

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE C - 8 FEBRUARY 2021

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 1
MARCH 2021

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Robert Knowles
Cllr Ruth Reed

Cllr Martin D'Arcy

Apologies

Also Present

23. ELECTION OF CHAIRMAN (Agenda item 1.)

Councillor Robert Knowles was elected as Chairman for the purpose of this hearing.

24. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - MARKS & SPENCER, 13 OLD MARKET PLACE, FARNHAM, SURREY GU9 7SF (Agenda item 2.)

The Sub-Committee carefully considered the application for a new premises licence, taking into account the representation(s) received, the Licensing Act 2003, statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy August (2018 to July 2023).

The Committee heard from the applicant by their representative who outlined the application and provided further detail regarding best practice arrangements in place in order to comply with the requirements of the Licensing Act 2003. The Committee noted with interest that it was expected that the 'challenge 25' policy would be applied (age verification) and that CCTV would be installed and retained at the site. Further detail was also set out in relation to refusal logs, coding to trace point of sale, and training / refreshers to be carried out. In addition, the Committee heard further in relation to the number of existing licences and company's extensive prior record of compliance both at other premises within Waverley and nationally. Reference was also made to the company's internal audit process arrangements, and in support of the application reference made to other retail establishments

locally which benefited from similar hours for licensable activities, which included another establishment situated in South Street Farnham. This was later confirmed during the course of the hearing by the Licensing Manager.

The Committee equally considered fully the papers submitted in advance of and comments made by Farnham Town Council on the basis of public nuisance at the hearing. Those concerned possible noise impact upon nearby residential accommodation, and in the main anti-social behaviour/activities of youths within the neighbourhood. However, it was clear that the concern was not supported by direct evidence and the Committee felt that those observations that public nuisance may be caused appeared to amount to speculation or future concern. The, Committee felt that those matters could be more properly dealt with outside of the licensing process and or by the alternative review mechanism in the event that issues were to be substantiated. In line with the guidance, the Committee was of the view that issues beyond the immediate area of the premises, in relation to possible anti-social behaviour were matters for the personal responsibility of individuals and amount to wider issues not sufficiently connected to the proposed application or site so as to warrant their consideration.

The representation made also sought to raise concerns about the opening hours, and the applicant addressed this, confirming that those were yet to be determined by the applicant. The Committee agreed that this did not impact upon the licensing objectives in the circumstances of the matter and were a matter of business practice and other regulation. Which fell outside of the remit of the licensing committee.

The Committee felt ultimately that very little weight could be attributed to the representations made and decided that it was not necessary or appropriate to apply conditions in order to promote the licensing objectives. Furthermore that the concerns of nuisance connected to the opening hours were not directly relevant to the licensing objectives and/or in relation to anti-social behaviour cited, not attributable to the premises itself. The Committee noted in particular that no

representations had been made by any of the responsible authorities. Including, environmental health and or the police in respect of the application submitted.

The Committee recognised the established record of the applicant Marks & Spencer as a reputable company and responsible retailer under the Licensing Act. Having considered fully the application on its merits, the Committee felt that .and the concern raised did not justify any alteration from the application sought.

The Committee felt that it was appropriate (in line with the Guidance and Waverley's own Licensing Policy) for the applicant to be able to provide sales of alcohol for consumption off the premises when the retail outlet was open and did not find that there were any good reasons based on the licensing objectives to restrict those hours for sale of alcohol (off premises) sought.

The Sub-Committee has **AGREED** to grant the premises application as made on the basis of the evidence available and before it, and which it considers is appropriate for the promotion of the licensing objectives.

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The Sub-Committee advises the parties that there is a right of appeal to the Magistrates' Court (Mary Road, Guildford) within 21 days of the decision being received in writing.

- **Sale of Alcohol (Consumption Off the Premises Only)**

Monday to Sunday 0600 to 0000

- **Opening hours**

Monday to Sunday 0600 to 0000

Licensing Sub-Committee C 4
08.02.21

The meeting commenced at 10.00 am and concluded at 11.00 am

Chairman