

LICENSING SUB-COMMITTEE

12 February 2018

Application Type:	Application for a New Premises Licence	
Ward:	Worplesdon	Ward Councillors: Cllr David Elms Cllr Bob McShee Cllr Iseult Roche
Applicant:	Mr Leelaratnam Barathy	
Premises:	32 Stringers Avenue, Jacobs Well, Guildford	
Proposal:	<p>The premise is a Post Office and general store, selling a range of food, drink and other goods. A small Hairdressing Salon is located at the rear of the building currently accessed via both the front and rear of the shop.</p> <p>The application is for a Premises Licence, allowing the sale of alcohol for consumption off the premises, between the hours of 07:00 and 20:00 Monday to Friday, 08:00 and 20:00 Saturday and between 08:00 and 16:00 on Sunday.</p> <p>Alcohol sales would commence once a refit of the Post Office has been completed.</p>	

1. SITE LOCATION

- 1.1 The premise is situated on the ground floor of 32 Stringers Avenue, Jacobs Well, Guildford, with a mixture of commercial and residential properties within the immediate vicinity.

A site location map is attached at **Appendix 1**.

2. APPLICATION

- 2.1 The application form, a copy of which is attached as **Appendix 2**, gives the following information in relation to the proposed hours:

Licensable activities:

- The sale of alcohol

Proposed hours:

The table below shows the proposed licensable activities and hours

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Sale of alcohol							
For consumption off the premises	07:00 – 20:00	07:00 – 20:00	07:00 – 20:00	07:00 – 20:00	07:00 – 20:00	08:00 – 20:00	08:00 – 16:00
Times premises are open to public							
	07:00 – 20:00	07:00 – 20:00	07:00 – 20:00	07:00 – 20:00	07:00 – 20:00	08:00 – 20:00	08:00 – 16:00

2.2 Promotion of the four licensing objectives

The applicant has submitted a number of proposals and steps that they intend to take, in order to promote the four licensing objectives.

The steps proposed are detailed in section M of the application.

If the licence is granted, then the proposals will be converted into relevant conditions attached to the licence.

3. CONSULTATION

The application was in consultation from 22 December 2017 to 18 January 2018.
The application was advertised in accordance with regulations.

Responsible Authorities.

There have been no representations/objections received from any of the Responsible Authorities.

Representations from other persons

We have received 1 (One) representation from a resident supporting the application.

23 (Twenty-Three) representations have been received primarily on the grounds of the prevention of crime and disorder and public nuisance.

The representations refer to the potential for noise, litter and light nuisance generated by customers and deliveries to and from the premises.

Representations also refer to the belief that the sale of alcohol will lead to an increase in crime and disorder and that the sale of alcohol and improved lighting will encourage people to congregate outside in the street and grass area.

The premise has operated for a number of years as a Post Office and store with the provision of a hair salon at the rear.

A number of matters have been raised which are outside the remit of the Sub-Committee. These include the safety of the public on the highway from motor vehicles, the provision of and issues relating to parking and the need for another outlet selling alcohol in the local area.

Copies of the representations 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: 11.1 – 11.8 (Licensing Hours)
- Section 12: 12.2.1 – 12.2.14 (Crime and Disorder)
- Section 12: 12.4.1 – 12.4.6 (Public Nuisance)
- Section 13: Licence Conditions

5. **NATIONAL GUIDANCE**

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

Paragraphs 2.1 – 2.6 – Crime and Disorder

Paragraphs 2.15 – 2.21 – Public Nuisance

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 to 10.66 – Conditions attached to premises licences.

6. **MANDATORY CONDITIONS**

If granted, the following mandatory conditions will be attached to the licence.

A: 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 Licensing Conditions (Off Sales)

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.

B: 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(1);
 - 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.

7. CONCLUSION:

1. The Sub-Committee must consider the application for the grant of a premises licence on its merits.
2. Subject to paragraph (3) below, Section 18(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application subject to the mandatory conditions and such conditions as are consistent with the operating schedule.
3. Having regard to the relevant representations received, 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 modified or additional conditions on the licence. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.
- To exclude any of the licensable activities from the scope of the licence.
- To refuse to specify a person as the premises supervisor.
- To reject the application.

Originator:

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