

**LICENSING SUB COMMITTEE
11 MARCH 2019**

Application for the Review of a Premises Licence in respect of Bargain Beers & Wine, 126 Frimley Road, Frimley Road, Camberley, Surrey GU15 2QN

1. SUMMARY

- 1.1 The report presents an application for the review of a premises licence relating to 126 Frimley Road, Frimley Road, Camberley, Surrey GU15 2QN and trading as Bargain Beers and Wine. The Licensing Authority is required to hold a hearing in order to determine an application for the review of a premises licence.
- 1.2 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:
- i. The prevention of crime and disorder
 - ii. Public safety
 - iii. The prevention of public nuisance
 - iv. The protection of children from harm
- 1.3 Copies of the application, relevant representations and other correspondence received to date are attached to this report.

2. RECOMMENDATIONS

- 2.1 The Sub-Committee is recommended to determine the application for a review of a premises licence.

3. REASONS FOR RECOMMENDATIONS

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

4. BACKGROUND INFORMATION

The purpose of this report

- 4.1 For the Sub-Committee to determine the application for a Premises Licence in respect of 126 Frimley Road, Frimley Road, Camberley, Surrey GU15 2QN and trading as Bargain Beers and Wine.
- 4.2 The application is submitted under Section 51 and determined under Section 52 of the Licensing Act 2003.

Background of the premises

Statutory background

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

Relevant Government policy

- 4.4 Guidance issued under section 182 of the Licensing Act 2003. (effective from April 2018). Chapter 11 makes reference to reviews and paragraphs 11.16 to 11.23 deal with the powers of a licensing authority on the determination of a review.

Relevant Council policy

- 4.5 Statement of Licensing Policy.

5 DETAILS

Application

- 5.1 The application to review the premises licence is made by Inspector Bob Darkens of Surrey Police, Surrey Heath Borough Council Offices, Knoll Road, Camberley, Surrey, GU15 3HD and relates to a premises licence held by Mr Harpreet Singh, trading as Bargain Beers and Wine, 126 Frimley Road, Frimley Road, Camberley, Surrey GU15 2QN. The application is attached at Annex 1.

Grounds for the Hearing

- 5.2 Surrey Police, in its capacity as one of the Responsible Authorities contend that the carrying on of licensable activities at the premises could lead to the following licensing objectives being seriously undermined:
- i. The prevention of crime and disorder;
 - ii. Public Safety
 - iii. The protection of children from harm;

The Premises Licence

- 5.3 The premises subject of the application is currently licensed for the sale of alcohol for consumption off the premises only between the hours of 0700 and 2200 hours daily. Regulated entertainment and late night refreshment are not licensed. A copy of the licence is attached at Annex 2.

Responsible Authority Representations/ Comments

- 5.4 Details of Responsible Authority representations received:

Police

- 5.4.1 Surrey Police are the applicants in this case. Further statements have also been included in support of the application, all of which are recorded as 'Restricted' and relate to the drugs offences outlined within the body of the application.

Fire

- 5.4.2 No representations.

Local Planning Authority

5.4.3 No representations.

Environmental Health

5.4.4 No representations.

Child Protection Agency

5.4.5 No representations.

Licensing Authority

5.4.6 The application was submitted on 21 January 2019. The application was completed correctly and advertised as required by the Licensing Act 2003, on site, on the Council's notice board and the Council's website.

5.4.7 The premises management have cooperated with the Licensing Authority by permitting the public notice advertising the review to be displayed from inside the premises.

Health and Safety Executive

5.4.8 No representations.

Any Other Person - Representations

5.4.9 Details of 'any other person'. No representations have been received from 'other persons'.

Policy Considerations

5.5 Details of relevant policy considerations, including local policy statement:

- Paragraphs 1 – 89, 95 – 158 of the Council's Licensing Policy Statement are applicable to the consideration of this application.
- Paragraphs 22 – 52 make particular reference to premises where alcohol is supplied.

6. NEXT STEPS

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

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

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

6.4 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 scope of the licence;
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding three months;
 - To revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

6.5 The Sub-Committee is asked to note that it may not take any of the above courses of action merely because it considers it desirable to do so. It must actually be appropriate and proportionate to promote the licensing objectives.

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

7.1 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 authorities and 'other persons'.

Report Author: Derek Seekings, Senior Licensing Officer

Attachments

Annex 1: Application for the review of a Premises Licence

Annex 2: Current Premises Licence