

APPENDIX A

WAVERLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE B
15 APRIL 2013

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING
PREMISES LICENCE – MURCO COSTCUTTER EXPRESS, HALE ROAD,
FARNHAM, SURREY, GU9 9RD

[Wards Affected: Farnham Wards]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application for variation to the Premises Licence of Murco Costcutters Express, Hale Road, Farnham, Surrey, GU9 9RD, from Murco Petroleum Limited, the current Premises Licence Holders. Representations have been received from one 'other persons'.

Background

2. The Premises, in January 2007, was subject of an application for a Premises Licence, which received no representations. In accordance with the 2003 Licensing Act Murco Costcutters Express, Hale Road, Farnham was granted a Premises Licence as applied for.
3. A copy of the latest Premises Licence is attached (Annexe 1) and summarised below:

- **Sale of Alcohol**

Monday to Sunday 0600 to 0000

- **Late Night Refreshment**

Monday to Sunday 2300 to 0500

- **Opening hours**

Up to 24 hours daily

Activities Sought under this Licence Application

4. The variation proposes that the premises licence be amended to extend the licensed hours for the sale of alcohol, for consumption off the premises only,

Monday to Sunday

0000 – 2400

An extract of the relevant pages from the application form is attached at Annexe 2 to this report.

5. Attached at Annexe 3 is a plan showing the area of the premises and surrounding properties.

Licensing Objectives

6. 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 or from any other person. The four licensing objectives are:
 1. Prevention of Crime and Disorder
 2. Public Safety
 3. Prevention of Public Nuisance
 4. Protection of Children from Harm

Representations received

Responsible Authorities

7. There have been no representations from Responsible Authorities, however Surrey Police have been in negotiation with the applicant and an amendment to the application was submitted and is reproduced at Annexe 4.

Other Persons

8. There has been one representation from 'Other Persons' and this is reproduced at Annexe 5.

What the Sub-Committee may do

9. The Sub-Committee, after hearing from the applicant and those making representations, may, having regard to the representations, the Home Office Guidance and the Council's Licensing Policy, take one or more of the steps listed below 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 Sub-Committee may:
 - Modify the conditions of the licence; or
 - Refuse whole or part of the application
10. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, relating to hearings - paragraphs 9.27 to 9.37 - is attached as Annexe 6.

Recommendation

1. The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.
2. Subject to 3 below, section 35(2) of the 2003 Act provides that the Sub-Committee must grant the application.

3. Having regard to the representation made by 'other persons', the Sub-Committee must take such steps as it considers appropriate for the promotion of the Licensing Objectives. Those steps are:
- To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives and proportionate
 - To reject the application in whole or part.

Background Papers

Application referred to above, representations referred to above.

CONTACT OFFICER:

Name: Paul Hughes

Telephone : 01483 523189

E-mail: paul.hughes@waverley.gov.uk