

Report title	Premises Licence Application Licensing Act 2003
Report author	Robert Smith Senior Licensing Officer
Department	Environmental Services
Exempt	No

**Purpose of report:
To Resolve**

Synopsis of report:

To consider an application for a premises licence to be granted in respect of Café Ultimo, 166 Station Road, Addlestone Surrey KT15 2BD.

Recommendation that:

The Sub-Committee determines the application for a premises licence in respect of Café Ultimo, 166 Station Road, Addlestone Surrey KT15 2BD.

1. Context and background of report

- 1.1 This report relates to an application submitted on 27 October 2023 for a premises licence at Café Ultimo, 166 Station Road, Addlestone Surrey KT15 2BD under section 17 of the Licensing Act 2003. A copy of the application and plans are attached at Appendix 'A'.
- 1.2 The premises concerned is a small café with a garden to the rear, it is currently in use as a café.
- 1.3 The application was advertised as required by the Licensing Act 2003, the last date for submitting of representations was 24 November 2023.

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

- 2.1 The application proposes the following licensable activities: -

Supply of alcohol (on sales only)
 1pm to 11pm on Sunday till Wednesday
 1pm to 11:30pm on Thursday
 1pm to midnight on Friday and Saturday

Late night refreshment
 11pm to 11:30pm on Thursday
 11pm to midnight on Friday and Saturday

- 2.2 The application proposes opening hours as follows: -

06:30am to 11:30pm on Sunday till Wednesday

06:30am to midnight on Thursday
06:30am to 00:30am on Friday and Saturday

- 2.3 Members are advised that following the Deregulation Act 2015 activities such as live amplified music and recorded music are no longer licensable activities when they occur on licensed premises between 8am and 11pm and where the audience is less than 500.

Promotion of Licensing Objectives

- 2.4 The applicant's proposals to promote the four licensing objectives are shown at part 'M' of the application.
- 2.5 The application as submitted describes the premises in part 3 as a coffee shop, offering the sale of alcohol for consumption on and off the premises, along with late night refreshment.
- 2.6 The Police made some initial suggestions to the applicant concerning conditions on receipt of the application. The applicant responded on 21 November in an email to the Police which stated the premises would operate as a micro pub / wine bar in the evenings (Appendix 'B').
- 2.7 Part 3 of the premises licence application states the premises would be a coffee shop and makes no mention of it operating as a micro pub/wine bar. The Licensing Act 2003 makes no distinction between types of premises, a licence permits the sale of alcohol regardless of the premises type. However, having the correct information as to a premises type is essential in deciding how the licensing objectives are promoted and should be properly described in part 3.
- 2.8 Both the Police and the Council's Environmental Health Department have had discussions with the prospective licence holder over their concerns. These have not been resolved. The Sub-Committee's attention is drawn to the fact that the applicant did inform the Police and Environmental Health on 30 November 2023 of their intention to revert to use of the premises as per their application, i.e. a café.

Responsible Authorities - Relevant Representations

- 2.9 Two relevant representations have been made by responsible authorities, the Police and the Council's Environmental Health Service. The representations relate to the licensing objectives of the Prevention Crime and Disorder and the Prevention of Public Nuisance. The representations are attached at Appendices 'C' and 'D'.

Relevant Other Persons Representations

- 2.10 No other relevant representations were received.
- 2.11 The applicant has been served with the required notices and furnished with copies of the representations.

Applicant's response

- 2.10 The applicant's responses to the Environmental Health representation and their subsequent replies are attached at Appendix 'E'. This includes confirmation of their intention to revert to the type of premises as per their application, i.e. a café.

- 2.11 The applicant made a response to Police representations simply to confirm their intention to revert to the type of premises as per their application, i.e. a café.

Description of premises

- 2.12 This is a ground floor premises comprising of two indoor dining areas and a larger enclosed rear garden. Maps and photographs are available to show the location of the premises as attached:
- Appendix 'F' - plan of the premises as submitted with the application.
 - Appendix 'G' – map of the proposed premises and locality.
 - Appendix 'H' - aerial photo of the proposed premises and locality.

3. Policy framework implications

- 3.1 Within Runnymede Borough Council's Statement of Licensing Policy 2016 - 2021 paragraphs 8.1 to 8.12 17 relate to the licensing objective of the prevention of crime and disorder, and 10.1 to 10.17 relate to the licensing objective of the prevention of public nuisance.

4 Resource implications/Value for Money (where applicable)

- 4.1 None identified.

5. Legal implications

- 5.1 An authority must carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives and, in addition to the terms of the statute, must have regard to its published Statement of Licensing Policy and guidance issued by the Secretary of State, under section 182.
- 5.2 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.

6. Background papers

Section 182 of the Licensing Act 2003

Revised Guidance issued under section 182 of the Licensing Act 2003
(publishing.service.gov.uk)

Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Statement of Licensing Policy

Statement of Licensing Policy 2021 to 2026 (runnymede.gov.uk)

7. Appendices

Appendix A - Application
Appendix B – Police email
Appendix C – Police representation
Appendix D – EH representation
Appendix E – Applicant's response

Appendix F – Plan of premises
Appendix G – Location map
Appendix H – Aerial photo