

Report to Licensing Sub-Committee
Date of meeting 22 May 2012
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DECISION REQUIRED
Not exempt

Report Title: Application for a Premises Licence at 1 The Square, Lightwater, Surrey, GU18 5SA submitted by Duffy's Stores Ltd.

SUMMARY

The report presents the application for a new Premises Licence relating to George's Coffee Shop, 1 The Square, Lightwater, Surrey. 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 George's Coffee Shop, 1 The Square, Lightwater under Section 18 of the Licensing Act 2003.

1.2 **Background of the premises**

Statutory background

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

Relevant Government policy

1.4 Guidance issued under section 182 of the Licensing Act 2003.

Relevant Council policy

1.5 Statement of Licensing Policy (effective from January 2011).

2. **DETAILS**

Application

2.1 The application is made by Duffy's Stores LTD, c/o Budgens, 57 – 61 Guildford Road, Lightwater, Surrey, GU18 5SA.

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**

The representations relate to the public nuisance licensing objective. This representation is attached at Document 2.

2.4.5 Child Protection Agency

No representations

2.4.6 Licensing Authority

The application was initially submitted on 05 April 2012. The application was completed correctly and advertised as required by the Licensing Act 2003.

2.4.7 Health and Safety Executive

No representations

Any Other Person - Representations

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

Representations have been received from one other person.

A Copy of the representation is attached at Document 2. The representation is 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 – 89, 95 – 138 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 Responsible Authorities
from any other persons