

Licensing Sub-Committee

28/04/2021



Subject	Application to grant a Premises Licence for Tesco Stores Limited		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Karen Hollands Licensing Enforcement Officer (01784 444280)		

Description and Location	Tesco Stores Limited have applied for a grant of a premises licence at 47/48 Elmsleigh Centre, Staines TW18 4QB. The location plan is attached at Appendix A .
The Application	The application is to determine the grant of a premises licence for; Late Night Refreshment 23.00 to 00.00 Monday to Sunday Supply of Alcohol 06.00 to 00.00 Monday to Sunday The application form is attached at Appendix B .
Representations	Relevant representations received from one other persons Letters of representation are attached at Appendix D .
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 representation, the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:<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

	<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 This is an application for a new premises, the shop units were previously occupied by Accessorize and Monsoon

2. Application Summary

2.1 Licensable activities proposed

- Sale by retail of alcohol (off the premises)
- Provision of Late Night Refreshment (indoors)

2.2 The times proposed for the carrying out of licensable activities

- Late Night Refreshment 23.00 to 00.00 Monday to Sunday
- Supply of Alcohol 06.00 to 00.00 Monday to Sunday

2.3 The proposed opening hours of the premises

- 06:00 to 00:00 Monday to Sunday
- The premises has the right to open at any time for non licensable activities

2.4 Where the proposed licence is for the supply of alcohol whether these are on and/or off supplies

- For consumption off the premises

2.5 Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises.

2.6 Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan and may also be made through home delivery.

2.7 The application has been consulted upon and adverts published in line with the regulations for the Licensing Act 2003.

2.8 Details of the application have been published on the Councils website.

2.9 The designated premises supervisor where the premises licence authorises the supply of alcohol is Steven Nicholas Andrzejuk.

3. Promotion of the Licensing Objectives

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. However, the licensing authority have since agreed replacement conditions for the premises licence should it be granted and these are attached at **Appendix C**.

4. Representations

4.1 Representations from Responsible Authorities

There are no representations from Responsible Authorities.

Representations from 'other persons'

One relevant representation has been received from other persons and is attached at **Appendix D**.

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

Prevention of crime and disorder

- Fear of anti social behaviour

Prevention of public nuisance

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. Additional conditions volunteered by the applicant following discussions with Environmental Health/Surrey Police (if relevant)

5.1 No additional conditions required following the statutory consultation with Environmental Health/Surrey Police

6. Licensing Policy

6.1 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 E:**

- Paragraph 17.0 – Licensing hours
- Paragraph 25.0 – Crime and disorder
- Paragraph 25.7 – Public nuisance

7. National Guidance

7.1 The Sub-Committee must also have regard the Guidance issued in April 2018 by the Secretary of State under section 182 of the Licensing Act 2003. In particular the following chapters are relevant in the consideration of this application and are attached at **Appendix F**:

- Paragraphs 2.1 – 2.6 (Crime and disorder)
- Paragraphs 2.15 – 2.21 (Public nuisance)
- Paragraphs 3.12 – 3.20 (Late night refreshment)
- Paragraphs 9.31 – 9.44 of Chapter 9 (Determining applications)

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 the Council's own 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 – Agreed conditions with Licensing Authority

Appendix D – Representations from other persons

Appendix E – Relevant sections of Spelthorne Borough Council’s Statement of Licensing Policy 2019 – 2024, paragraphs 17, 25.0 and 25.7

Appendix F – National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003:

- Paragraphs 2.1 – 2.6 (Crime and disorder)
- Paragraphs 2.15 – 2.21 (Public nuisance)
- Paragraphs 3.12 – 3.20 (Late night refreshment)
- Paragraphs 9.31 – 9.44 of Chapter 9 (Determining applications)