

Report to **Licensing Sub-Committee**
Date of **05 January 2016**
meeting
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Decision Required - Not exempt

Report Title: Application for the Review of a Premises Licence in respect of J K Wines & Foods 5 High Street, Bagshot, Surrey, GU19 5AG submitted by Surrey Police

Summary

The report presents an application for the review of a premises licence relating to J K Wines & Foods 5 High Street, Bagshot, Surrey, GU19 5AG. The Licensing Authority is required to hold a hearing in order to determine an application for the review of a premises licence.

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:

- 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 advised to determine the application for a review of a premises licence.

Reasons for Recommendations

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 J K Wines & Foods 5 High Street, Bagshot, Surrey, GU19 5AG.

The application is submitted under Section 51 and determined under Section 52 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. (effective from March 2015). 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

- 1.5 Statement of Licensing Policy.

2. **Details**

- 2.1 **Application**

The application is made by Temporary Inspector Jon Castell of Surrey Police, Surrey Heath Borough Council Offices, Knoll Road, Camberley, Surrey, GU15 3HD and relates to a premises licence held by Jaz & Kiran Wines Ltd, 5 High Street, Bagshot, Surrey, GU19 5AG trading as J K Wines & Foods at the same address.

The application is attached at 'Document 1'. Further statements of test purchases are attached at 'Document 2'

- 2.2 **Grounds for the Hearing**

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) The protection of children from harm;

The Premises Licence

- 2.3 The premises subject of the application is currently licensed for the sale of alcohol for consumption off the premises only between the hours of 1000 and 2300 hours daily. Regulated entertainment and late night refreshment are not licensed. The Designated Premises Supervisor is Mr Ravel Singh Motizada. A copy of the licence is attached at 'Document 3'

Responsible Authority Representations/ Comments

- 2.4 Details of Responsible Authority representations received:

2.4.1 Police

Surrey Police are the applicants in this case. There have been no further 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 submitted on 23 November 2015. The application was completed correctly and advertised as required by the Licensing Act 2003.

The designated premises supervisor, Mr Motizada, has cooperated with the Licensing Authority by permitting the public notice advertising the review to be displayed from inside the premises.

2.4.7 Health and Safety Executive

No representations.

Any Other Person - Representations

- 2.5 Details of representations from 'any other person'. Two representations have been received from 'other persons'.

A copy of the representations are also included and attached at 'Document 4'. The representations are relevant and relate to all 4 of the licensing objectives.

2.6 **Policy Considerations**

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.

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 Section 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 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.

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 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 authorities and 'other persons'.

Attachments:

Document 1: Application for the review of a Premises Licence

Document 2: Police statements of test purchases

Document 3: Current Premises Licence

Document 4: Representations from 'any other persons'