



# Licensing Sub Committee

**Tuesday, 12 September 2023 at 2.00 pm**

**Committee Room - Civic Centre**

**Members of the Committee**

Councillors: D Clarke, E Gill, J Wilson and C Mann in reserve.

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

## AGENDA

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: [clare.pinnock@runnymede.gov.uk](mailto:clare.pinnock@runnymede.gov.uk)).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please contact [Democratic.Services@runnymede.gov.uk](mailto:Democratic.Services@runnymede.gov.uk) or 01932 425622. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- 5) Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If you wish to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

Part I

Matters in respect of which reports have been made available for public inspection

1. **Election of Chairman**
2. **Notification of Changes to Committee Membership**
3. **Apologies for Absence**
4. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.

5. **Procedure** 4 - 5
6. **Application for a variation to a Premises Licence** 6 - 66
7. **Exclusion of Press and Public**

If the Sub-Committee is minded to determine the application in private session, it is the

**OFFICERS' RECOMMENDATION that -**

**Where appropriate the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act.**

**(To resolve)**

Part II

There are no exempt or confidential items on this agenda

## Agenda Item 5

The Licensing Sub-Committee's rules of procedure which are set out in full in the Council's Constitution (pages 399 - 404), are summarised below:

1. The procedure for the conduct of business, is as set out below. It is at the discretion of the Sub-Committee to alter the order of business, if appropriate and the Chairman will grant permission to those parties to be present where necessary.
2. The Authorised Officer's report shall be presented by the Senior Licensing Officer.
3. The Sub-Committee will take the form of a discussion between the Members, the Applicants, Responsible Authorities, and Other Persons present who made a representation, or persons nominated to speak on their behalf, in an orderly manner.
4. Each party will be invited to state their case followed by an opportunity for the other parties present to ask questions; in the case of an application for a variation of a premises licence this will usually be the Applicant first (or their representative), followed by Responsible Authorities and Other Persons (if present).
5. The Chairman will invite Members of the Sub-Committee to ask questions of any party or other person appearing at the hearing and all parties shall be entitled to give further information in support of their application, representations or notice, as appropriate and ask questions of other parties present and address the Sub-Committee if given permission to do so.
6. All parties present (applicant, responsible authorities etc) will be given an equal amount of time to state their case (10 minutes).
7. Each party will be invited to make a closing submission if they wish; the applicant being the last to make their submission, following other persons and the responsible authorities. All parties will be invited by the Chairman before they make their closing submission to advise the Sub-Committee if they wish to take the opportunity to 'adjourn' the meeting briefly to consult their representative in private before doing so. All parties present (applicant, responsible authorities etc) will be given an equal amount of time to make their closing submissions (10 minutes).
8. Where resolved to do so, the Sub-Committee will then retire to deliberate in private.
9. The Chairman will then close the public meeting and all parties attending, those listening and not part of the Hearing panel will be advised that the decision of the Sub-Committee will be emailed a summary and brief outline of the decision within 5 working days. The formal decision of the Sub-Committee will be issued in due course.
10. If an Applicant or other party to the hearing is unhappy with the decision of the Sub-Committee in relation to the licence or conditions placed upon it, on the grounds of lawfulness or bias, they have a right of appeal to the Magistrates' Court within 21 days of the date that the licence holder is notified of the decision.

NOTES Human Rights The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human

Rights Act when exercising its licensing functions, with particular reference to the following provisions:

- Article 6 - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 - everyone has the right to respect for his/her home, private and family life and correspondence.
- Article 1 of the first protocol - every person is entitled to the peaceful enjoyment of his/her possessions.

<b>Report title</b>	<b>Application for a variation to a premises licence – Super Pizza, Chertsey</b>
<b>Report author</b>	Robert Smith, Senior Licensing Officer
<b>Department</b>	Environmental Services
<b>Exempt</b>	No but contains information that has been redacted (contact details, personal details)

**Purpose of report:**

**To Resolve**

**Synopsis of report:**

**To consider an application for a variation to a premises licence to be granted in respect of Super Pizza, 65 Guildford Street, Chertsey, KT16 9AU.**

**Recommendation(s):**

**The Sub-Committee determines the application for a variation to a premises licence in respect of Super Pizza, 65 Guildford Street, Chertsey, KT16 9AU.**

**1. Context and background of report**

- 1.1 This report concerns an application for a variation to a premises licence under section 34 of the Licensing Act 2003 dated 9 July 2023. The application concerns the licensable activity of Late-Night Refreshment. A copy of the application and existing plans of the premises is attached at Appendix ‘A’.
- 1.2 A map showing the location of the premises is attached at Appendix ‘B’ and recent photographs of the premises are at Appendix ‘C’.
- 1.3 Schedule 2 to the Licensing Act 2003 (the ‘Act’) provides a definition of what constitutes the provision of late-night refreshment. It involves the supply of ‘hot food or hot drink’ between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Supply takes place when the hot food or hot drink is given to the customer and not when payment is made.

**2. Report and, where applicable, options considered and recommended.**

- 2.1 The premises concerned in this application is currently in use as a takeaway and eat in premises which has a licence condition prohibiting retail trading (over the counter) after 23:00hrs. The premises is only authorised to carry out deliveries after this time. The current authorisations and times on the licence are shown below and the complete licence can be seen at Appendix ‘D’.

### **Provision of late-night refreshment**

Monday to Thursday Start 23:00 Finish 01:00

Friday & Saturday Start 23:00 Finish 03:00

Saturday Start 23:00 Finish 03:00

Sunday Start 23:00 Finish 01:00

Seasonal Variations None

Non-standard timings No retail trading (over the counter) to take place after 23:00

### **Sale by Retail of Alcohol**

Monday to Thursday Start 11:00 Finish 01:00

Friday & Saturday Start 11:00 Finish 03:00

Sunday Start 11:00 Finish 01:00

Seasonal Variations None

Non-standard timings None

### **The opening hours of the premises**

Monday to Thursday Start 11:00 Finish 01:00

Friday & Saturday Start 11:00 Finish 03:00

Sunday Start 11:00 Finish 01:00

Seasonal Variations None

Non-standard timings No retail trading (over the counter) to take place after 23:00

2.2 The application to vary the licence proposes that its current permissions be changed to allow the provision of late-night refreshment in the form of retail trading (over the counter) from 23:00 hours till closing time, effectively removing the current condition on over-the-counter sales after 23:00.

2.3 The premises is also authorised for the sale of alcohol, this is for delivery only, not for sale over the counter and can only be ordered with food for delivery. No changes to this permission are sought.

### **Promotion of Licensing Objectives**

2.4 The applicant's proposals to promote the four licensing objectives are shown at 'M' of the application.

### **Responsible Authorities – Representations**

2.5 Two Responsible Authorities, the Police and Environmental Health have made representations objecting to the application. These are attached at Appendix 'E'.

### **Other Persons Representations**

2.6 There have been 6 representations objecting to the application from other persons. These are attached at Appendix 'F'.

2.7 The applicant has been served with the required notices and furnished with copies of the representations.

### **Applicant's response**

2.8 The applicant has made no response to the representations made.

## **3. Policy framework implications**

- 3.1 Within Runnymede Borough Council's Statement of Licensing Policy 2021-2026, Members are asked to note paragraphs 6 to 11 which have reference to licensing objectives and conditions. In addition, paragraph 18 which is specific to conditions. These can be seen at Appendix 'G'.

### **Statutory Guidance**

- 3.2 Members must take into consideration the current Guidance issued under Section 182 of the Licensing Act 2003.

- 3.3 In relation to late night refreshment paragraph 3.21 states:

*'The provision of late-night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late-night refreshment business. For example, some late-night cafés serving hot drinks after 23.00 may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder'.*

- 3.4 In relation to conditions, chapter 1 part 1.16 and chapter 10 part 10.1 to 10.10 and 10.13 to 10.15 provide guidance on premises licence conditions (Appendix 'H').

### **4. Legal implications**

- 4.1 An authority must carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm) and, in addition to the terms of the statute, must have regard to its published licensing statement (i.e., Policy) and guidance issued by the Secretary of State, under section 182.

- 4.2 The applicant, licence holder and any responsible authorities or other persons who have made a representation have the right of appeal to a Magistrates' court (within 21 days starting the day after the date of the decision notice) should they feel any decision is unjust. There is a possibility costs may be awarded against the Council where decisions are overturned.

### **5. Equality implications**

- 5.1 There are no equality implications, all premises licence application or variation are considered against the statutory provisions alone.

### **6. Other implications**

- 6.1 As Members will see from the representations there is an ongoing area of concern about the premises.

### **Background papers**

Runnymede Licensing Policy 2021-2026 [Statement of Licensing Policy 2021 to 2026](#)  
([runnymede.gov.uk](http://runnymede.gov.uk))

Licensing Act 2003

[Licensing Act 2003 \(legislation.gov.uk\)](#)

Section 182 guidance Licensing Act 2003



[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## **Appendices**

A - H

## Application to vary a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SUPER PIZZA Runnymede Ltd (Ashraf Sobhani)  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	00 7055
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#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	65 Guildford street		
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Post town	Chertsey	Postcode	KT16 9AU
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Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

#### Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	65 Guildford street		
Post town	Chertsey	Postcode	KT16 9AU

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

Yes

No

**Please describe briefly the nature of the proposed variation** (Please see guidance note

2)

This Application is just to get permission to sell fast food over the counter from 23:00 - 1:00AM week days and 23:00 - 3AM weekends,

we will not sell Alcohol only fast food

Also we will turn off outside Lights at 23:00 so don't need Light permission also 90% of our customers take their food to home as we only have 2 tables and we are already open for delivery

For the above timing anyway - thanks

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please <u>give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					



E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 5)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – <u>please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	<b>Please give further details here</b> (please read guidance note 5) We want to have permission to allow our customers to make an order over the counter as well for the above timing.	Both	<input checked="" type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)  NO		
Thur	23:00	01:00			
Fri	23:00	03:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)  NO		
Sat	23:00	03:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)			
Tue						
Wed						
Thur			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)			
Fri						
Sat						
Sun						

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

We don't have any Entertainment in our shop and we don't want to have, we only sell pizzas and some burgers so only fast food, also we ~~we~~ won't allow anyone to eat inside so only takeaway.

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6) No
Day	Start	Finish	
Mon	11:00	01:00	
Tue	11:00	01:00	
Wed	11:00	01:00	
Thur	11:00	01:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7) No
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	01:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

WE currently don't have permission to sell Fast food over the counter after 23:00, But we have permission for Delivery. So this application is to get permission to open to public until the above timing our kitchen is already running after 23:00 for delivery, so we want to use this

to be open to people of Chertsey and around for takeaway as well, Not eat in,

Because most people can't afford delivery and they work till late so they need a place to eat.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

we have CCTV installed  
we will turn off the lights outside at 23:00.  
we have ~~an~~<sup>a</sup> quite kitchen.

**b) The prevention of crime and disorder**

we have a friendly staff in the counter which will help everyone to calm in and we will be in touch with surrey police and help them with our CCTV cameras.

**c) Public safety**

Public safety is important for us, our friendly staff will make sure everyone is safe, and if any help is needed we will do our best to help them and keep everyone safe

We have security cameras and Alarms as well.



d) The prevention of public nuisance

Our shop is very Quite we have a silencer in the kitchen fan which is reducing sound and also we will turn off outside lights After 23:00 even if we get permission.

e) The protection of children from harm

we will make sure to see ~~the~~ if the children needs help and we won't let anyone to harm the children we will call the police ~~or~~ or their family member if they

are Local

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

The Council may be statutorily required to supply any information you provide, to other bodies exercising functions of a public nature, for the prevention and detection of fraud. For further information, please see [www.runnymede.gov.uk/DataMatching](http://www.runnymede.gov.uk/DataMatching)

**Data Protection and Privacy**

Any data supplied by you on this form will be processed in accordance with the General Data Protection Regulations, in supplying it you consent to the Council processing the data for the purpose it is supplied. All personal information provided will be treated in the strictest confidence and will only be used by the Council or disclosed to others for a purpose permitted by law.

Data is deleted in accordance with our data retention policy. Our privacy policy is published on our web site [www.runnymede.gov.uk](http://www.runnymede.gov.uk)

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	09/07/2023
Capacity	Ashraf

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Ashraf Sobhani  
65 Guildford street

Post town	CHERTSEY	Post code	KT16 9AU
Telephone number (if any)			
If you would refer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell

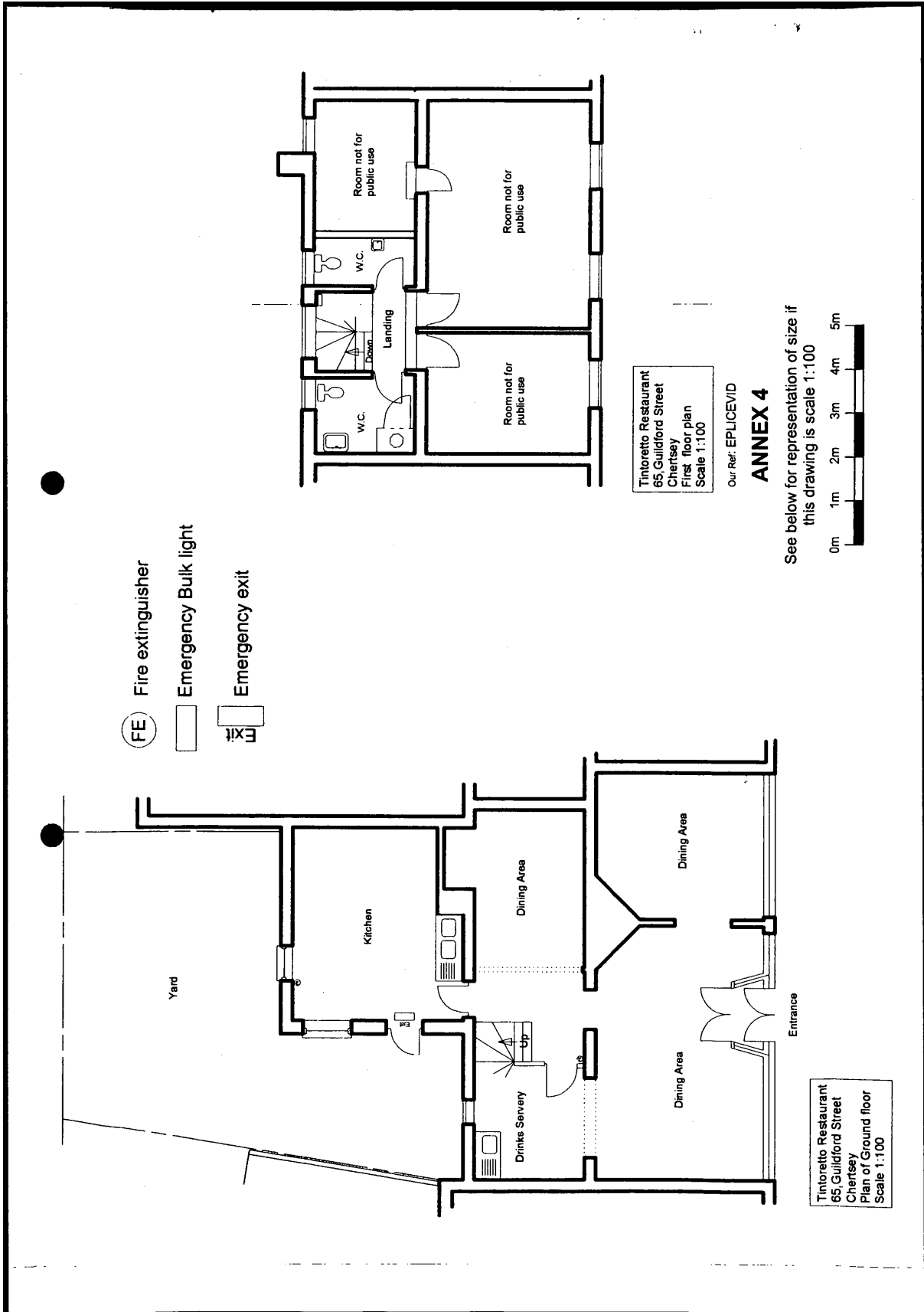
alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the

premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

# Appendix A



Super Pizza 65 Guildford Street, Chertsey. KT16 9AU



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Map exported on Tue Aug 29 2023 14:26:01 GMT+0100 (British Summer Time)

# Appendix C





# Appendix C



**Premises Licence**

**Premises licence number** 007055

**Part 1 - Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Super Pizza 65 Guildford Street Chertsey Surrey	
KT16 9AU	<b>Telephone number</b> 01932 561726

**Where the licence is time limited the dates** - Not applicable

**Licensable activities authorised by the licence**

**Provision of late night refreshment** – Outdoors only  
 To deliver food and drinks (both alcoholic and non-alcoholic)

**Sale by retail of alcohol** - Off the premises only  
 Alcoholic drinks for delivery only and not for sale over the counter

**The times the licence authorises the carrying out of licensable activities**

**Provision of late night refreshment**

Monday	Start 2300 Finish 0100
Tuesday	Start 2300 Finish 0100
Wednesday	Start 2300 Finish 0100
Thursday	Start 2300 Finish 0100
Friday	Start 2300 Finish 0300
Saturday	Start 2300 Finish 0300
Sunday	Start 2300 Finish 0100
Seasonal Variations	None
Non-standard timings	<b>No retail trading (over the counter) to take place after 2300 hrs.</b>

**Sale by Retail of Alcohol**

Monday	Start 1100 Finish 0100
Tuesday	Start 1100 Finish 0100
Wednesday	Start 1100 Finish 0100
Thursday	Start 1100 Finish 0100
Friday	Start 1100 Finish 0300
Saturday	Start 1100 Finish 0300
Sunday	Start 1100 Finish 0100
Seasonal Variations	None
Non-standard timings	None

**The opening hours of the premises**

Monday	Start 1100 Finish 0100
Tuesday	Start 1100 Finish 0100
Wednesday	Start 1100 Finish 0100
Thursday	Start 1100 Finish 0100
Friday	Start 1100 Finish 0300
Saturday	Start 1100 Finish 0300
Sunday	Start 1100 Finish 0100
Seasonal Variations	None
Non-standard timings	<b>No retail trading (over the counter) to take place after 2300 hrs.</b>

# Appendix D

Where the licence authorises supplies of alcohol whether these are on and / or off supplies  
Off the premises only

## Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Super Pizza Ltd 65 Guildford Street Chertsey KT16 9AU 01932 561726
<b>Registered number of holder, for example company number, charity number (where applicable)</b> 14329837

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol</b> Mr Mohammed Wasim Ahmadi [REDACTED]
<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol</b> Licence Number [REDACTED] Issuing Authority [REDACTED]
<b>State whether access to the premises by children is restricted or prohibited</b> None

Signed:

Dated: 19 January 2023

**Corporate Head of Environmental Services**

## Annex 1 - Mandatory conditions

### Supply of alcohol

- No supply of alcohol may be made under the premises licence -
  - at a time when there is no designated premises supervisor in respect of the premises licence, or
  - at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - 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.
  - 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,

# Appendix D

identification bearing their photograph, date of birth and either –

- (a) a holographic mark,
- (b) an ultraviolet feature

## 5. Minimum Drinks Pricing-

(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 the 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.

### **Door Supervision (where supervisors are engaged this condition applies)**

All door supervisors will be Security Industry Authority registered.

## Annex 2 - Conditions consistent with the Operating Schedule

### All Licensing Objectives

1. Alcohol for delivery only, not for sale over the counter.
2. Challenge 21 age identification policy in place.
3. Delivery staff will require sight of a valid form of identification prior to supplying alcohol.
4. Alcohol may only be sold with an order which includes food.
5. Deliveries which include alcohol shall only be made to adults in residence.
6. Signage is to be displayed inside the licensed premises to inform potential customers that after 2300 hrs all deliveries must be pre-ordered.

### Crime and Disorder

7. Alcohol not to be sold to anyone who appears to be intoxicated.

### Public Safety

8. All health and safety legislation will be complied with.

### Public Nuisance

9. When premises is closed to callers, external lighting will be turned off.
10. No retail trading (over the counter) to take place after 2300 hrs.

### Protection of Children from Harm

None

## Annex 2A – Embedded Restrictions

### Annex 3 - Conditions attached after a hearing by the licensing authority

None.

### Annex 4 – Plans

See attached.

**Premises Licence Summary**

**Premises licence number** 007055

**Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Super Pizza 65 Guildford Street Chertsey Surrey KT16 9AU	<b>Telephone number</b> 01932 561726
<b>Where the licence is time limited the dates</b> - Not applicable.	
<b>Licensable activities authorised by the licence</b>	
<b>Provision of late night refreshment</b> - Outdoors only To deliver food and drinks (both alcoholic and non-alcoholic) <b>Sale by retail of alcohol</b> - Off the premises only Alcoholic drinks for delivery only and not for sale over the counter.	
<b>The times the licence authorises the carrying out of licensable activities</b>	
<b>Provision of late night refreshment</b>	
Monday to Thursday	Start 2300 Finish 0100
Friday & Saturday	Start 2300 Finish 0300
Saturday	Start 2300 Finish 0300
Sunday	Start 2300 Finish 0100
Seasonal Variations	None
Non-standard timings	<b>No retail trading (over the counter) to take place after 2300 hrs.</b>
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday	Start 1100 Finish 0100
Friday & Saturday	Start 1100 Finish 0300
Sunday	Start 1100 Finish 0100
Seasonal Variations	None
Non-standard timings	None
<b>The opening hours of the premises</b>	
Monday to Thursday	Start 1100 Finish 0100
Friday & Saturday	Start 1100 Finish 0300
Sunday	Start 1100 Finish 0100
Seasonal Variations	None
Non-standard timings	<b>No retail trading (over the counter) to take place after 2300 hrs.</b>
<b>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</b>	
Off the premises	
<b>Name, (registered) address of holder of premises licence</b>	
Super Pizza Ltd 65 Guildford Street Chertsey KT16 9AU	
<b>Registered number of holder, for example company number</b> - 14329837	
<b>Name of designated premises supervisor</b> - Mr Mohammed Wasim Ahmadi	
<b>State whether access to the premises by children is restricted or prohibited</b>	
None	

Signed: 

Issue Date: 19 January 2023

**Corporate Head of Environmental Services**

Our Ref: LEO/16087

To: Licensing Authority  
Mr R Smith  
Runnymede Borough Council  
Civic Centre  
Station Road  
Addlestone



**SURREY  
POLICE**  
*With you, making  
Surrey safer*

9<sup>th</sup> August 2023

Dear Sir

Surrey Police, as a responsible authority, wish to make a formal representation to the application for a late night refreshment licence at Super Pizza Runnymede Ltd, 65 Guildford Street, Chertsey, KT16 9AU for the following reasons:

1. Surrey Police feel that the conditions contained in the Operating Schedule supplied by the applicant are imprecise, ambiguous and many are unenforceable.
2. Police have concerns about the late opening hours applied for and fear this may lead to noise nuisance and anti-social behaviour outside the premises and in Guildford Street.

This objection is lodged on the basis that the operating schedule does not include enough information to assess whether sufficient steps will be taken to promote the licensing objectives.

Please contact [REDACTED] at [REDACTED] if you require further information.

Yours sincerely

[REDACTED]

INSP WYATT 40543  
RUNNYMEDE BOROUGH COMMANDER  
On behalf of the Chief Officer of Police

**From:**  
**To:** [Licensing](#)  
**Subject:** Super Pizza, 65 Guildford Street, Chertsey - Variation application  
**Date:** 28 July 2023 15:55:13  
**Importance:** High

---

Dear Licensing,

In respect of the variation application for Super Pizza, to permit takeaway (over the counter) sales of late night refreshment on Sun – Thurs until 1am and on Fri – Sat until 3am, Environmental Health raises a representation on the grounds of prevention of public nuisance.

If the premises remains open to the public for takeaways for the requested hours, this may adversely affect a number of residents in the vicinity, specifically in relation to noise and litter.

The applicant has not adequately addressed the licensing objective of prevention of public nuisance within their operating schedule.

Kind regards,

**Environmental Health | Runnymede Borough Council**

---



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**Visit the Council's website and social media channels to see how we are responding to climate change and supporting: the health and wellbeing of our residents, their ability to effect change locally and the economic prosperity of our Borough.**



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## Objection 1

**From:** [noreply@runnymede.gov.uk](mailto:noreply@runnymede.gov.uk)  
**To:** [Licensing](#)  
**Subject:** [EXTERNAL] Licensing team contact form - submitted  
**Date:** 16 August 2023 16:42:54

---

**CAUTION:** This email originated from an external sender. Do not click links or open attachments unless you recognise the sender and know the content is safe.

## Page: Your enquiry

- Which service does your enquiry relate to?: Licensing team
- Your enquiry: Re Super Pizza 65 Guildford st KT16 9AU I see the application is for a licence to open to 03.00 am Friday/ Saturday and 01.00 am weekdays/ Sunday. There are many flats in the centre of the town and late night opening brings a significant risk of disturbance. Drivers arriving at the premises for deliveries create a level of disturbance but are less obtrusive. However, customers coming into the premises at the early hours of the morning will be an inevitable source of disturbance and antisocial behavior locally and on the routes to and from the site. This can be avoided by rejecting the application. If people are hungry there is the existing delivery facility. NB the application site shop seems to have already suffered antisocial behavior as there is a smashed shop window.

## Page: Personal Details

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## Objection 2

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** [EXTERNAL] Objection letter: 65 Guildford Street "Super Pizza" license  
**Date:** 08 August 2023 20:00:55

---

**CAUTION:** This email originated from an external sender. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED]

Please find attached our letter objecting to the license variation of the above-named premises.

We live [REDACTED] and I cannot begin to tell you how horrendous the noise is during the week and as soon as the weekend arrives the antisocial behaviour increases significantly until the early hours of the morning.

Please remember that my bedroom window [REDACTED] is approx 10 meters from the front door of this premises. The new sign is so bright that it completely illuminates my bedroom and our sitting room. Drunk people and customers are constantly shouting and fighting and talking on mobile phone resulting in both myself and housemate unable to sleep, I have also had my bedroom window smashed in due to a drunk customer at this premises, Myself and my housemate are nurses and sleep is vital for us undertake our job safety and effectly.

There is constantly police being called out, fights o 2/3 metres from my bedroom window where I sleep. There is also customers parking in our private premises and at times take the spaces of those who live here of which we pay monthly for. They also block the entrance to our car park while they wait for their food.

In my opinion, I think this premises needs the hours reduced not enhanced.

Kind Regards,

[REDACTED]

## Objection 3

License application for 65 Guildford Street, "Super Pizza"

I am writing to object to the license variation application for the premises known as Super Pizza, located at 65 Guildford Street Chertsey Surrey KT16 9AU

- **Prevention of Crime and Disorder;**

The proposed additional "over the counter hours" will attract customers who will have previously visited bars and pubs within the local and surrounding areas. These customers will have consumed alcohol and are more likely to act in spirited ways with less inhibitions, creating additional noise. In extreme cases these customers are more likely to act in an anti-social way. Currently the license prevents this by restricting the over-the-counter sales by ensuring the food is pre-ordered and delivered only. Notwithstanding the use of CCTV, there are no other measures proposed within the application, such as specially trained staff or door security to mitigate these likely problems.

- **Prevention of public nuisance**

This application is the consumption of fast food both within and outdoors of the premises. The premise has a history of complaints about noise and smells, however no permanent mitigation or solutions have been secured by the council.

Two planning applications have been received since 2018,

1. RU.18/1034 Listed Building Consent for installation of a flue to western rear elevation. **Refused** on 22<sup>nd</sup> June 2020
2. RU.21/1580, Retrospective application for the installation of a Helios 500 industrial cased fan to the rear of the business premises. **Refused** on 25<sup>th</sup> May 2023.

The second application is of particular importance as this type of extraction system was specified/recommended by the Council's environmental health officer to overcome the continuing complaints against the operator for noise and odour nuisance.

By extending the "over-the-counter" hours in-line with the current operational times, it will attract additional footfall to the premises during the hours of 11pm-3am Friday & Sat, and 11pm-1am on all other days. This will be by foot/bicycle or motor vehicle either minicab, Uber, or private car as there is no provision for public transport at this time. These additional trips will create further noise and pollution. The current unit is situated in very close proximity to residential dwellings, ranging from 4.8m to 10m away, and directly opposite the premises. The additional noise created by extending the hours will have a direct detrimental impact on amenity of these dwellings.

- **Public Safety**

The Council has recently launched its new health and wellbeing strategy, and is actively promoting it, to quote from your web site "We are keen to encourage everyone in the borough to lead active, healthy lives". By extending the over-the-counter hours, the council is promoting and giving easier access to a fast food takeaway, consisting of unhealthy poor nutritional fried food. This is in direct contravention of this principle. By allowing the extension of the trading times, the council is putting the health and welfare of its residents at risk, and this is not something that should be encouraged.

In light on the issues raised above not only should the license variation be refused, I believe that the current license should be reviewed. It is clear that the business cannot continue to operate without a suitable extraction system, and the system currently installed has been refused planning permission and is subject to enforcement. The premises has a history of noise, odour and disorder complaints, the surrounding area has seen substantial additional dwellings created, in marked contrast to when the original license was granted.

Therefore;

- the premises should have the current license revoked until a suitable extraction system is installed.
- Upon satisfaction of the above, a new license issued to reflect the premises setting and be respectful it its surroundings.

Kind Regards

[REDACTED]

[REDACTED]

## Objection 4

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** [EXTERNAL] R [REDACTED]: Objection letter: 65 Guildford Street "Super Pizza" license variation  
**Date:** 08 August 2023 19:23:45  
**Attachments:** [License application for 65 Guildford Street objection.docx](#)

---

**CAUTION:** This email originated from an external sender. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED]

Please find attached my letter objecting to the license variation of the above-named premises.

We live [REDACTED] and I cannot begin to tell you how horrendous the noise is during the week and when the weekend arrives I feel like moving out as it's unbearable.

Please remember that my bedroom window is approx 10 meters from the front door of this premises. The new signage is so bright that it completely illuminates my bedroom and lounge. Drunk people shouting and fighting and talking on mobile phones, car engines idling and horns honking. The travel lodge constantly has police being called out and if that wasn't bad enough now this request to vary the license. If you really want to know what it feels like I will gladly make a video diary and email it over so you can experience firsthand how awful it is.

In my opinion, I think this premises needs its licensable hours/operation reduced or at the very least sensibly looked at not enhanced.

Kind Regards,

[REDACTED]

## Objection 5

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** [EXTERNAL] Super Pizza  
**Date:** 08 August 2023 18:42:46

---

**CAUTION:** This email originated from an external sender. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I am writing to lodge an objection to the request from Super Pizza, 65 Guildford St. Chertsey KT16 9AU to extend their license to be open between 23.00 to [1.am](#) weekdays and 23.00 to 3am Friday and Saturdays.

Why on earth does a takeaway need to be open so late, one assumes that it could be more about people obtaining alcohol beyond the normal shop hours of other businesses.

Apart from setting a very bad precedent, there is the possibility that this could lead to anti-social behaviour and disturbance to residents in the vicinity.

I strongly urge that this application is REFUSED.

[REDACTED]

## Objection 6

License application for 65 Guildford Street, "Super Pizza"

I am writing to object to the license variation application for the premises know as Super Pizza, located at 65 Guildford Street Chertsey Surrey KT16 9AU

- **Prevention of Crime and Disorder;**

The proposed additional "over the counter hours" will attract customers who will have previously visited bars and pubs within the local and surrounding areas. These customers will have consumed alcohol and are more likely to act in spirited ways with less inhibitions, creating additional noise. In extreme cases these customers are more likely to act in an anti-social way. Currently the license prevents this by restricting the over-the-counter sales by ensuring the food is pre-ordered and delivered only. Notwithstanding the use of CCTV, there are no other measures proposed within the application, such a specially trained staff or door security to mitigate these likely problems.

- **Prevention of public nuisance**

This application is the consumption of fast food both within and outdoors of the premises. The premise has a history of complaints about noise and smells, however no permanent mitigation or solutions have been secured by the council.

Two planning applications have been received since 2018,

1. RU.18/1034 Listed Building Consent for installation of a flue to western rear elevation. **Refused** on 22<sup>nd</sup> June 2020
2. RU.21/1580, Retrospective application for the installation of a Helios 500 industrial cased fan to the rear of the business premises. **Refused** on 25<sup>th</sup> May 2023.

The second application is of particular importance as this type of extraction system was specified/recommended by the Councils environmental health officer to overcome the continuing complaints against the operator for noise and odour nuisance.

By extending the "over-the-counter" hours in-line with the current operational times, it will attached additional footfall to the premises during the house of 11pm-3am Friday & Sat, and 11pm-1am on all other days. This will be by foot/bicycle or motor vehicle either minicab, Uber, or private car as there in no provision for public transport at this time. These additional trips will create further noise and pollution. The current unit is situated in very close proximity to residential dwellings, ranging from 4.8m to 10m away, and directly opposite the premises. The additional noise created by extending the hours will have a direct detrimental impact on amenity of these dwellings.

- **Public Safety**

The Council has recently launched its new health and wellbeing strategy, and is actively promoting it, to quote from your web site "We are keen to encourage everyone in the borough to lead active, healthy lives". By extending the over-the-counter hours, the council is promoting and giving easier access to a fast food takeaway, consisting of unhealthy poor nutritional fried food. This is in direct contravention of this principle. By allowing the extension of the trading times, the council is putting the health and welfare of its residents at risk, and this is not something that should be encouraged.



In light on the issues raised above not only should the license variation be refused, I believe that the current license should be reviewed. It is clear that the business cannot continue to operate without a suitable extraction system, and the system currently installed has been refused planning permission and is subject to enforcement. The premises has a history of noise, odour and disorder complaints, the surrounding area has seen substantial additional dwellings created, in marked contrast to when the original license was granted.

Therefore;

- the premises should have the current license revoked until a suitable extraction system is installed.
- Upon satisfaction of the above, a new license issued to reflect the premises setting and be respectful it its surroundings.

Kind Regards

[REDACTED]

[REDACTED]

**Licensing Policy (5th Edition)**

**2021 - 2026**

Effective from 7 January 2021 to 6 January 2026

## 6. Fundamental Principles

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6.1 The Act requires that the Council will carry out its various licensing functions so as to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Each objective is of equal importance

6.2 Nothing in the Statement of Policy will:

- undermine the rights of any individual to apply under the Act for a variety of permissions and have any such application considered on its individual merits, and/or
- override the right of any person to make representations on any application or to seek a review of the licence or certificate where provision has been made for them to do so under the Act.

6.3 The Council recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licenced premises and, therefore, beyond direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in Runnymede.

6.4 Any conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations. Conditions will therefore be used to regulate the use of premises for licensable activities and their effects in the vicinity of those premises. Whether or not incidents can be regarded as taking place in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.

6.5 The Council is keen to promote the artistic and cultural life of the Borough, and licensing will be approached with a view to encouraging cultural activities and innovative forms of public entertainment for the wider cultural benefit of communities generally. When a relevant representation is made only conditions strictly necessary for the promotion of the licensing objectives will be attached to a licence as the Council is aware of the need to avoid imposing substantial indirect costs. Where there is an indication that licensing requirements may be deterring such events, where appropriate the Policy may be reviewed with a view to investigating how the situation might be remedied.

## Appendix G

- 6.6 The Council is aware that different areas of the Borough have different characteristics and where possible will ensure that licence conditions reflect these. In particular:
- Villages of a more quiet and rural nature
  - Urban Centres – where redevelopment and / or regeneration is being encouraged.
- 6.7 The Council is aware that a variety of premises will be seeking licences, from schools to small private members' clubs, to large well established premises with dancing and entertainment, and where a relevant representation has been made it will ensure that licence conditions reflect the nature of the different types of premises.
- 6.8 Where no responsible authority or other person raises any representations about the application made to the Council as Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any applicable mandatory or standard conditions.
- 6.9 The Licensing Authority will avoid duplication with other regulatory regimes, in particular where primary legislation is already in existence.

### **7. The Licensing Objectives**

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- 7.1 The promotion of the four licensing objectives is fundamental to the Act. Each application for a premises licence must have a full and detailed operating schedule. Any conditions proposed on the operating schedule must be appropriate, proportionate and legally enforceable. The council will expect applicants to have carefully considered how they will promote the licensing objectives within their operating schedule.
- 7.2 Applicants should provide as much information as possible in the operating schedule. This is essential to enable other parties and responsible authorities to assess the impact of the licensable activity on the licensing objectives and demonstrates that the applicant understands and appreciates objectives.
- 7.3 A clear informative operating schedule which demonstrates how the applicant will promote the licensing objectives will be expected in every application for a new premises licence or variation (excepting variation of a designated premises supervisor)

### **8. Prevention of Crime and Disorder**

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- 8.1 Under section 17 of the Crime and Disorder Act 1998 (as amended) local authorities must have due regard to the likely effect of the exercise of their

## Appendix G

functions on crime and disorder, and do all that it reasonably can to prevent crime in their area.

- 8.2 The Council will expect applicants to include within their operating schedule the steps they propose to take to reduce or deter crime and disorder, both inside and in the immediate vicinity of the premises. These steps will vary from premises to premises and according to the type of licensable activities that are to occur.
- 8.3 The applicant should identify any particular activities or issues which might conflict with those of promoting the crime and disorder objective and include such measures to counteract this effect in the operating schedule.
- 8.4 In particular, the Council will expect applicants to address, where appropriate, in the operating schedule, the following matters:
- physical security features
  - procedures for risk assessments in respect of ‘drinking up time’, special events and promotions
  - membership of the local ‘Pub watch’ scheme, where one exists
  - the use of licensed door supervisors (by the Security Industry Authority) and search procedures as indicated by a risk assessment
  - measures to prevent the use and sale of illegal substances
  - training for staff in crime prevention and dealing with violence as indicated by a risk assessment
  - agreed protocols with the Police to reduce crime and disorder
  - details of CCTV and audio recording equipment to include where cameras are placed and for how long footage is retained before proper and secure disposal
- 8.5 Those premises benefiting from an off-sales facility will be expected to maintain a log of refusal to sell alcohol to a prospective customer giving details of time, and date, the person serving and as many details of the customer as possible. The licensee needs to adhere to the principles of the Data Protection Act 1988, including accuracy and security of information. It would be prudent from the Licensee’s point of view that the ‘Refusals Register’ be kept for a period of three years as a rolling list.
- 8.6 The Council recognises that many premises licensed for on-sales in the Borough are well run and crime free. However, where there is a recent history of patrons being involved in any form of violent incident, within or nearby the premises, and where a relevant representation is made, in any subsequent review of the premises licence, it is likely that conditions will be

## Appendix G

placed upon the premises licences which are deemed appropriate, proportionate and enforceable.

- 8.7 The Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises.
- 8.8 In its consideration of an application for a Premises Licence from smaller retail outlets and garages the Council will expect that operating schedules will indicate that a personal licence holder will normally be available to supervise the sale or supply of alcohol during the hours of the business, and particularly so between the hours of 6 p.m. and 6 a.m. Personal Licence holders remain responsible at all times for those they supervise.
- 8.9 When preparing their plans and Schedules, applicants are recommended and encouraged to seek advice from Council Licensing Officers and Surrey Police, as well as taking into account as appropriate, local planning and transport policies, tourism and cultural and crime prevention strategies.
- 8.10 The Council is keen to stress however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include:-
- planning controls
  - ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others
  - powers to designate parts of the Borough as places where alcohol may not be consumed publicly
  - confiscation of alcohol from adults and others in designated areas
  - police enforcement of the law with regard to disorder and anti-social behaviour
  - police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise
  - the power of police and other responsible authorities, local businesses and residents to demand a review of the licence
  - enforcement action against those selling alcohol to people who are already intoxicated or inebriated
- 8.11 The Council will address a number of these issues in line with the strategic objectives for crime and disorder reduction in the Borough.
- 8.12 The Council recognises the value of 'Pub watch' schemes for pubs, clubs and bars in the prevention of crime and disorder. The Council also

## Appendix G

recognises that engagement with pub watch is a key factor in combatting crime and disorder. As such, those with responsibility for a premise, be they Designated Premises Supervisors, managers or premises licence holders are strongly encouraged to participate in their local pub watch scheme.

### **8.13 Closed Circuit Television (CCTV)**

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- 8.14 CCTV systems are useful in helping to combat crime. Applicants are encouraged to assess whether the use of CCTV is necessary on their premises. Upon receiving a relevant representation from a responsible authority or other party, it is within the Licensing Sub-Committee's remit to impose a condition requiring CCTV if it is felt to be within the promotion of the licensing objectives. A typical condition may be:
- 8.15 The CCTV system shall be properly maintained and be of the digital type. The system will incorporate a camera covering each entrance door and be capable of providing an image which is regarded as evidential standard. The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. The precise position of the cameras may be agreed with the police from time to time. The system will be able to retain images for 31 days. There must be one person on the premises at all times who can operate the CCTV and be capable of downloading images to a memory device if required by an authorised person or Police Officer.

### **9. [Public Safety](#)**

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- 9.1 The Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafés /restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations.
- 9.2 The Council will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from Council Environmental Health Officers and the Surrey Fire and Rescue Service before preparing their plans and schedules.
- 9.3 The Council will work with Surrey Fire and Rescue and other responsible authorities to ensure that fire safety is maintained in all licensed premises. Applicants are advised that the Fire Service will examine all applications to ensure that patrons and customers can be safely accommodated on the premises.

## Appendix G

- 9.4 It is recommended that all new applications and variations (excepting variation of a DPS) are accompanied by a Fire Safety risk assessment as required under the regulatory Reform (Fire Safety) Order 2005. This will assist Surrey Fire and Rescue in assessing the application.
- 9.5 Where relevant representations are made the Council will consider attaching pertinent conditions to the licence to promote safety.

### **10. Prevention of Nuisance**

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- 10.1 The Council is committed to minimising the loss of amenity in the Borough by working in partnership with Surrey Police, Safer Runnymede, Environmental Health, Planning and licensees. Applicants should be able to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented to prevent public nuisance. Such measures should be relevant to the particular style and character of the premises and events and seek to minimise any loss of amenity to occupants of any nearby premises.
- 10.2 The Council intends to interpret “loss of Amenity” in its widest sense to include such issues as noise, light, odour, litter and anti-social behaviour.
- 10.3 Public nuisance is the most common reason for complaints and representations to be made about applications. It is also the most common cause of complaints about existing premises. It can include low-level nuisance affecting a few people locally as well as major disturbance.
- 10.4 The potential for nuisance varies according to the nature of the premises. Take-away restaurants, late night off-licences and activities such as drinking alcohol can all contribute to nuisance in a variety of ways and in turn cause adverse effects for nearby residents.
- 10.5 The Authority will interpret nuisance in its widest sense, and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, odour, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.
- 10.6 Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep and so it is important that applicants can demonstrate how they will effectively manage such issues as:
- the exit and dispersal of their patrons;
  - noise from patrons in queues or outside smoking areas;
  - patrons returning to cars parked in surrounding residential streets;
  - general noise of people arriving and leaving



## Appendix G

- 10.7 Where applicants are completing operating schedules, they are expected to have regard to the location of the proposed or actual premises. In particular consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, independent living and sheltered accommodation, hospitals, hospices, places of worship and schools.
- 10.8 The use and management of outside spaces within the direct control of the licensee and the associated behaviour of people using outside areas can also be problematic. Applicants should take all reasonable steps to prevent public nuisance outside their premises where and to the extent that these matters are within their control. Such areas can include beer gardens, forecourts, smoking areas and areas where patrons may gather to eat, drink or socialise. The need for control is particularly important over the summer months. Outside drinking can cause a number of problems. Members of the public can sometimes feel intimidated and crowds of drinkers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers moving into the road. Wherever possible drinking should be contained within the areas that are owned or managed by the licensed premises, such as beer gardens, terraces or, where a street trading licence has been granted by the County Council for tables and chairs, on the public highway
- 10.9 Where a premise does not benefit from such an area and customers wish to smoke outside, they should not be allowed to carry drinks with them for any reason. Applicants should address this in their operating schedule and demonstrate how they will manage any negative impact such as smoke and congestion on the pavement.
- 10.10 The Authority considers that patrons who are using external smoking areas or shelters are there as a direct result of the operation of the licensed premises and are within the control of the licensee. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties. As the licensed trade can only be responsible for matters within their control, it is recommended that licence holders focus on the effects of smoking on the Premises (as defined by the applicant) where smoking is permitted.
- 10.11 Where relevant representations have been made or a review has been applied for, and where it is considered appropriate, the Authority may impose conditions to address these problems, such as disallowing readmission to the premises or preventing the sale of alcohol for consumption off the premises.
- 10.12 Applicants must consider matters relating to public nuisance when making an application. The Authority requires applicants to consider areas that they should address and to formulate their own operating schedule tailored to the type, nature and characteristics of the specific premises and its

## Appendix G

neighbourhood. Where appropriate, it is expected that applicants will give consideration to the following issues:

- installation of a sound limiting device
- sound proofing measures such as keeping doors and windows closed
- installation of double door entry and exit systems
- sound proofing measures for external areas of the premises where entertainment is likely to take place
- measures for the winding down of sales and events
- accessibility to transport services
- measures to be taken to prevent or minimise nuisance caused by the dispersal of patrons from the premises

10.13 Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Licensing Authority will treat each case on its individual merits. However, stricter conditions will generally be imposed on premises licences in areas that have denser residential accommodation or residential accommodation in close proximity to them. This may include the Licensing authority imposing an earlier terminal hour than proposed by the applicant. This is regardless of the designation assigned to the area in which the premise is situated under this policy, i.e. as a Major or District Town Centre. In such cases and where relevant representations are received, the Licensing Authority will have regard to the potential for, and the risk of, nuisance occurring to nearby residents.

10.14 The Licensing Sub-Committee may impose conditions on the applicant's premises licence relating to littering and refuse collection times. Accordingly, applicants may wish to address as part of their operating schedule any measures they intend to take to control litter. For example:

- Litter patrols directly outside the premises including the picking up of cigarette butts; and
- notices at take-away premises asking patrons to dispose of their litter in bins

10.15 Residents can sometimes be disturbed by early morning trade waste or domestic refuse collections. It is recognised that refuse collection times can sometimes be outside the control of the premises licence holder. However, premises licence holders are encouraged to consider whether their waste/refuse collection time could result in public nuisance and, if so attempt to renegotiate different times with the contractor.

## Appendix G

- 10.16 Applicants are advised to seek advice from appropriate authorities prior to the submission of the operating schedule.
- 10.17 The Council will consider attaching conditions to licences and permissions to prevent public nuisance and these may include conditions drawn from the Model Pool of Conditions produced by the Home Office relating to 'Public Nuisance'.

### **11. [Protection of Children from Harm](#)**

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- 11.1 The wide range of premises that require licensing means that children may be admitted to them, often by themselves, for food and/or entertainment.
- 11.2 The Licensing Authority also recognises that children are one of the most vulnerable groups in our society and that some activities associated with licensed premises are not appropriate for children.
- 11.3 The Council will expect applicants to include in their operating schedule the steps which they propose to take to prevent harm to children.
- 11.4 In applications where no representations have been received any restriction on the admission of children which have been included in the operating schedule may be attached as a condition on the licence.
- 11.5 The Council acknowledges that a mandatory condition exists on premises licences and club certificates in relation to an age verification policy.
- 11.6 The Council fully expects applicants to have excellent knowledge of age related sales practices and may request to see the age verification policy on application.
- 11.7 The Council will consult with the approved authority concerned with the Protection of Children from Harm and Child Protection issues on any application where it is indicated that there may be concerns over access for children.
- 11.8 The Council strongly recommends that all licenced premises retain staff training records and that they should make these available on request to Local Authority, Police and Trading Standards Officers.
- 11.9 The Council recognises that limitations may have to be imposed where it is considered necessary to protect children from harm. Following relevant representations, it will consider the imposition of additional controls by way of licence conditions where activities that take place on the premises may present a risk of physical, moral or psychological harm to children. It will also look for strict controls in place to prevent the sale of alcohol to underage children especially in relation to off-licence premises.

## Appendix G

- 11.10 The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern. Where:
- the current management or staff working at the premises have been prosecuted or have convictions for serving alcohol to minors or with a reputation for under-age drinking
  - there are concerns about drug taking or dealing
  - there is a strong element of gambling on the premises
  - entertainment of an adult or sexual nature is commonly provided or occurs during the course of events
  - films with age restricted classifications are to be shown
  - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- 11.11 The Council will give consideration to the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- limitations on the hours when children may be present
  - limitation on access to persons below the age of 18
  - limitations or exclusion when certain activities are taking place
  - requirements for an accompanying adult
  - full exclusion of people under 18 from the premises when any licensable activities are taking place
- 11.12 It is the Council's expectation that all staff responsible for the sale of intoxicating liquor receive information, training and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent underage sales.
- 11.13 The Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the police and trading standards to ensure the appropriate enforcement of the law, especially where it relates to the sale and supply of alcohol to children.

## Appendix G

- 11.14 Where underage sales are found the licensing authority supports the use of warning, fixed penalty notices and cautions and prosecutions to enforce the Act .
- 11.15 The Council supports the aims of the Portman Group and commends the Code of Practice operated by it on behalf of the alcohol industry to applicants.
- <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>

### **18. Licensing Conditions**

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- 18.1 Where no relevant representations have been made about an application the licence or certificate must be granted subject to conditions consistent with the operating schedule and any mandatory conditions (see Annex 3) as required by the 2003 Act.
- 18.2 The Council will not simply replicate the wording from an applicant's operating schedule. Conditions will be interpreted by the Council in accordance with the applicant's intention. Conditions will be written in a clear unambiguous manner so as to make them appropriate, proportionate and enforceable
- 18.3 Applicants are encouraged to consult with the relevant responsible authorities when preparing their operating schedule to enable the construction of appropriate conditions. This will reduce the likelihood of representations and hearings in respect of applications.
- 18.4 The Licensing Authority must avoid attaching conditions which duplicate other regulatory regimes and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.
- 18.5 The Act requires that the conditions attached to licenses or certificates are tailored to the individual size, style and characteristics of the particular premises and events concerned. The Council will avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Only those conditions necessary for the promotion of the four Licensing Objectives will be considered.

## **Appendix G**

- 18.6 Where premises offer a delivery service which includes the delivery of alcohol, the Licensing Authority has an expectation that the licence holder will ensure suitable and appropriate measures are in place at the point of sale and/or point of delivery to verify that underage sales are not taking place as per the mandatory conditions.

## Revised guidance issued under section 182 of the Licensing Act 2003 (July 2023)

### Licence conditions – general principles

**1.16** Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

## **Chapter 10.** Conditions attached to premises licences and club premises certificates

### General

**10.1** This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

**10.2** Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

**10.3** There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### **Proposed conditions**

**10.4** The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

**10.5** It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.



## **Consistency with steps described in operating schedule**

**10.6** The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

**10.7** Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **Imposed conditions**

**10.8** The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

**10.9** It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

### *Proportionality*

**10.10** The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

## Appendix H

These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

### *Hours of trading*

**10.13** The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

**10.14** Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

**10.15** Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.