

DETERMINATION OF APPLICATION FOR PREMISES LICENCE

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Wards affected:	Auriol Ward;
Appendices (attached):	Appendix 1 Application Appendix 2 Plan of premises Appendix 3 Representation Appendix 4 Location Plan

Summary

Members are requested to determine an application for a premises licence where the authority has received relevant representation.

Recommendation (s)

Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

Members of the Licensing Sub-Committee are asked to 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:

- To grant the licence as applied for
- To impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations; or
- To exclude any of the licensable activities from the scope of the licence; or
- To refuse to specify a person as the premises supervisor; or
- To reject the application.

1 Reasons for Recommendation

- 1.1 In carrying out its licensing functions, the Licensing Authority must have regard to its statement of licensing policy and any statutory guidance issued under s 182 of the Licensing Act 2003.

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- 1.2 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 Background

- 2.1 The provision of late night refreshment (the supply of hot food and hot drink between 11pm and 5am) 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.
- 2.2 Under the Terms of Reference 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.
- 2.3 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.

3 Application

- 3.1 On 10 November 2025 Cheezious Pizzeria Ltd ("The Applicant") applied for a premises licence for the premises known as Pizzeria Roma at 182 Kingston Road, Epsom KT19 0SF to supply late night refreshment both indoors and outdoors from 23.00 until 01.00 Sunday to Thursday, and until 01.30 on Friday and Saturday, and also Christmas Eve and New Year's Eve. A copy of the application is attached at Appendix 1, and a copy of the plan of the premises provided is attached at Appendix 2.
- 3.2 All applications for new Premises Licences must be advertised by the display of a notice at the premises and by a public notice in the local newspaper. The licensing department has determined that this application complies with the public notice requirements of the Licensing Act 2003.

4 Representations

- 4.1 The Council received one relevant representation from a local resident. attached at Appendix 3.
- 4.2 No representations from any responsible authority were received.
- 4.3 A location plan showing the local area is attached at Appendix 4.

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5 General principles to be followed

- 5.1 When determining applications, the Sub-Committee is required to carry out its functions with a view to promoting the licensing objectives, which are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm
- 5.2 In considering the licensing objections the Council must have regard to its statement of licensing policy, and to the statutory guidance issued under section 182 Licensing Act 2003.
- 5.3 If granted and unless modified by the Sub-Committee the licence would be subject to the conditions consistent with Operating Schedule as set out in section M of the application (Appendix 1).

6 Policy Considerations

- 6.1 A copy of the Council's Statement of Licensing Policy (December 2018) has been sent to the Applicant and Interested Parties together with this report. The Sub-Committee will note there are no policy presumptions against the grant of the licence.
- 6.2 Section 4 of the Licensing Act 2003 stresses that in carrying out its functions, a licensing authority must "have regard to" guidance issued by the Secretary of State under Section 182. This implies looking at the guidance, factoring in its relevance and/or weight, if any, as those matters appear to the licensing authority. Paragraph 9.4 to 9.9 of this guidance may provide assistance to members of the Sub-Committee in considering whether the representation are relevant, vexatious or frivolous representations.

7 Legal Implications

- 7.1 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.

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- 7.2 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.
- 7.3 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.
- 7.4 Applicants may appeal to the magistrates' court if the licensing authority has rejected their application for a premises licence. If a licence is granted, the licence holder may appeal against the imposition of conditions on that licence, the exclusion of a licensable activity or refusal to specify an individual as supervisor. Those who made relevant representations during the course of an application may appeal against the decision to grant a licence.
- 7.5 Appeal to the magistrates' court who will hear the matter afresh and will only overturn a licensing authorities decision if it thinks it is wrong. This reinforces the importance of well drafted reasons for the decision as the magistrates court is more likely to uphold a well drafted set of reasons.
- 7.6 **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.

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.

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8 Background papers

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

Previous reports:

- None

Other papers:

- [Statement of Licensing Policy, dated 11 December 2018](#) ☐
- [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK](#)