the premises licence holder took over (20 July 2015) and there has been one complaint logged with the Environmental Health Team. The complaint made on 27 November 2015 was regarding noise from a parcel machine installed and a health and safety concern over gas bottles.
- 2.6 The Licensing Department has not received any complaints since the current licence holder came into effect. The opening hours on the premises licence currently are 24 hours, however alcohol is only allowed to be sold from 06.00-22.00 daily, with late night refreshment being 23.00-05.00 daily.
- 2.7 No representations have been received from any of the responsible authorities in respect of this application.

## **3. Promotion of the Licensing Objectives**

- 3.1 The Licensing Objectives, together with examples from Government Guidance, are set out below for information:

### **Prevention of crime and disorder**

- Criminal behaviour on, or directly attributable to, the premises
- Under age sales
- Anti-social behaviour on, or directly attributable to, the premises

### **Public safety**

- Overcrowding
- Fire safety
- Emergency exits
- Anything related to the safety of the public at the premises

### **Prevention of public nuisance**

- Noise / light or odour nuisance
- Litter

### **Protection of children from harm**

- In relation to sales of alcohol, the most relevant issue under this licensing objective is the prevention of sales of alcohol to under 18s

## **4. Representation**

4.1 The representation to the Full Variation application was received by email on 6 March 2018.

4.2 The grounds for objection are summarised below in relation to each Licensing Objective:

### **Prevention of crime and disorder**

- Potential for increased antisocial and disorderly behaviour
- Under age sales
- Public Urination

### **Prevention of public nuisance**

- Noise from deliveries and customers using the premises
- Increased litter
- Bottles and cans being thrown into gardens damaging property

4.3 Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell alcohol
- Parking, or other issues relating to general amenity rather than licensing objectives

## **5. Licensing Policy**

5.1 The following sections of the Council's Licensing Policy are relevant. A copy of the relevant parts are attached as **Appendix F**.

- Section 16.1 - General
- Section 16.2 – Shops, stores and supermarkets
- Section 24.0 - Crime and Disorder
- Section 24.7.1 - Public Nuisance

## **6. National Guidance**

- 6.1 The relevant section of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 on determining Premises Licence applications is relevant in the consideration of this application, and is attached at **Appendix G**.

## **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 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.
- 7.4 Conditions 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.
- 7.5 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.
- 7.6 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 – Current Premises Licence**

### **Appendix C – Application**

### **Appendix D – Representation**

### **Appendix E- Email from Applicant re agreement with Surrey Police**

## **Appendix F – Relevant sections from Licensing Policy**

## **Appendix G- National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003, on Determining Premises Licence Applications**