

**Report to** Licensing Sub-Committee

Date of meeting **11 June 2012 - 10:00am**

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**DECISION REQUIRED**

Not exempt

**Report Title:** Application for Review of Premises Licence at Que Pasa, 21 High Street, Camberley, Surrey, GU15 3RB

**SUMMARY**

The report presents the application for a Review of a Premises Licence relating to Que Pasa, 21 High Street, Camberley, Surrey, GU15 3RB. The Premises has a licence at this time, that licence number being SHBCPR-05129. The Licensing authority is required to hold a hearing to determine this Review application.

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

- 1 the prevention of crime and disorder
- 2 public safety
- 3 the prevention of public nuisance

Copies of the Review application and other correspondence received to date are attached to this report.

**RECOMMENDATIONS**

The Sub-Committee is recommended:

- i) To determine the review 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 the review of the Premises Licence in respect of Que Pasa, 21 High Street, Camberley, Surrey, GU15 3RB, under Section 51 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**

**Review Application**

2.1 The Review application is made by Inspector Martin Goodwin for and on behalf of Surrey Police.

**Grounds for the Review**

Surrey Police contend that the carrying on of licensable activities at the premises has led to the following licensing objectives:

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

Being seriously undermined.

Surrey Police have on-going concerns, particularly with regard to the failure by the management to control crime, disorder and nuisance.

The Police have attended the premises on number of occasions regarding crime and disorder issues. The incidents detailed in the application commence from the 6<sup>th</sup> November 2011.

Supply of alcohol is for consumption on the premises.

**Further evidence submitted supporting the Review Application**

2.3 Details included in Review Document attached to this report

**Responsible Authority Representations**

2.4 Details of Responsible Authority representations received:

2.4.1 **Fire**

No representations

**2.4.2 Local Planning Authority**

No representations

**2.4.3 Public Health**

No representations

**2.4.4 Child Protection Agency**

No representations

**2.4.5 Licensing Authority**

The Review application was initially submitted on 17th April 2012.

**2.4.6 Health and Safety Executive**

No representations

**Representations from any other persons**

**2.5** Details of representations received from other any other persons which relate to the licensing objectives:

Three Representations have been received from other persons.

Copies of these representations are attached at Document 3. These representations are relevant to the prevention of public nuisance and prevention of crime and disorder.

**2.6 Policy Considerations**

Details of relevant policy considerations, including local policy statement:

Paragraphs 1 - 47, 53 - 84, 95 - 96, 104 – 158 and 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 Review 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 modify the conditions of the licence
- To exclude a licensable activity from the licence

- To remove the designated premises supervisor
- Suspend the licence for a period not exceeding 3 months
- To revoke the licence

The Sub-Committee is asked to note that it may not modify the 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 Review

Document 2: Current Premises Licence

Document 3: Representations from all other persons