

Licensing Sub-Committee



26 January 2024

Title	Application for a Premises Licence Applicant: Shepperton Village Fair Ltd Premises: Manor Park, Shepperton, TW17 9JT
Purpose of the report	For Determination
Report Author	<i>Lucy Catlyn Principal Licensing Officer</i>
Ward(s) Affected	Shepperton Town

Description and Location	<p>Shepperton Village Fair Ltd have applied for a grant of a premises licence for the provision of Regulated Entertainment and the Supply of Alcohol.</p> <p>Manor Park is a park with a public car park located at the bottom of Shepperton High Street and maintained by Spelthorne Council. By agreement with the Council, Shepperton Village Fair is operated on the site on one day of the year, on one Saturday in June.</p> <p>The location plan is attached at Appendix A.</p>
The Application	<p>The application is to determine the grant of a premises licence for one Saturday in June from 11.00-18.00:</p> <ul style="list-style-type: none">• The provision of Regulated Entertainment (live music, recorded music and performances of dance).• The Supply of Alcohol <p>The opening times applied for are the same 11.00-18.00.</p> <p>The application form is attached at Appendix B. The licensable area plan is attached at Appendix C.</p>
Representations	<p>Relevant representations have been received from two 'other persons'.</p> <p>No relevant representations have been received from any of the relevant authorities.</p>

	The representations are attached at Appendix D.
Options	<p>1. The Sub-Committee is requested to consider the application for the grant of a premises licence for the provision of regulated entertainment and supply of alcohol for one Saturday in June from 11:00-18:00 on its merits</p> <p>2. Having had regard to the representation, the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The options are:</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 exclude from the scope of the licence any of the licensable activities to which the application relates; or • To refuse to specify a person in the licence as the premises supervisor; or • To reject the application.

1. Summary of the report

- 1.1 This is an application for a new premises licence for the provision of regulated entertainment and supply of alcohol at Manor Park for Shepperton Village Fair on one Saturday in June.
- 1.2 Manor Park is a public park and with agreement with the Council, Shepperton Village Fair is operated on the site on one day of the year on a Saturday in June.
- 1.3 A plan of the premises is attached at **Appendix C.**

2. Application Summary

2.1 Licensable activities proposed.

- The provision of Regulated Entertainment (live music, recorded music and performances of dance).
- The Supply of Alcohol

2.2 The licensable activities proposed and opening times applied for are the same 11.00-18.00.

2.3 The Designated Premises Supervisor (DPS) proposed is Elliot Todd Gregory.

2.4 Other businesses in the high street opening hours:

Premises	Licensable activity	Hours
4 Thurlestone Parade High Street Shepperton TW17 9AR	Sale by Retail of Alcohol ON	Every Day from 12:00 until 23:00
Sainsbury's 49 High Street Shepperton TW17 9AB	Late Night Refreshment – LNR Sale by Retail of Alcohol OFF ONLY	LNR - Every Day from 23:00 until 00:00 SRA - Every Day from 07:00 until 23:00
BP Shepperton SF Connect 26 - 34 High Street	Late Night Refreshment Sale by Retail of Alcohol OFF ONLY	LNR Refreshment - Every Day from 23:00 until 05:00 SRA - Every Day from 00:00 until 00:00 (24 Hour)
Co-operative Group Food Ltd 13 - 14 Thurlestone Parade High Street	Sale by retail of alcohol OFF	Everyday 06.00 to 23.00
High Street News 60 High Street Shepperton TW17 9AU	Sale by Retail of Alcohol OFF	Every Day from 05:00 until 22:00
Three Horseshoes	Sale by retail of alcohol Regulated Entertainment	10.00 to 23.00 Monday to Thursday 11.00 to 00.00 Fridays and Saturdays 12.00 to 22.30 Sundays and Good Friday
Prezzo	Sale by retail of alcohol Provision of late-night refreshment	Monday to Sat 10am to 00:00 (midnight) Sundays 12 noon to 11:30pm
Golden Grill	Sale by Retail of Alcohol	Monday to Sat 07:30- 22:00
Londis 42 High Street Shepperton TW17 9AX	Sale by Retail of Alcohol	Sale by Retail of Alcohol - Every Day from 07:00 until 23:00
Smoky Boys 25 High Street Shepperton TW17 9AJ	Regulated Entertainment Late Night Refreshment Sale by Retail of Alcohol	Regulated Entertainment - Every Day from 12:00 until 22:30 LNR - Every Day from 12:00 until 23:00 Sale by Retail of Alcohol - Every Day from 12:00 until 22:30

<p>Thai Bite 23 High Street Shepperton TW17 9AJ</p>	<p>Late Night Refreshment Sale by Retail of Alcohol</p>	<p>LNR - Friday and Saturday from 23:00 until 23:40 Sale by Retail of Alcohol – Sunday to Thursday from 12:00 until 14:40 and from 18:00 until 22:40 and on Friday to Saturday from 12:00 until 14:40 and from 18:00 until 23:40</p>
---	---	--

2.5 The Applicant details in the submitted plan that they require the entire site to be licenced for licensable activities, apart from the car park and adjacent car park.

2.6 The application has been consulted upon and adverts published in line with the regulations for the Licensing Act 2003. The application was advertised in the Surrey Advertiser on 8 December 2023.

2.7 Details of the application have been published on the Council's website.

3. Promotion of the Licensing Objectives & conditions agreed by applicant.

3.1 Box M of the application form (**Appendix B**) details the proposed steps to be taken by the Applicant to promote the licensing objectives should the licence be granted.

3.2 However, Surrey Police and the Applicant have since agreed additional conditions for the premises licence should it be granted which are below (**Appendix E**):

- There shall be a minimum of 6 SIA door supervisors on duty throughout the event.
- A register of door supervisors employed will be maintained. This register will record their name, SIA Door Supervisor Licence number and contact details.
- All SIA Door Supervisors and staff at locations where alcohol is provided shall have access to a radio to communicate with each other and to other relevant staff from the Shepperton Village Fair committee as the Premises Licence Holder deems relevant.

3.3 Neither the Licensing, nor the Environmental Health team have received historic complaints about the premises.

4. Representations

4.1 Representations from Responsible Authorities

4.2 There are no representations from any of the Responsible Authorities.

4.3 **Representations from ‘other persons’**

4.4 Two relevant representations have been received and are attached at **Appendix D**.

4.5 The grounds for objection are summarised below in relation to each Licensing Objective.

Prevention of Crime and Disorder

- Fear of increase of anti-social behaviour due to alcohol sales.

Protection of Children from Harm

- The representee states that the under 25 age policy will be difficult to ‘police’ and people could much more easily buy children alcohol.

Public Safety

- The representee has a concern where the alcohol sales area is.

4.6 A copy of the representations received were sent to the Applicant on 5 January 2024. The Applicant has submitted a document in support which is annexed at **Appendix F**.

4.7 Issues which are not relevant to the licensing objectives and cannot be considered by a Licensing Sub-Committee:

- The possible increase in the numbers attending the event due to the sale of alcohol
- Detriment to other local businesses

5. Licensing Policy

5.1 The Sub-Committee must have regard to the Council’s own Statement of Licensing Policy when determining this application. The following sections of the Council’s Licensing Policy are relevant to this application and are attached at **Appendix G**:

- Paragraph 8.1-8.9 Premises Licences & Club Premises Certificates
- Paragraph 9.1-9.2 Electronic Applications
- Paragraph 10.1-10.6 Application Consultation
- Paragraph 16.1-16.6 Promoting the Four Licensing Objectives
- Paragraph 16.7-16.14 Prevention of Crime and Disorder
- Paragraph 16.24-16.29 Public Safety
- Paragraph 16.41-16.58 Protection of Children from Harm
- Paragraph 17.1-17.16 Large Scale Events
- Paragraph 17.17-17.23 Safety advisory Group (SAG)

- Paragraph 17.24-17.27 'Martyns Law'
- Paragraph 19.1-19.9 Licence Conditions

6. National Guidance

6.1 The Sub-Committee must also have regard to the revised Guidance issued in December 2023 by the Secretary of State under section 182 of the Licensing Act 2003. The following chapters are relevant in the consideration of this application and are attached at **Appendix H**:

- Paragraph 2.1-2.7 Crime and Disorder
- Paragraph 2.8-2.15 Public Safety
- Paragraph 2.28-2.38 Protection of children from harm
- Paragraph 8.1-8.14 Applications for premises licences
- Paragraph 9.1-9.19 Determining applications
- Paragraph 9.31-9.44 Hearings
- Paragraph 13.1-13.11 Appeals

7. Making a decision

7.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

7.2 The legal framework from which licensing decisions must be made, consists of the Licensing Act 2003 and regulations, the national guidance issued under section 182 of the Licensing Act 2003, case law, and the Council's own Statement of Licensing Policy.

7.3 The Sub-Committee must consider the application, relevant representations, and evidence provided by the parties at the hearing and within the report documentation.

7.4 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and the Council's own Statement of Licensing Policy.

7.5 The Sub-Committee must give reasons for its decision.

7.6 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.

7.7 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.

7.8 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.

7.9 The decision made by the Sub-Committee will be subject to appeal rights to the Magistrates' Court as detailed in section 181 and Schedule 5 of the Licensing Act 2003.

Appendices:

Appendix A – Location Plan

Appendix B – Application Form

Appendix C - Plan

Appendix D – Representations from other persons

Appendix E – Email from Surrey Police with additional conditions agreed

Appendix F – Document submitted in support

Appendix G – Spelthorne Borough Council Statement of Licensing Policy 2024-2027:

- Paragraph 8.1-8.9 Premises Licences & Club Premises Certificates
- Paragraph 9.1-9.2 Electronic Applications
- Paragraph 10.1-10.6 Application Consultation
- Paragraph 16.1-16.6 Promoting the Four Licensing Objectives
- Paragraph 16.7-16.14 Prevention of Crime and Disorder
- Paragraph 16.24-16.29 Public Safety
- Paragraph 16.41-16.58 Protection of Children from Harm
- Paragraph 17.1-17.16 Large Scale Events
- Paragraph 17.17-17.23 Safety advisory Group (SAG)
- Paragraph 17.24-17.27 'Martyns Law'
- Paragraph 19.1-19.9 Licence Conditions

Appendix H – National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 revised guidance December 2023:

- Paragraph 2.1-2.7 Crime and Disorder
- Paragraph 2.8-2.15 Public Safety
- Paragraph 2.28-2.38 Protection of children from harm
- Paragraph 8.1-8.14 Applications for premises licences
- Paragraph 9.1-9.19 Determining applications
- Paragraph 9.31-9.44 Hearings
- Paragraph 13.1-13.11 Appeals