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Democratic Services



LICENSING (HEARING) SUB-COMMITTEE

Thursday 19 September 2024 at 11.00 am

Place: Council Chamber, Epsom Town Hall

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Licensing (Hearing) Sub-Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Neil Dallen
Councillor Phil Neale

Councillor Humphrey Reynolds

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sing'.

Chief Executive

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

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Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions and statements from the Public

Questions and statements from the public are not permitted at meetings of this Committee. [Annex 4.2](#) of the Epsom & Ewell Borough Council Operating Framework sets out which Committees are able to receive public questions and statements, and the procedure for doing so.

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AGENDA

1. APPOINTMENT OF THE CHAIR

To appoint a Chair for the Licensing (Hearings) Sub-Committee meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests from Members in respect of any item to be considered at the meeting.

3. DETERMINATION OF APPLICATION TO VARY PREMISES LICENCE

(Pages 5 - 38)

The Licensing (Hearing) Sub-Committee (“the Sub-Committee”) is being asked to determine a variation application made under the Licensing Act 2003.

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DETERMINATION OF APPLICATION TO VARY PREMISES LICENCE

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Paul Holliday
Wards affected:	Court Ward;
Appendices (attached):	Appendix 1 Current premises licence Appendix 2 Location plan Appendix 3 Application to vary licence Appendix 4 Interested party representation Appendix 5 Licensing Authority representation Appendix 6 Police representation

Summary

The Licensing (Hearing) Sub-Committee (“the Sub-Committee”) is being asked to determine a variation application made under the Licensing Act 2003

Recommendation (s)

The Sub-Committee is asked to:

(1) Have regard to the relevant representations made during the consultation period, and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:

(a)to modify the conditions of the licence;

(b)to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

1 Background

- 1.1 The supply of alcohol is a licensable activity under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required, in order to carry on the activity at a premises within the borough.

- 1.2 Under the scheme of delegation adopted by the Council the Sub-Committee is responsible for the exercise of many of the functions of the Council as a licensing authority, including determination of applications where representations have been received.
- 1.3 The Council may dispense with holding a hearing if the applicant and all persons who made valid representations agree that such a hearing is unnecessary and give notice to the authority to that effect.

2 Introduction

- 2.1 Real Butchers, 9 Pounds Lane, Epsom, Surrey KT19 8RY has been authorised to sell alcohol for consumption off the premises only, 9AM to 8pm every day, since July 2019. A copy of the current premises licence is attached as appendix 1.
- 2.2 The premises is located within a parade of shops. A location plan is attached at Appendix 2
- 2.3 On 4 July 2024 an application to vary the licence to also allow the consumption of alcohol on the premises, and also to update the plan of the premises. A copy of the application form and update plan are attached as Appendix 3

3 Representations from Interested Parties

- 3.1 One representation relevant to the licensing objectives was received from the owner of a local business. A copy of this representation is attached at Appendix 4

4 Representations from Responsible Authorities

- 4.1 A representation has been received from the Licensing Authority. A copy of this representation is attached as Appendix 5.
- 4.2 A representation from Surrey Police has been received. A copy of this representation is attached as Appendix 6.

5 Policy and S182 Guidance Considerations

- 5.1 Pound Lane falls within the (Alcohol) Public Spaces Protection Order ('PSPO'), which, as the result of concerns that the consumption of alcohol in public places covered by the order was having a detrimental effect on the quality of life of those in the locality, prohibits the public consumption of alcohol within the restricted area. The PSPO does not apply to drinking alcohol within licensed premises, and the area to which the Real Butchers licence application relates (the building and forecourt) is private land and not subject the provisions of the PSPO.

- 5.2 The section 182 guidance at para 9.17 sets out the necessary separation of responsibilities when licensing authorities act as responsible authorities, e.g., the officer advising the licensing committee must be a different person from the officer who is acting for the responsible authority. Officers can confirm this guidance has been followed in full.

6 Legal Implications

- 6.1 Decisions on licensing matters engage issues of human rights, in particular, Article 1 of the First Protocol, the peaceful enjoyment of possessions, Article 6, the right to a fair hearing, and Article 8, respect for private and family life. However, interference with Convention rights is permitted where lawful and necessary in the interests of public safety, the prevention of disorder or crime, the protection of health and morals or for the protection of the rights and freedoms of others.
- 6.2 Due regard must also be had to the public sector equality duty enshrined in Section 149 of the Equality Act 2010, which aims to eliminate unlawful discrimination, having regard to the nine protected characteristics. The nine protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 All applications for new or varied Premises Licences or Club Premises Certificates must be advertised by the display of a notice at the premises and by a public notice in the local newspaper. Pursuant to the Council's constitution the Council's licensing department has determined that there is a valid application that complies with the requirements of the Licensing Act 2003.
- 6.4 Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court. Should the Sub-Committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence. Where a person who made relevant representations in relation to the application contends that:
- a) any variation made ought not to have been made, or,
 - b) on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, they may appeal against the decision
- 6.5 **Legal Officer's comments:** When considering licence applications, the Sub-Committee shall carry out its functions with a view to promoting the licensing objectives. The licensing objectives are: Prevention of crime and disorder; Public Safety; Prevention of public nuisance; Protection of children from harm.

The Sub-Committee must ensure that all licensing decisions have: taken into account all relevant representations; a direct relationship to the promotion of one or more of the four licensing objectives; regard to the Council's statement of licensing policy; regard to the Secretary of State guidance; there must not be a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act 1998.

When considering an application for the variation of an existing licence, only the variation is subject to determination. No changes can be made to a licence or conditions attached unless they are subject to the variation application.

The applicant has the right of appeal against the decision made by the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- [\(Alcohol\) Public Spaces Protection Order No.1 of 2021](#)
- [Section 182 Guidance issued by the Secretary of State](#)

SCHEDULE 12 PART A (Regulation 33,34)

Premises licence number Part 1

Premises details No EEBC/19/00079/LAPRE

Postal address of premise, or if none, ordnance survey map reference or description	
Real Butcher 9 Pound Lane	
Post town EPSOM, SURREY	Post code KT19 8RY
Telephone number Not stated	

Where the licence is time limited the dates
NONE
Licensable activities authorised by the licence
SALE OF ALCOHOL BY RETAIL
The times the licence authorises the carrying out of licensable activities
SALE OF ALCOHOL BY RETAIL 09.00 HOURS UNTIL 20.00 HOURS EVERY DAY
The opening hours of the premises
09.00 HOURS UNTIL 20.00 HOURS EVERY DAY
Where the licence authorises supplies of alcohol whether these are on and/or off supplies
FOR CONSUMPTION OFF THE PREMISES

Part 2

<p>Name, (registered) address, telephone number and e mail (where relevant) of holder of premises licence</p> <p>ANJOS LIMITED 9 POUND LANE EPSOM SURREY KT19 8RY</p>
<p>Registered number of holder, for example company number, charity number (where applicable)</p> <p>09867355</p>
<p>Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</p> <p>MARIA DIAS DOS ANJOS 5 DEREK CLOSE EPSOM SURREY KT19 9NT</p>
<p>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol.</p> <p>EPSOM AND EWELL BOROUGH COUNCIL PERSONAL LICENCE NUMBER EEBC/19/00105/LAPER</p>

Dated 11 July 2019

For the Licensing Authority

Annex 1 – Mandatory conditions

Mandatory Condition: where licence authorities supply of alcohol

Where a premise licence authorises the supply of alcohol, the licence must include the following conditions

1. No supply of alcohol may be made under the premises licence
 - (a) at a time when there is not designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection 3(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where:
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Children means persons aged under 18; and

Film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification)

Mandatory Condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing requires a condition to be imposed in respect of:
 - (a) paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) any occasion mentioned in paragraph 8(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence),
any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

Security activity means an activity to which paragraph 2(1)(a) of that Schedule applies, and Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Conditions 1, 2 and 3 below came into force on 6th April 2010, and 4 and 5 came into force on 1st October 2010 (as amended 1 October 2014).

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) 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.

(3) 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, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b)an ultraviolet feature.

4. The responsible person must ensure that—

(a)where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i)beer or cider: ½ pint;
- (ii)gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii)still wine in a glass: 125 ml;

(b)these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c)where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

The Licensing Act 2003 (Mandatory Conditions) Order 2014 came into force on May 2014.

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 rate 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) “valued 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 this 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.

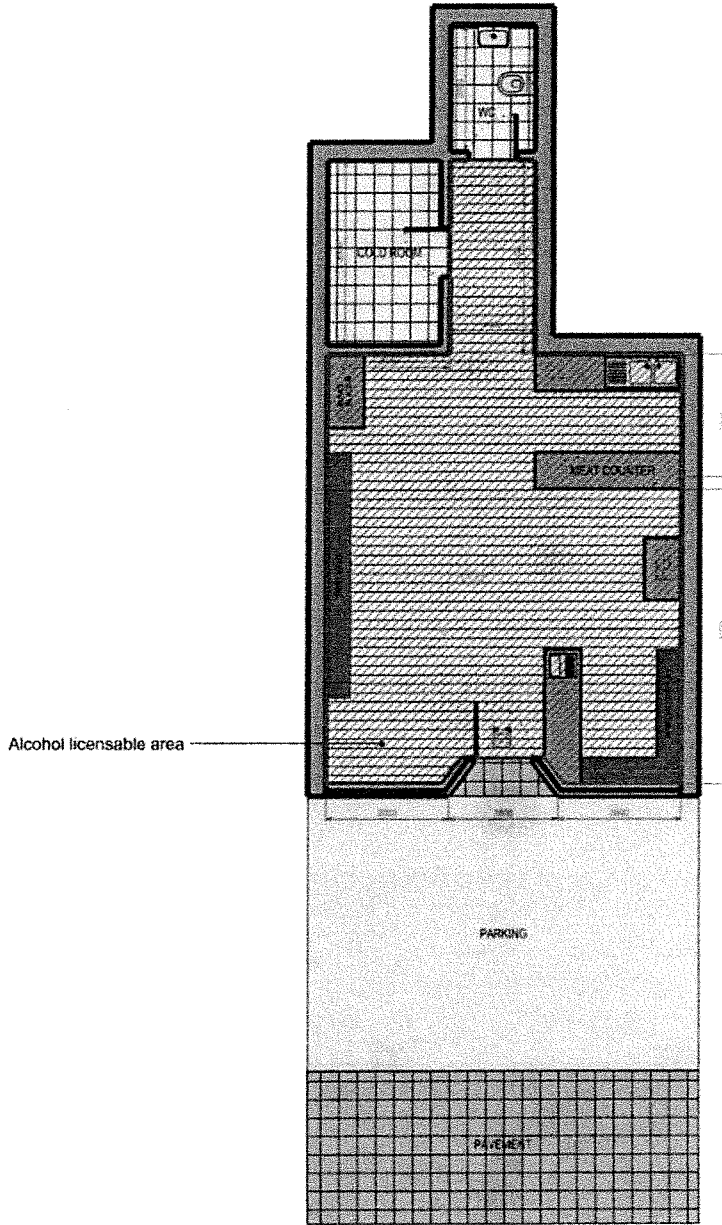
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

1. CCTV will be installed with 31 days recording facility. A trained person will be on site during licensable hours capable of viewing and downloading CCTV footage. Any footage required by a Police Officer or other Responsible Authority will be given within 48 hours.
2. Staff will have training on the four licensing objectives. Training records to be kept for 12 months and training refreshed every 6 months.
3. Under 25 challenge signs – to include signage similar, but not restricted too “no proof no sale” will be displayed.
4. Refusal book and incident logs to be kept for a minimum of 6 months and signed weekly by the Designated Premises Supervisor.
5. Beers on sale will not exceed 6% ABV and will be sold in packs of 4 x minimum.
6. No sale of miniatures (spirits).
7. No alcohol to be stored in a cool dry place and away of any heat source.
8. To implement any recommendations given by the Police and other Authorities.
9. Deliveries done by our suppliers will take place within the recommended times by the Authorities.
10. Staff member to clean any rubbish or littering in front of premises during the day on a regular basis.
11. Rubbish bin collection will take place within the recommended hours by the Authorities.
12. Staff will be trained regarding the protection of children from harm.
13. We will participate in Pub Watch meetings.
14. The business will not engage on irresponsible alcohol promotions.

Annex 3 – Conditions attached after a hearing by the licensing authority

NONE



Ground Floor Plan

KEY

- | | | | | | |
|---------------------------------|---------------------------|-----------------------------|----------------|-------------------|----------|
| ALCOHOL LICENSABLE AREA | 1 Hour fire compartment | Emergency light & exit sign | Smoke detector | FF Fridge freezer | GR Grill |
| Fire blanket | Emergency lighting | Sound alarm (fire alarm) | FG Fridge | FG Fryer | |
| 9 Litre water fire extinguisher | Primary escape route | Central alarm | FZ Freezer | OV Oven | |
| 5kg CO2 Extinguisher | Secondary escape route | Call point (fire alarm) | | | |
| Fire door locked (5mm letters) | Heat detector (To BS5839) | CCTV | | | |
- All fire doors to be 30/30 with self closers and intumescent strips

Cafe
Alcohol Licence
Ground Floor Plan
Jose Manuel Rocha
Unit 35 Battersea Business Centre 99-109 Lavender Hill London SW11 5QL
Tel: +44 (0) 7868 697778 - Email: manuelrocha01@hotmail.com



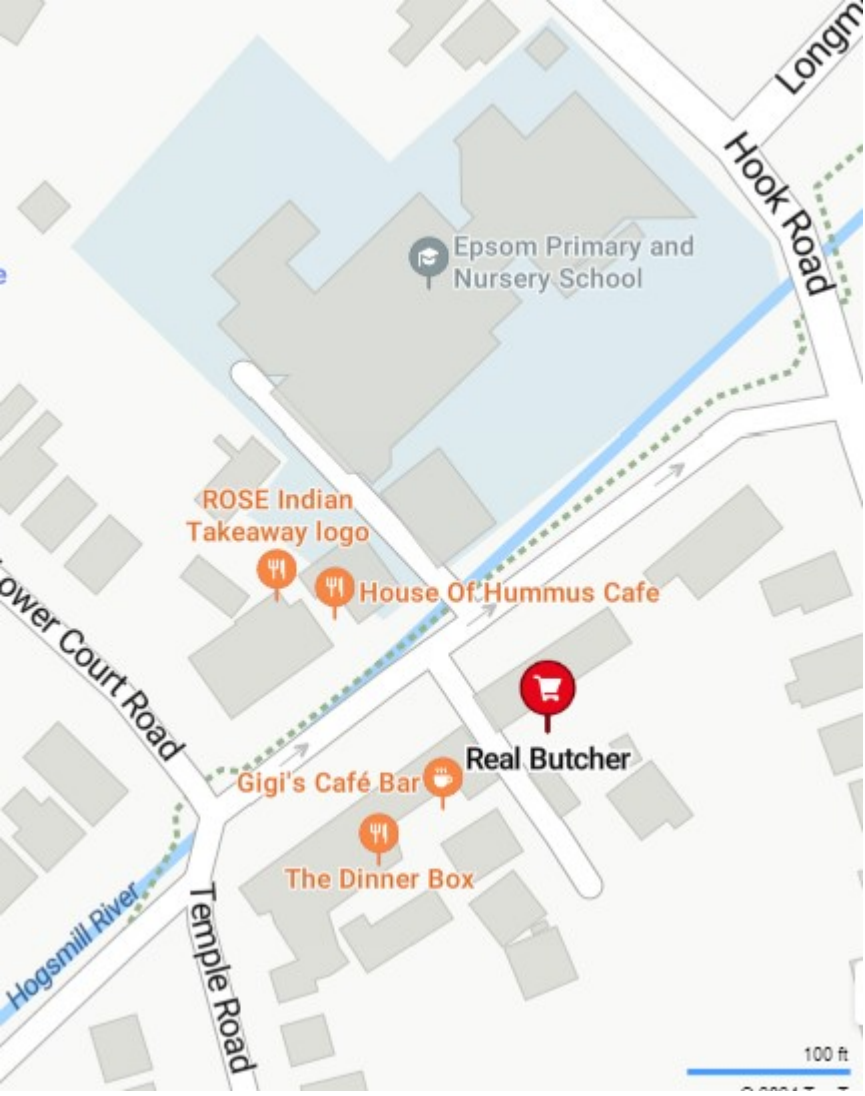
Applicant
Mr /Ms
Real Butchers
9 Pound Lane, Epsom, Surrey, KT19 8RY

Number
JR_16_001

Scale @ A4
1:100

Date
04/05/19

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* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number **I**nclude country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? Yes No

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 to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

We would like to add Sale of Alcohol ON License to our existing License Activity - Sale Of Alcohol OFF License. No other changes

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful? Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful? Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises
 Off the premises
 Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

Not Applicable

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We are happy with the Conditions we have at the moment. In addition, no vertical drinking for ON License Sales. Table service only.

b) The prevention of crime and disorder

We are happy with the Conditions we have at the moment. In addition, no vertical drinking for ON License Sales.

c) Public safety

We are happy with the Conditions we have at the moment. In addition, no vertical drinking for ON License Sales.

d) The prevention of public nuisance

We are happy with the Conditions we have at the moment. In addition, no vertical drinking for ON License Sales.

e) The protection of children from harm

We are happy with the Conditions we have at the moment. In addition, no vertical drinking for ON License Sales.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my

* licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS

Continued from previous page...

named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/epsom-and-ewell/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

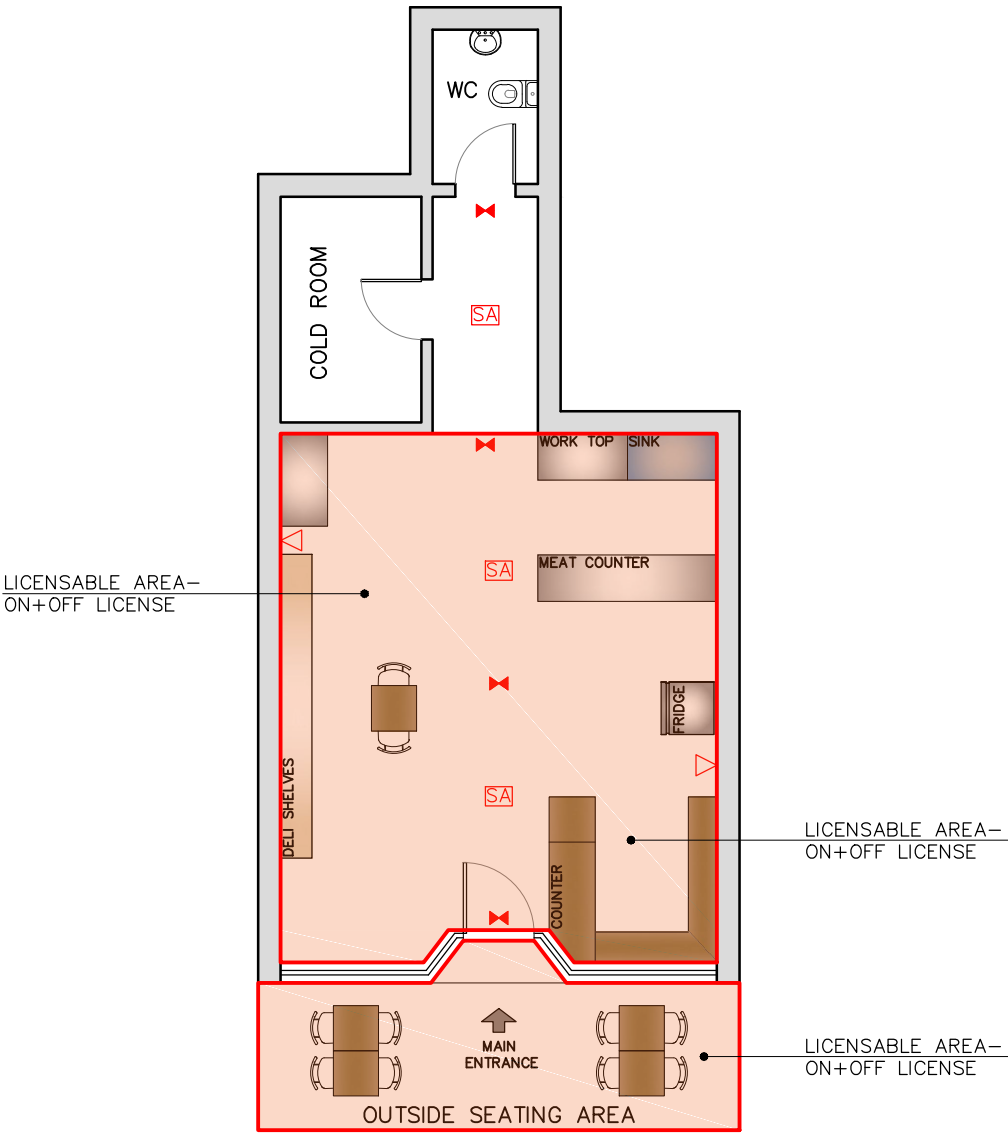
Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed



PARKING

PAVEMENT

- LICENSABLE AREA
- SA SMOKE ALARM
- FIRE EXTINGUISHER
- ↔ EMERGENCY LIGHT

BUTCHER/DELICATESSEN
ALCOHOL LICENSE – ON+OFF LICENSE

JOSE MANUEL ROCHA
UNIT 35 – BATTERSEA BUSINESS CENTRE 99–109 LAVENDER HILL
LONDON SW11 5QL
TEL: +44 (0) 7868–697778 / E–MAIL: manuelrocha01@hotmail.com

APPLICANT:
REAL BUTCHERS
9 POUND LANE
EPSOM
SURREY
KT19 8RY

SCALE:
A4_1/100

DATE:
20–JUNE–2024

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Licensing Team
Epsom and Ewell Borough Council
Town Hall, The Parade
Epsom, KT18 5BY

26 July 2024

Dear Sirs

Objection to the Variation of Premises Licence for Real Butcher, 9 Pound Lane, Epsom

I am writing to formally object to the application made by Real Butcher, located at 9 Pound Lane, Epsom, to vary its premises licence to include the sale of alcohol between the hours of 9am and 8pm from Monday to Sunday. As the owner of [REDACTED], situated in close proximity to Real Butcher, I have several serious concerns regarding the potential impact of this variation on the local community and my business.

1. Encouragement of Drink Driving

I have witnessed individuals who have purchased alcohol from nearby establishments consuming said beverages and subsequently driving off. The addition of another alcohol outlet increases the risk of drink driving, posing a significant danger to public safety.

2. Public Consumption of Alcohol

There is a concern that alcohol purchased from Real Butcher may be consumed on the street, leading to public disorder. This behaviour can create an intimidating environment, particularly for families and elderly residents who use Pound Lane, as well as the children who attend Epsom Primary School directly across the street from the premises. Given the permitted hours of the licence there is a risk that inebriated individuals could come into contact with primary school aged children during school hours.

3. Congregation and Obstruction

There is a potential for groups to congregate outside the shop (as I have frequently experienced on numerous times previously), obstructing the pavement and making it difficult for my customers to access my premises. This not only affects my business but also inconveniences other businesses, pedestrians and the local public. I am also concerned about the effect of these congregations on the children from Epsom Primary School which is attended by children within my own extended family.

4. Noise Pollution and Anti-Social Behaviour

The sale of alcohol often leads to increased noise and anti-social behaviour, especially during the evening hours. This can disturb the peace of the local area and negatively impact the quality of life for residents and businesses.

I urge the Licensing Team to consider these points and the negative implications that granting this licence variation could have on public safety, public nuisance, and crime and disorder in the local community. I hope that the council will take these concerns seriously in determining the appropriateness of licence variation. I thank you for taking the time to consider my representation.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED] Epsom, England, KT19 [REDACTED]

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Paul Holliday

From: Lisa Rasores
Sent: 01 August 2024 12:57
To: Licensing
Subject: Licensing Representation to the application for variation of the licence at Real Butchers, 9 Pound Lane, Epsom KT19 8RY

Categories: Paul Working on it

Licensing Department,

Licensing are formally making representations to the application for variation of the licence at Real Butchers, 9 Pound Lane, Epsom KT19 8RY. The Licensing objection is primarily concerned with the crime and disorder licensing objective. Licensing are making representations as, following a complaint, an officer visited the premises and it appeared inadequate management controls were in place to ensure the promotion of the licensing objectives.

On 22 July 2024 the Licensing department received an anonymous telephone complaint regarding the premises Real Butchers, 9 Pound Lane, Epsom KT19 8RY. The complaint in summary was that people were drinking alcohol on the premises every day from 3pm-4pm and that the premises is only licensed for the sale of alcohol for consumption off the premises. The complainant alleged that customers are also drinking outside the premises and then driving, leaving empty bottles on the wall and that customers were generally being intimidating. The complainant advised that this information has also been reported to the police.

On Tuesday 30 July 2024 a Licensing Officer visited the premises following up on the complaint that had been received. On entering the premises 2 men were present. One man was standing up and leaning against a small chest freezer at the front of the shop. He was drinking from a 330ml green bottle of Heineken. There were 2 further 330ml bottles of Heineken in the chest freezer that he was leaning against. When challenged the man at the till, pointed to the blue public notice to vary the premises licence that was displayed in the shop window, and stated they were permitted to drink on the premises. When advising both men that consuming alcohol on the premises was an unauthorised licensing activity as the variation application had not been granted and was still in the public consultation period, both men had some difficulty in understanding, and this was demonstrated by frowning and shrugging shoulders. The man drinking the Heineken then stated he had purchased the alcohol from the convenience store opposite the premises.

On investigating further there was a full height fridge that contained many of the same bottles of Heineken for sale at the premises. It transpired that the man standing by the till was a friend of the owner looking after the premises who was currently in Brazil and due back in the country the following week. This was followed by a phone call from the owner that apologised for the incident.

The summary licence was on display by the till area but the man by the till could not locate the main licence or training documents as he stated that he does not usually work at the premises.

Should the premises be able to demonstrate compliance with current licence conditions and put in place adequate measures to ensure the variation application is not detrimental to the licensing objectives, then Licensing may be satisfied the application is consistent with the promotion of the licensing objectives. A suggestion to help achieve this would be to add the following condition:

“In the absence of the designated premises supervisor, a personal licence holder shall be on the premises at all times when alcohol is available for sale.”

Lisa Rasores
Licensing Officer
Epsom & Ewell Borough Council

Tel: 01372 732000

Email: licensing@epsom-ewell.gov.uk

Web: www.epsom-ewell.gov.uk

Paul Holliday

From: Billin, Jenny 16229 <Jenny.Billin@surrey.police.uk>
Sent: 01 August 2024 11:50
To: Licensing
Cc: Lisa Rasores
Subject: [WARNING EXTERNAL] Real Butcher - Full Variation Application

Categories: Paul Working on it

Dear Epsom Licensing,

Surrey Police are in receipt of the application to full vary the current premises licence for Real Butcher, Pound Lane, Epsom. Surrey Police have received a complaint, who wishes to remain anonymous, about drinking at the premises outside and ASB associated with the premises. We are also in receipt of findings from yourselves about drinking on the premises and a distinct lack of understanding of the current premises licence. Surrey Police therefore request the following be added to the conditions of the licence should the committee feel granting the licence be best course:

- Outdoor seating area shall have no more than 8 persons seated at any one time.
- Signs by all exits reminding customers to leave quietly and respect neighbours
- All off sales will be in sealed containers
- During licensable hours a Personal Licence Holder will be on site

The existing conditions and those offered in the application are acceptable.

Kind regards,



16229 Jenny Billin
Licensing Enforcement Officer
Eastern Division
Surrey Police, PO Box 101, Guildford, GU1 9PE
Alternative Email: licensingeastern@surrey.police.uk
Tel: 01483 638476 / 07967986441

LGBTQ+ Liaison Officer



Website: surrey.police.uk
[Twitter](#) | [Facebook](#) | [YouTube](#) | [LinkedIn](#)

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