

Report to **Licensing Sub-Committee**
Date of **05 October 2012**
meeting
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DECISION REQUIRED

Not exempt

Report Application for a Premises Licence at
Title: Station Road, Chobham, Surrey, GU24 8AQ
submitted by Tesco Stores Ltd.

SUMMARY

The report presents the application for a new Premises Licence relating to Station Road, Chobham, Surrey, GU24 8AQ submitted by Tesco Stores Ltd. The report also includes a plan that sets out the location of the premise and identifies those other parties that have made representations and included a full address. The Licensing authority is required to hold a hearing to determine this premise licence application because relevant representations have been received.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Application, in relation to the Licensing Act 2003's Licensing Objectives. The Licensing objectives being in this Application:

- 1 the prevention of crime and disorder
- 2 public safety
- 3 the prevention of public nuisance
- 4 the protection of children from harm

Copies of the application, relevant representations and other correspondence received to date are attached to this report.

RECOMMENDATIONS

The Sub-Committee is recommended:

- i) To determine the premise licence application.

REASONS FOR RECOMMENDATIONS

- i) The Sub Committee is required to make a decision under the Licensing Act 2003

BACKGROUND INFORMATION

1 INTRODUCTION

The purpose of this report

- 1.1 For the Sub-Committee to determine the application for a Premises Licence in respect of Tesco, Station Road, Chobham, Surrey, GU24 8AQ under Section 18 of the Licensing Act 2003.

Statutory background

- 1.2 The Licensing Act 2003 and secondary legislation in the form of Regulations there under.

Relevant Government policy

- 1.3 Guidance issued under section 182 of the Licensing Act 2003.

Relevant Council policy

- 1.4 Statement of Licensing Policy (effective from January 2011).

2. DETAILS

Application

- 2.1 The application is made by Tesco Stores Ltd.

Grounds for the Hearing

Interested Parties contend that the carrying on of licensable activities at the premises could lead to the following licensing objectives:

- i) The prevention of crime and disorder;
- ii) Protection of public safety;
- iii) Prevention of public nuisance
- iv) Protection of children from harm;

Being seriously undermined.

Further evidence submitted regarding the Application

- 2.3 Details included in Documents attached to this report

Responsible Authority Representations/ Comments

- 2.4 Details of Responsible Authority representations received:

2.4.1 Police

No representations

2.4.2 Fire

No representations

2.4.3 Local Planning Authority

No representations

2.4.4 Environmental Health

No representations

2.4.5 Child Protection Agency

No representations

2.4.6 Licensing Authority

The application was initially submitted on 14 August 2012. The application was advertised correctly as required by the Licensing Act 2003.

2.4.7 Health and Safety Executive

No representations

Other Party Representations

2.5 Details of other Party representations received and relation to the licensing objectives:

Representations have been received from 17 other parties.

Copies of these representations are attached at Document 2. These representations are relevant to the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm licensing objectives.

2.6 Policy Considerations

Details of relevant policy considerations, including local policy statement:

Paragraphs 1 – 52, 69 – 84, 95 – 138, 142 - 146 of the Council's Licensing Policy Statement are applicable to the consideration of this application.

3. NEXT STEPS

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.

In making its decision, the Sub-Committee is also required to have regard to Guidance issued under Sec 182 Licensing Act 2003 as amended and the Council's own Licensing Policy.

The Sub-Committee must have regard to all the representations made and the evidence it hears.

The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- To grant the licence subject to conditions
- To exclude a licensable activity to which the application relates
- To refuse to specify a person in the licence as premises supervisor
- To reject the application

The Sub-Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it

desirable to do so. It must actually be necessary in order to promote the licensing objectives.

4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**

Human Rights and Equality issues will be taken into account on the determination of the Application by balancing the competing rights of the applicant, responsible authority and the interested party.

The imposition of conditions will be proportionate having regard to the competing rights referred to above and will only be imposed where necessary to achieve this aim.

Attachments:

Document 1: Application for a Premise Licence

Document 2: Representations from interested parties