

LICENSING SUB-COMMITTEE

6 JUNE 2022

Application Type:	Application for a new Premises Licence	
Ward:	Onslow Ward	Ward Councillors: Councillor Jon Askew Councillor David Goodwin Councillor Will Salmon
Applicant:	Pizzaman Foods Ltd, Osborne House, 143-145 Stanwell Road, Ashford, Middlesex, TW15 3QN	
Premises:	Pizzaman, Union House, University of Surrey, Guildford, Surrey	
Proposal:	A new premises licence to allow the following licensable activities. The provision of late night refreshment.	

1. SITE LOCATION AND HISTORY

1.2 The premises is takeaway shop within the campus of the University of Surrey which has been trading for a number of years, until recently using the Universities' premises to authorise the sale of food for late night refreshment.

1.3 A site location plan is attached at Appendix 1.

2. APPLICATION

2.1 The applicant states the premises is a takeaway unit supplying a range of food and drink within the University campus. The application form is attached as Appendix 2.

2.2 Licensable activities:

- The provision of late night refreshment.

2.3 Proposed hours:

The table below shows the licensable activities and requested hours as shown in the application form:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
(1) Films							
(2) Live music							
(3) Recorded music							
(4) Performances of dance							
(5) Late night refreshment	23:00 – 05:00						
(7) Supply of alcohol							

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Times premises are open to public							
	11:30 – 05:00						

2.4 Promotion of the four licensing objectives

In relation to the licence application, the applicant has provided the following steps to promote the licensing objectives.

General:

- Training of staff will include all procedural matters relating to conditions of licence, fire safety, food hygiene, use of the CCTV system and completion of incident logs.
- The premises has direct CCTV in situ but is located on larger university site where additional CCTVs are positioned in multiple locations around the unit and campus.

The prevention of crime and disorder:

- The premises shall install and maintain a CCTV system covering both entry and exit points
- The CCTV system shall continually record whilst the premises is open for licensable activities
- All CCTV recordings shall have a minimum retention period of 30 days
- Staff shall be trained in the use and operation of the CCTV and be able to provide Police and/or authorised council officers copies on request with minimum delay
- An incident log shall be kept at the premises and made available on request to an authorised officer of the Council and /or Police. The log must be completed within 24 hours of the incident and will record the following:
 - all crimes reported to the venue
 - any complaints received concerning crime and disorder
 - any incidents of disorder
 - any faults and repair of the CCTV system

Public safety:

- The premises benefits from direct dial contact to the University of Surrey's campus security services; the security will attend the site in the event of incident or disorder.

The prevention of public nuisance:

- Notices shall be prominently displayed upon entry / exit of the premises requesting customers to leave the area quietly.
- During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter arising or accumulating from customers in the area immediately outside the premises.

The protection of children from harm:

(none provided)

2.5 Consultation period and advertisement of the application

The application was accepted as valid on 7 April 2022, with the consultation period running until 6 May 2022. The application was advertised by means of notices at the premises and a notice in the Surrey Advertiser in accordance with the regulations.

3. RELEVANT REPRESENTATIONS RECEIVED DURING CONSULTATION PERIOD

3.1 Representations from responsible authorities
None were received.

3.2 Representations from other persons.

Two representations were received from other persons. These are attached as Appendix 3.

4. LICENSING POLICY

The following sections of the Council's Licensing Policy are relevant:

Section 4: (Fundamental Principles)
Section 11: (Licensing Hours)
Section 12.1: (Prevention of Crime & Disorder)
Section 12.2: (Public Safety)
Section 12.3: (Prevention of Public Nuisance)
Section 12.4: (Protection of Children from Harm)
Section 17: (Licence Conditions).

5. NATIONAL GUIDANCE

The following sections of the Guidance issued in April 2018 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraph 1.16 - Licence conditions – General principles
Paragraph 1.17 – Each application on its own merits
Paragraphs 2.1-2.6 – Crime and Disorder
Paragraphs 2.7-2.14 – Public Safety
Paragraphs 2.15-2.21 – Public nuisance
Paragraphs 2.22-2.32 – Protection of children from harm
Paragraphs 9.31-9.41 – Hearings
Paragraphs 9.42-9.44 – Determining actions that are appropriate for the promotion of the licensing objectives
Paragraphs 10.1-10.66 – Conditions

6. MANDATORY CONDITIONS

Mandatory condition - Sales of alcohol

1. No supply of alcohol may be made under the premises licence –
 - a. at a time when there is no designated premises supervisor in respect of the premises licence, or

- b. at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Mandatory condition - Age verification policy

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - a. a holographic mark, or
 - b. an ultraviolet feature.

Mandatory condition - Irresponsible promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory condition - Free potable water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory condition - Smaller measures

The responsible person must ensure that—

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory condition - Permitted price for alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b. “permitted price” is the price found by applying the formula $P=D+(D \times V)$, where—
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition - Film exhibitions

- a) Subject to subsection (b) below, the admission of children to the exhibition of films on the premises shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC)
- b) If the licensing authority does not agree with the category of any film as recommended by the BBFC, it may alter the category of the film. On notice of alteration of category being given by the licensing authority to the holder of the licence, the film shall thereafter be treated as being in the altered category and admission of children to the exhibition of the film shall be restricted accordingly

Mandatory condition - Door supervision

Where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the 'Security Industry Authority (SIA).

7. RECOMMENDATION:

- 7.1 The Sub-Committee are requested to consider the application for the grant of a premises licence on its merits.
- 7.2 Subject to paragraph (7.3) below, Section 18(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions.
- 7.3 Having regard to the relevant representations made during the consultation period, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
 - To impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations;
 - To exclude any of the licensable activities from the scope of the licence;
 - To refuse to specify a person as the premises supervisor; or
 - To reject the application.

Originator:

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