

Licensing Sub-Committee

11 August 2020



Subject	Application for a new Premises Licence at Unit 1, 126 High Street, Staines-Upon-Thames TW18 4EY		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Lucy Catlyn, Temporary Principal Licensing Officer (01784 444295)		

Description and Location	The Co-Operative Group Food Limited have applied for a premises licence in a unit which is underneath a newly built 8 floor residential development in the High Street, Staines-Upon-Thames. Opposite the premises is a local shopping parade with residential properties above. Plan at Appendix A
The Application	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 06.00 to 23.00 daily. The application form is attached at Appendix B .
Representations	A relevant representation has been received from other persons. Email of representation is attached at Appendix F .
Options	<ol style="list-style-type: none">1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.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">▪ 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 relate or

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| | <ul style="list-style-type: none">▪ To refuse to specify a person in the licence as the premises supervisor; or▪ To reject the whole or part of the application. |
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1. Background

- 1.1 The premises is a retail unit and it is situated at the bottom of a 8 floor new build housing development of flats on Staines-Upon-Thames High Street. The premises is opposite an existing parade of shops.
- 1.2 The unit has been built new and The Co-Operative Group Food Limited will be the first occupiers of the building. The premises still needs to be fitted out as a shop.

2. Application Summary

- 2.1 An application for a premises licence was submitted on 17 June 2020 by The Co-Operative Group Food Limited for a convenience store. The proposed DPS is Mohamed Nafraz Seiyadu Bakeer. A copy of the application form is at **Appendix B**.
- 2.2 The application is for a convenience store 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 06.00 to 23.00 daily.
- 2.3 The Licensing Authority sent the application to the responsible authorities as required by the Licensing Act 2003 on 17 June 2020. The notice of application was displayed at the premises during the representation period and a copy of the notice was published in Staines Chronicle and Informer on 24 June 2020.
- 2.4 The applicant has sent two documents on their staff training and these are attached as **Appendix C**.

3. History

- 3.1 The Licensing Department has not received any complaints relating to premises located in the High Street Staines in the last 6 months.
- 3.2 The applicant emailed the licensing department on 22 July 2020 requesting details of licensable hours for nearby premises. This is attached as **Appendix D**. (Please note that some of the licensable hours on the premises listed state 'on weekdays' and do not specify hours for Saturdays. These licences are from the old Justice's licensing regime when 'weekdays' included Saturdays. Therefore, they are licensed for Saturday's).

4. Promotion of the Licensing Objectives

- 4.1 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

- 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

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

4.2 Section 18 of the application form, at **Appendix B**, details the proposed steps to be taken to promote the licensing objectives. The Licensing Authority has agreed amended conditions to replace this operating schedule. These are attached at **Appendix E**. Should the licence be granted, these conditions will be attached to the licence.

5. Representations from 'other persons'

A relevant representation has been received from other persons and are attached at **Appendix F**.

The other person believes the application undermines the licensing objectives and requests a change in both the licensable and opening hours to the same time that other supermarkets in the area have.

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

Prevention of crime and disorder

- Concern that selling alcohol for consumption off the premises until 23.00 or from very early hours is going to increase the rate of crime and disorder.

Prevention of public nuisance

- Disturbance caused by customers leaving the premises and potentially disturbing the life of families in the building
- There are stairs directly off the premises and these are currently used by people to sit on. Allegedly these have been used by groups of young adults as a place to meet or place for a final drink before heading home. This causes a disturbance and noise to residents at late hours of night.
- There is an area that is currently the London Square Sales and Marketing suite, however this is due to be demolished in 12 months' time. There is a concern this will create a gathering area for people at night to consume alcohol purchased from the premises until 23.00.
- Opposite other establishments which already cause noise
- Concern that the noise and potential anti-social behaviour will impact lives of residents on the first floors.
- Concern over light pollution until late at night.

- Concern over noise and disturbance from commercial fridges, machines, loading/unloading and cleaning would operate beyond 23.00 and earlier than 06.00.
- Litter

Protection of children from harm

- There are 5 schools within 0.5 mile from premises.

5.2 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

6. Licensing Policy

6.1 The Sub-Committee must have regard to the Council's Statement of Licensing Policy 2019- 2024, which is attached at **Appendix G** for the Sub-Committee's reference. The following sections of the Council's Licensing Policy are relevant to this application:

- 3.0 LICENSING OBJECTIVES & LICENSABLE ACTIVITIES
- 8.0 CONDITIONS
- 9.0 ADMINISTRATION & DECISION MAKING
- 11.0 FUNDAMENTAL PRINCIPLES
- 17.0 LICENSING HOURS
- 25.0 CRIME & DISORDER
- 25.5 PUBLIC SAFETY
- 25.7 PUBLIC NUISANCE
- 25.8 PROTECTION OF CHILDREN FROM HARM

7. National Guidance

7.1 The Sub-Committee must also have regard to the National Guidance issued in April 2018 by the Secretary of State under section 182 of the Licensing Act 2003, which is attached for the Sub-Committee's reference at **Appendix H**. The following sections are relevant to this application:

- Paragraphs 2.1 – 2.6 (Crime and disorder)
- Paragraphs 2.15 – 2.21 (Public nuisance)
- Paragraphs 2.22 – 2.32 (Protection of children from harm)
- Chapter 9 (Determining applications) and in particular paragraphs 9.31 – 9.41 (Hearings) and paragraphs 9.42 – 9.44 (Determining actions that are appropriate for the promotion of the licensing objectives)

- Chapter 10 (Conditions attached to premises licences).

8. Making a decision

- 8.1 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.
- 8.2 The Sub-Committee must give reasons for its decision.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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

Appendix C – Staff Training (Age Matters and New Colleague Welcome Pack)

Appendix D – Nearby licensed premises

Appendix E – Amended agreed conditions

Appendix F – Representation from other persons

Appendix G – Relevant sections of Spelthorne Borough Council’s Statement of Licensing Policy 2019 – 2024, sections 3, 8, 9, 11, 17, 25, 25.5, 25.7 and 25.8

Appendix H - Relevant sections of the National Guidance issued under section 182 of the Licensing Act 2003, paragraphs 2.1 – 2.6, 2.15 – 2.32, chapter 9 and chapter 10