

# **APPENDIX A**

## **WAVERLEY BOROUGH COUNCIL** **LICENSING SUB-COMMITTEE C** **11TH AUGUST 2008**

### **LICENSING ACT 2003 - APPLICATION FOR VARIATION TO A PREMISES LICENCE – SAINSBURY’S, STOCKLUND SQUARE, 146 - 158 HIGH STREET, CRANLEIGH GU6 8RF**

[Wards Affected: Cranleigh Wards]

#### **Summary and Purpose**

1. The purpose of the report is to enable the Sub-Committee to consider an application from Sainsbury’s Supermarkets Limited for variation of a premises licence for Sainsbury’s, Stocklund Square, 146 - 158 High Street, Cranleigh GU6 8RF, where representations have been received from interested parties and the Cranleigh Parish Council.

#### **Background and The Current Licence**

2. In 2005, under the incoming Licensing Act 2003, the holder of any existing Justices’ licence(s) was entitled to have that converted with no change to the provisions of the licence. The licence-holder could also, if required, seek amendments under a variation procedure, either then, or at any time subsequently.
3. The licence for Sainsbury’s in Cranleigh was replaced under the simple conversion procedure to become a licence under the new 2003 Licensing Act. The licence at the premises currently provides for the following ‘off-licence’ sales at the store, as shown at Annexe 1:
  - A. Sale of Alcohol:  
Monday to Saturday: 0800 to 2300, Sunday: 1000 to 2230
  - B. Opening hours: are not specified in a conversion licence.

#### **Changes sought and Amendment in Light of Representations Submitted**

4. The licence-holder (the applicant) now seeks to vary the licence in terms of hours of sale and, as is required under the procedure, has stated the opening times of the premises, within which the sale of alcohol at the specified hours of the licence, when approved, will take place.
5. Having been informed of the representations received, the applicant has amended Box M of the application so that the sale of alcohol on a Sunday is reduced by 30 minutes and ends at the same time as in the current licence. An extract of the relevant pages from the application form, as amended, is

attached at Annexe 2. Also attached to this document at Annexe 3 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.

- Sale of Alcohol: Monday to Saturday: 0700 to 2300, Sunday 0700 to 2230 (Box M)
- Opening hours: 0000 to 2400 (24 hour opening) which may not be used every day, but the applicant seeks flexibility to do so subject to statutory or operational restrictions.
- Box P to address the four licensing objectives is also reproduced.

### **Licensing Objectives**

5. 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 interested parties and/or from the responsible authorities under this legislation.

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

### **Representations received**

#### Responsible Authorities

6. There have been no representations from the Responsible Authorities

#### Interested Parties

7. Four representations have been submitted by local residents (interested parties), and there has also been a representation from the Cranleigh Parish Council in respect of the application. These are reproduced at Annexe 4. The writers have been informed of the amendment to Sunday sales on the application.

### **What the Sub-Committee may do**

8. The Sub-Committee, after hearing from the applicant and those making representations, may take one or more of the steps listed below in order to promote the Licensing Objectives which have given rise to the representations in this case. 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:

- Grant the application as submitted; or
- Refuse the application; or
- Reduce or refuse parts of the application submitted,
- Add conditions to meet the Licensing Objectives if the Sub-Committee considers it necessary in the light of the representation received.

9. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, as it applies to this application - paragraphs 9.19 to 9.28 - is attached as Annexe 5.

### **Subsequent Developments in this Application Procedure**

10. Any further amendment to the application is to be submitted to the Licensing Officer, in a form which can be circulated prior to the meeting.

### **Recommendation**

**It is recommended that the application for variation to the premises licence for Sainsbury's, 146 - 158 High Street, Cranleigh GU6 8RF be considered and determined with regard to the representations received, statutory guidance and the Council's Statement of Licensing Policy 2008 - 2010. The Sub-Committee must take such steps (if any) as it considers necessary to promote the Licensing Objectives, having heard from the applicant and those making written representations.**

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### **Background Papers (Community Services)**

Application and amendment referred to above, representations referred to above.

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