

# Licensing Sub-Committee

29/03/2019



<b>Subject</b>	Application for a <b>new</b> Premises Licence at 53 Clare Road, Stanwell, Staines-Upon-Thames TW19 7QW		
<b>Purpose</b>	For determination		
<b>Report of</b>	Deputy Chief Executive	Ward	Stanwell North
<b>Contact</b>	Robert Thomas, Principal Licensing Officer (01784 446439)		

<b>Description and Location</b>	An off licence in a local shopping parade with residential properties above. Plan at <b>Appendix A</b>
<b>The Application</b>	<p>The application is to permit the sale of alcohol for consumption off the premises. The hours proposed for the sale of alcohol are the same as the proposed opening hours which is from 07.00 to 23.00 daily.</p> <p>A copy of the application form is attached at <b>Appendix B1</b>, together with a plan of the premises at <b>Appendix B2</b>.</p>
<b>Representations</b>	Relevant representation received from Spelthorne Borough Council's Licensing Authority. A copy is attached at <b>Appendix C</b> . Photos are attached in support of the representation at <b>Appendix C1</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><li>▪ <b>To grant the application and modify the conditions of the licence, by alteration, addition or omission or</b></li><li>▪ <b>To reject the whole or part of the application.</b></li></ul></li></ol>

## **1. Background**

- 1.1 A premises licence has been held at 53 Clare Road, Stanwell TW18 7QW since 27 January 2014. The licence holder was Blue Ocean (Int) Ltd. A search on the Companies House website states that Amit Arora was the only Director.
- 1.2 Lucy Catlyn, Licensing Enforcement Officer spoke to Mr Amit Arora on the telephone on 15 January 2019. Mr Arora advised that he had set up a new company and wanted that company to be the licence holder. In addition, Mr Arora told Mrs Catlyn that he now has a personal licence and that someone called 'Showaib' is not there. During the call Mrs Catlyn said to him that she was not sure who he means by 'Showaib' and the DPS is not 'Showaib', it is Muhammad and he said that is what he calls him. During the telephone conversation Mrs Catlyn looked up Blue Ocean (Int) Ltd on Companies House and found out the company was dissolved on 13 November 2018.
- 1.3 Mrs Catlyn explained to Mr Arora on 15 January 2019 that as the company 'Blue Ocean (Int) Ltd' was dissolved more than 28 days ago he was unable to transfer the licence. Mrs Catlyn explained via email and telephone that he needed to remove all of the alcohol from the premises and apply for a new premises licence. A copy of the email exchange is attached at **Appendix D**.

## **2. Application Summary**

- 2.1 A new premises licence application was initially received on 16 January 2018 from Mr Arora however this was rejected due to numerous errors.
- 2.2 A further application was received on 18 January 2019 from an agent known as Personal Licence Courses, however this application was rejected due to administrative errors. A new premises licence application was received on 25 January 2019 specifying Amit Arora as the premises licence holder. Mr Arora has specified himself as the Designated Premises Supervisor (DPS).
- 2.3 It is a requirement that a notice is on display at the premises abutting the highway advertising the application. However, when a Licensing Enforcement Officer visited the premises on 24 January 2019 and 1 February 2019 no notice was on display. An email was sent to Personal Licence Courses on 1 February 2019 advising that we had concerns that Mr Arora has no regard for legislative requirements under the Licensing Act 2003. A copy of the email is attached at **Appendix E**.
- 2.4 A Licensing Enforcement Officer further visited the premises on 5 and 7 February 2019 and the required notice requirements were not fulfilled. Therefore the application was invalid and the last date for representations was accordingly put back until 6 March 2019.
- 2.5 A Licensing Officer visited the premises on 13 and 14 February 2019 and the required notice was on display at the premises. The application was advertised in the Chronicle and Informer dated 15 February 2019.
- 2.6 The application seeks to permit the sale of alcohol for consumption off the premises. The hours proposed for the sale of alcohol are the same as the proposed opening hours which is from 07.00 to 23.00 daily.
- 2.7 Spelthorne Borough Council's Licensing Department submitted a representation on 6 March 2019. There is a concern that, should the licence

be granted, Mr Arora as both the Premises Licence holder and DPS will be unable to operate the premises in a manner which does not undermine the licensing objectives.

### **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.
- Underage sales
- Anti-social behaviour on, or directly attributable to, the premises.

#### **Public safety**

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

#### **Prevention of public nuisance**

- Noise nuisance, light pollution or noxious smells
- Litter

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

- In relation to sale of alcohol for consumption off the premises, the most relevant issue under this licensing objective is the prevention of sales of alcohol to under 18s.

3.2 The applicant has agreed conditions with the Licensing Authority which are attached at **Appendix F**. (These will replace section B of **Appendix B** of the application form). 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.

### **4. Representations**

#### **4.1 i) Representations from Responsible Authorities**

A relevant representation has been received from Spelthorne Borough Council's Licensing Department attached at **Appendix C**.

4.2 The grounds for objection are summarised below in relation to each licensing objective.

#### **General – all four licensing objectives**

- Prior compliance history of failure to adhere to licence conditions

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

- Allegations of underage sales
- Allegations of sale of psychoactive substances

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

- Allegations of underage sales
- Allegations of sale of psychoactive substances

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.

- 9.0 Administration & Decision making
- 24.0 Crime & Disorder
- 24.8 Protection of Children from Harm

## **6. National Guidance**

6.1 The relevant section from the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 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 B1 – Application**

**Appendix B2 – Premises Plan**

**Appendix C – Representations from responsible authority**

**Appendix C1 – Photographs in support of representation**

**Appendix D – Emails with Applicant**

**Appendix E – Emails with Agent**

**Appendix F – Proposed Conditions**

**Appendix G – National Guidance**