

LICENSING ACT 2003

Application for: Premises Licence Application

Premises: Tesco, Crossways, 88 Windsor Road, Slough, SL1 2NE

Applicant: Tesco Stores Limited

Reason for Referral: Representations made by 'Other Persons'.

1. CURRENT POSITION

- 1.1 An application for a premises licence grant has been made by;
- Tesco Stores Limited for Crossways, 88 Windsor Road, Slough, SL1 2NE
- 1.2 A copy of the premises licence application and premise plan is attached at appendix A & B. The licensable activities and times applied for are;

Supply of alcohol – Off sales

Monday to Sunday: 06:00 – 00:00 hours

Late night refreshment - Indoors

Monday to Sunday: 23:00 – 00:00 hours

2. BACKGROUND INFORMATION

- 2.1 There is currently no premises licence in place for 88 Windsor Road, Slough, SL1 2NE

3. REPRESENTATIONS RECEIVED

- 3.1 Eight representations to the application have been made by local residents. No representations have been made by any responsible authority.
- 3.2 Any person may make representations in relation to applications for the grant of a premises licence. Representations must relate to one or more of the licensing objectives and cannot be frivolous or vexatious.
- 3.3 The representations detail concerns under the Licensing Objective as follows:
- **The Prevention of Crime and Disorder**
 - **The Prevention of Public Nuisance**
 - **Public Safety**

In summary:

- The representations are detailed in full at appendix C - J.
- The representations made can be summarised as concerns regarding increased crime and anti-social behaviour in the area due to the hours of licensable activities applied for.
- In addition concerns have been raised regarding increased traffic and potential parking issues.

4. RELEVANT GUIDANCE

- 4.1 The committee must have regard to the Secretary of State's amended guidance issued in April 2018 under Section 182 of the Licensing Act 2003 and in particular Chapters 9 (Determining applications) and 10 (Conditions attached to Premises Licences). Particular regard should be had to paragraphs 9.31 – 9.41 (Hearings) and 9.42 – 9.44 (Determining actions that are appropriate for the promotion of the licensing objectives).
- 4.2 With regards to Relevant, Frivolous or Vexatious Representations the relevant sections of the Section 182 Guidance state the following:

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most,

are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 *Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.*

9.8 *Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.*

9.9 *It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.*

9.10 *Licensing authorities should consider providing advice on their websites about how any person can make representations to them*

- 4.3 The committee must also have regard to the Council's Statement of Licensing Policy 2019-2024.

5. DETERMINATION – OPTIONS AVAILABLE TO THE SUB-COMMITTEE

- 5.1 Following the hearing, having had regard to the representations made by all parties, the committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the application as it stands in which case it would be issued subject to the relevant mandatory conditions and conditions consistent with the applicant's operating schedule;
2. Grant the application subject to the mandatory conditions and conditions consistent with the applicant's operating schedule, but modified to the extent the committee consider appropriate for the promotion of the licensing objectives. This includes amending the hours of licensable activities applied for;

(Conditions are modified if any of them is altered or omitted or any new condition is added. Conditions must be reasonable, proportionate and appropriate in order to meet one or more of the licensing objectives).

3. To exclude from the scope of the licence any of the licensable activities to which the application relate;

4. To refuse to specify a person in the licence as the premises supervisor;
5. Refuse the application.

APPENDICES

Appendix 'A' – Copy of application (premises licence grant)

Appendix 'B' – Copy of premises plan

Appendix 'C' – Trevor Langworth representation

Appendix 'D' – P Chobot representation

Appendix 'E' – Mahendra Kumar representation

Appendix 'F' – Salema Hafiz representation

Appendix 'G' – Ross Forster representation

Appendix 'H' – Jordan Maynard-Daley representation

Appendix 'I' – Indu Aggarwal representation

Appendix 'J' – Girish Baldota representation

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy – January 2019-2024

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