

# APPENDIX A

## WAVERLEY BOROUGH COUNCIL LICENSING SUB-COMMITTEE C – 10 MAY 2010

### LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – TESCO EXPRESS, (FORMERLY THE RED LION), 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 a representation has been received from one interested party.

#### **Background**

2. An application has been received for a new premises licence for this retail premises (supermarket) selling a range of goods and services including the sale of alcohol for consumption off the premises. The building is two-storey and was previously a licensed public house operating under the name of 'The Red Lion'. The application proposes that the licence will allow the premises to sell alcohol for consumption off the premises.

#### **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 a premises licence for the following licensable activities. Please see application for activities in full.

- Sale of Alcohol: 0600 to 2300 Monday to Sunday (Box M)
- Opening hours: 0600 to 2300 Monday to Sunday (Box O)
- 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 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

5. There have been no representations from any of the Responsible Authorities.

#### Interested Parties

6. One representation has been submitted by a local resident (interested parties). This is reproduced at Annexe 3.

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

7. 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 that have given rise to the representation in this case. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for the applicant and the interested party to appeal to the Magistrates' Court against the Licensing Sub-Committee's 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.
8. 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 4.

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

9. Any further amendment to the application would 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 a premises licence for Tesco Express, Portsmouth Road, Milford, Godalming, Surrey GU8 5HW be considered and determined having regard to the representation received, the 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

Application referred to above, representations referred to above.

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