

Report title	Application for a variation to a premises licence – Super Pizza, Chertsey
Report author	Robert Smith, Senior Licensing Officer
Department	Environmental Services
Exempt	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)

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