

## SPELTHORNE BOROUGH COUNCIL

### DECISION NOTICE

In accordance with the LICENSING ACT 2003 s.23

**Date of Licensing Sub-Committee:** 22 March 2011

**Applicant:** Precious Link (UK) Ltd

**Premises:** 21 Shepperton Road  
Laleham  
TW18 1SE

**REASON(S) FOR HEARING:** Relevant representations received from local residents and Surrey Police concerning a potential increase in crime and disorder, noise, litter and underage sales.

### DECISION

**Granted**

**With effect from 22 March 2011**

Licensable activities	Sale and supply of alcohol
Standard Hours: Sale of alcohol	Monday to Saturday 10.00hrs – 22.30hrs Sunday 12.00hrs – 21.00hrs
Seasonal Hours:	Good Friday 08.00hrs - 22.30hrs Christmas Day 12.00 -15.00 and 19.00 - 22.30
Conditions	For the sake of clarity the conditions set out in the Applicant's Operating Schedule as modified by agreement with Surrey Police will apply. These are: -  <b>Crime and Disorder</b> The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Surrey Police Crime Reduction Officer. All entry and points will be covered enabling frontal identification of every person entering in any light condition. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the

	<p>public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested and recording shall be made available upon the request of Police.</p> <p>Staffing levels will be monitored constantly and adjusted where necessary to ensure the correct levels are maintained in-store for service and security reasons.</p> <p>To work closely with the Police and join any “safer neighbourhoods” programmes in place in the area</p> <p><b>Public Safety</b></p> <p>Implementation of dealing with violence/aggression programme for staff</p> <p><b>Public Nuisance</b></p> <p>Strict enforcement of the licensing objectives and a Challenge 25 policy will form the basis of our daily operations. Close communication with the local police will ensure any potential problems are identified and dealt with immediately. Experienced and knowledgeable staff will ensure any issues are communicated quickly to the relevant parties and managed appropriately</p> <p><b>Child Protection</b></p> <p>A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.</p> <p>The staff at the premises are to use an ultraviolet light on every occasion they are presented with identification documents from someone who appears to be under 25 years of age, to ensure that any such documents produced by customers are genuine.</p> <p>A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or other responsible authorities whilst the premises is open.</p> <p>No product will be sold in-store that is aimed specifically for children. All products stocked in-store will primarily be aimed at our target customers aged 18+, and enhance our value as a Wine Merchant or act as a companion for our base range.</p>
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**REASONS FOR DECISION**

The Licensing Sub-Committee has considered all of the relevant evidence made available to it at this hearing and in doing so has taken into account the regulations and national guidance

issued under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.

The Sub-Committee has considered the representations made by the applicant's representative, responsible authorities and the interested parties and finds as follows:

Surrey Police, a responsible authority, made representation that to meet the licensing objective on crime and disorder it was necessary to add further conditions. The applicant agreed to these conditions prior to this hearing and the police agreed to the withdrawal of their representation.

The applicant's representative stated that the applicant was a small chain of community based independent wine stores with four shops, which were all located in villages and not town centres. The business was predominantly that of a fine wine merchant with 60% of its sales being wine. It concentrated on wines from family vineyards rather than the popular corner shop brands. The business also stocked real ales from around the country and spirits, but did not sell 'alcopops'.

The applicant's representative stated that the staff who would be running the premises on a day to day basis, had over 20 years experience each. They confirmed that there had been no problems with underage sales at any of their other premises.

The Sub-Committee noted that the applicant's representative stated they did not intend to open the premises for all the hours that they had applied for. They stated that they had put in the hours for the sale of alcohol purely based on the hours for off-licences under the previous licensing act. The applicant was willing to reduce these hours to 12:00 midday to 9:00pm on Sundays, bearing in mind their location next to a church. The reduction for the other days of the week was 10:00am to 10:30pm. The Sub-Committee concluded that it was appropriate to accept this reduction as this would reflect in practice what would be happening at the premises.

The Sub-Committee does not feel that any evidence has been produced at this hearing to suggest that granting a licence will produce an increase in crime and disorder or public nuisance or that the objective of protection of children from harm will be undermined.

There were representations made concerning increased traffic and whether there was a need for a further establishment selling alcohol in this area but neither of these are matters that the Sub-Committee can take into account.

The Sub-Committee was impressed with the systems the applicant intended to put in place to ensure that the Licensing Objectives were promoted.

The Sub-Committee considered National Guidance which advised that in the absence of empirical evidence the representations should leave the Sub-Committee to conclude that there was a very real threat of the fears or the dangers being described actually occurring, before applying any conditions to address such fears or dangers.

Date of Decision: 22 March 2011

Date of Issue: 28 March 2011

Councillor K.E. Flurry (Chairman)  
Councillor Mrs S.A. Dunn  
Councillor M.T. Royer

## **RIGHT TO APPEAL**

You have a right to appeal against this decision, which must be made to the Justices Chief Executive at the Magistrates court for the area in which the premises concerned are situated and within 21 days of receipt of this decision notice.

### **181 Appeals against decisions of licensing authorities**

(1) Schedule 5 (which makes provision for appeals against decisions of licensing authorities) has effect.

(2) On an appeal in accordance with that Schedule against a decision of a licensing authority, a magistrates' court may-

(a) dismiss the appeal,

(b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or

(c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court,

and may make such order as to costs as it thinks fit.