

APPENDIX A

WAVERLEY BOROUGH COUNCIL LICENSING SUB-COMMITTEE A 3 MARCH 2014

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – TESCO EXPRESS, PORTSMOUTH ROAD, MILFORD, GODALMING, SURREY GU8 5HW

[Wards Affected: Milford Ward]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Tesco Stores Limited for a new premises licence for Tesco Express, Portsmouth Road, Milford, Godalming, Surrey GU8 5HW, where 36 valid representations have been received from 'Other Persons' and 1 from a Responsible Authority, Environmental Health.

Background

2. An application has been received for a new premises licence for this retail premises (supermarket) selling a range of goods and services. The building is two-storey, and was previously a licensed public house operating under the name of 'The Red Lion'. The premises currently have a licence in place authorising the sale of alcohol for consumption off the premises only, from Monday to Sunday 0600 hours to 2300 hours. The new application proposes that the licence will authorise the premises to sell alcohol for consumption off the premises 24 hours a day, seven days a week.

Activities Sought under this Licence Application

3. The applicant seeks to license the premises as shown below. An extract of the relevant pages from the application form is attached at Annexe 1. Also attached to this document at Annexe 2 is a plan showing the area of the premises and surrounding properties. In brief summary, the applicant seeks the following activities in the new licence, if granted. Please see application for activities in full.

- Sale of Alcohol:
0000 to 2400 Monday to Sunday (Box J)
- Opening hours:
0000 to 2400 Monday to Sunday (Box L)
- Box P to address the four licensing objectives is also reproduced.

Licensing Objectives

4. The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives, and representations must be from the responsible authorities under this legislation and/or any other persons.

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

Representations received

Responsible Authorities

5. There has been 1 representation from a Responsible Authority, Environmental Health, attached at Annexe 3. Surrey Police have also been in negotiation with the applicant and amendments to the application were submitted and are reproduced at Annexe 4.

Other Persons

6. Besides Responsible Authorities, “other persons” may make representations. There have been 36 valid representations from “other persons”. The representations are attached at Annexe 5

What the Sub-Committee may do

7. The Sub-Committee, after hearing from the applicant and those making representations, must take one or more of the steps listed below (if any) as it considers appropriate for the promotion of the Licensing Objectives. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any objector to appeal to the Magistrates’ Court against the Licensing Sub-Committee decision. The steps are:
 - Grant the application subject to such conditions as are consistent with the operating schedule, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
 - Exclude from the scope of the licence any of the licensable activities to which the application relates;
 - Refuse to specify a person as the premises supervisor;
 - Reject the application.
8. Extracts from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003 are attached in relation to:
 - Hearings - paragraphs 9.27 to 9.40 - Annexe 6.
 - Conditions - paragraphs 10.1 to 10.61, 1.16-1.17- and 15.20-15.37 - Annexe 7.
 - The Licensing Objectives – paragraphs 2.1–2.35 – Annexe 8

Recommendation

The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.

Having regard to the representations made, the Sub-Committee must take such of the steps outlined below (if any) as it considers appropriate for the promotion of the Licensing Objectives. Those steps are:

- To grant the licence subject to such conditions as are consistent with the operating schedule, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person as the premises supervisor;
- To reject the application.

Background Papers

Application and representations referred to above.

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