



Reigate & Banstead
BOROUGH COUNCIL
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REPORT OF:	HEAD OF NEIGHBOURHOOD OPERATIONS
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TO:	LICENSING & REGULATORY COMMITTEE
DATE:	WEDNESDAY AUGUST 4 TH 2021

AGENDA ITEM NO:		WARD(S) AFFECTED:	NORK
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SUBJECT:	APPLICATION FOR A NEW PREMISES LICENCE FOR: 203 FIR TREE ROAD, EPSOM DOWNS, SURREY, KT17 3LB
PURPOSE OF THE REPORT:	TO DETERMINE THE APPLICATION FOR A PREMISES LICENCE

OPTIONS

The Committee has the following options:

1. To grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers necessary for the promotion of the licensing objectives.
2. To exclude from the scope of the licence any of the licensable activities to which the application relates;
3. To refuse to specify a person in the licence as the premises supervisor;
4. To reject the application.

The Committee has authority to determine the above options.

Background

1. An application for a premises licence has been received from Tesco Stores Limited., Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, AL7 1GA. The application has been submitted on behalf of the applicant by Tesco Stores Limited Licensing Team.
2. The application was received on 1 June 2021 and includes the sale of alcohol for consumption off the premises and late-night refreshment. The application is attached to this report as Annex 1. A location plan of the premises is attached at Annex 2.

3. The premises are situated in a small parade of shops numbered 201 to 223 Fir Tree Road which are occupied by a variety of small business. These include the following who also hold licences issued under the Licensing Act for the regulated activities listed below;

Address	Opening hours	Alcohol sales	Late night refreshment
Le Raj 211 Fir Tree Road [Indian restaurant]	12:00 - 01:00 Every day	12:00 - 00:00 On sales Every day	23:00 - 01:00 Every day
Londis 213 Fir Tree Road	Not specified	08:00 – 23:00 Mon-Saturday 10:00 – 22:30 Sunday Off sales only	N/A
Amani 215 Fir Tree Road [Indian/tapas restaurant]	11:00 -23:30 Mon- Thursday & Sun 11:00-00:30 Fri - Sat	11:00- 23:00 Mon – Thursday 11:00- 00:00 Fri – Sat 11:00 – 22:30 Sunday On sales	23:00- 23:30 Mon – Thursday 23:00- 00:30 Fri – Sat 23:00 – 23:30 Sunday

The two licences with on sales will currently also have off sales due to the Business and Planning Act 2020. This modifies premises licences with 'on sales only' licences to authorise off-sales from the opening time of the premises until 23.00 hours.

Application Summary

4. The following Licensable activities have been applied for:

Opening Hours – Every Day 06.00 – 00.00

Sale of Alcohol – Every Day 06.00 – 00.00

Late Night Refreshment – Every Day 23.00 – 00.00

5. Council officers are satisfied that the application has been correctly made and advertised in accordance with the statutory requirements.
- pale blue notices of no less size than A4 containing a brief summary of the application have been displayed around the premises by the applicant.
 - a notice was published within 10 working days of the application being made, in the Surrey and Epsom Comet on Thursday 10th June 2021.

The application was also advertised on the Council website until the day before the close of the representation period on 29th June 2021.

Representations

6. No representations were received from responsible authorities.
7. One representation was received from an interested party which includes a substantial amount of irrelevant information. The relevant part of the representation refers to potential noise nuisance from opening a store which sells food and drink in the early mornings and evenings. The representation email is reproduced in full at Annex 3. In addition, a selection of the photographs provided by the interested party intended to show the quiet residential nature of the neighbourhood are also reproduced in the separate presentation.

Policy and Legal Considerations

8. Relevant to this application are section 8 of the Council's Statement of Licensing Policy – The Licensing Objectives, Section 149 Equality Act 2010 - Public Sector Equality Duty, Human Rights Act 1998. Licensing Act 2003; Part 2 Licensing Authorities (sections 4-6); Part 3 Premise Licences (sections 11-23); section 182 Home Office guidance; section 183 Hearings and other matters considered relevant on the facts.

Appeals Procedure

9. In cases where an application for a premises licence is either rejected or granted, in full or in part, an appeal may be made to the Magistrates Court within 21 days beginning with the day on which the appellant was notified of the decision. The rights of appeal are available to both the applicant, in cases where the application is rejected, and to persons who made relevant representations in cases where the application is granted.

Background Papers: None

Annex 1	Application form
Annex 2	Location plan
Annex 3	Interested party representation
Presentation	Interested party photographs

