

To: All Members of the LICENSING SUB-COMMITTEE C  
(Other Members for Information)

When calling please ask for:

Kimberly Soane, Democratic Services  
Officer

**Policy and Governance**

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Calls may be recorded for training or monitoring

Date: Date Not Specified

**Membership of the Licensing Sub-Committee C**

Cllr Robert Knowles  
Cllr Ruth Reed

Cllr Martin D'Arcy

Dear Councillors

A meeting of the LICENSING SUB-COMMITTEE C will be held as follows:

DATE: MONDAY, 8 FEBRUARY 2021

TIME: 10.00 AM

PLACE: ZOOM MEETING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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## **NOTE FOR MEMBERS**

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

## **AGENDA**

### 1. **ELECTION OF CHAIRMAN**

To agree the election of a Chairman for this meeting.

### 2. **LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - MARKS & SPENCER, 13 OLD MARKET PLACE, FARNHAM, SURREY GU9 7SF** (Pages 3 - 30)

The purpose of the report is to enable the Sub-Committee to consider an application for a new Premises Licence for Marks & Spencer Simply Foods Limited, at 13 Old Market Place, Farnham, Surrey GU9 7SF under section 17 of the Licensing Act 2003. One relevant representation has been received from 'other persons'.

#### Recommendation

- It is recommended that the Sub-Committee considers the application and evidence of all parties involved at the hearing and then determine the application .
- Members must determine the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- The Sub-Committee should take such steps (as described at paragraph 8.11 below) as it considers appropriate for the promotion of the licensing objectives.

Once determined, the licensing authority must provide notification of the decision including its reasons to the applicant, any person who has made relevant representations and the Chief Officer of Police for the area in which the premises is situated.

### 3. **LEGAL ADVICE**

**For further information or assistance, please telephone  
Kimberly Soane, Democratic Services Officer, on 01483 523224 or by  
email at [Georgina.Hall@waverley.gov.uk](mailto:Georgina.Hall@waverley.gov.uk)**

## Waverley Borough Council

### LICENSING SUB-COMMITTEE C

8TH FEBRUARY 2021

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**Title:**

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE-  
MARKS & SPENCER, 13 OLD MARKET PLACE, FARNHAM, SURREY GU9 7SF.  
[Wards Affected: All Farnham Wards]**

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**Portfolio Holder:** Cllr Palmer, Portfolio Holder for Operational & Enforcement

**Head of Service:** Richard Homewood Head of Environmental and Regulatory Services

**Key decision:** No

**Access:** Public

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**1. Purpose and summary**

- 1.1 The purpose of the report is to enable the Sub-Committee to consider an application for a new Premises Licence for Marks & Spencer Simply Foods Limited, at 13 Old Market Place, Farnham, Surrey GU9 7SF under section 17 of the Licensing Act 2003. One relevant representation has been received from 'other persons'.

**2. Background**

- 2.1. An application has been received for a new premises licence from Marks and Spencer Simply Foods Ltd, in respect of a retail store over one ground floor (with basement which is not the subject to the application) being constructed as part of a new Brightwells development in Farnham.
- 2.2 The application proposes that the licence will allow the premises to sell alcohol for consumption off the premises only
- 2.4 In accordance with the legislation, the applicant has sent copies of the application to responsible authorities and was advertised in accordance with the requirements of the Licensing Act 2003. The expiry date for making representations was 20 January 2021.

### **3. Activities sought under this licence application**

- 3.1 In brief, the applicant seeks to licence the premises for the sale or supply of alcohol as shown below (off sales only). An extract of the relevant pages from the new application form is attached at Annexe 1. .

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

Monday to Sunday                      0600 to 0000

- **Opening hours**

Monday to Sunday                      0600 to 0000

- 3.2 Attached at Annexe 2 is a copy of the plans of the premises.

- 3.3 Attached at Annexe 3 is a plan showing the area of the premises and surrounding properties

### **4. Representations received**

- 4.1. Within the consultation period, one valid 'relevant representation' was received

### **5. Responsible Authorities**

- 5.1 There have been no representation(s) received from Responsible Authorities.

*Note: Waverley's Planning Service (notified as Responsible Authority) commented on the application which was passed to the applicant who responded. A copy of the email trail and observation is attached at Annexe 4.*

### **6. Other Persons**

- 6.1 There has been one (1) relevant representation from "other persons" – Farnham Town Council. A copy of the representations is attached at Annexe 5.

### **7. Recommendation**

- It is recommended that the Sub-Committee considers the application and evidence of all parties involved at the hearing and then determine the application .



- Members must determine the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- The Sub-Committee should take such steps (as described at paragraph 8.11 below) as it considers appropriate for the promotion of the licensing objectives.

Once determined, the licensing authority must provide notification of the decision including its reasons to the applicant, any person who has made relevant representations and the Chief Officer of Police for the area in which the premises is situated.

## **8. Reason for the recommendation**

- 8.1 The general principle is that an application for a new Premises Licence must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
- 8.2 Relevant representations are those which:
- Are about the effect of the granting of the application on the promotion of the licensing objectives
  - Are made by a Responsible Authority or other persons
  - Have not been withdrawn
  - Are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.
- 8.3 Licensing authorities are required to carry out licensing functions under the Licensing Act 2003 with a view to promoting the four licensing objectives of:-
- Prevention of crime and disorder;
  - Public safety;
  - Prevention of nuisance; and
  - Protection of children from harm.
- 8.4 Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
- 8.5 The Licensing Sub-Committee must also consider Waverley Borough Council's Statement of Licensing Policy when deciding whether or not to grant the application. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.
- 8.6 Where there is a conflict between the Licensing Act 2003 and the Statement of

Licensing Policy, the Licensing Act 2003 must prevail.

8.7 Members are required to have regard to the Home Office Guidance issued under section 182 of the Licensing Act 2003 in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case

8.8 The guidance will be available for reference purposes at the meeting.\* Particular attention is drawn to:

- Conditions – paragraphs 1.16-1.17 and 10.1 to 10.66
- The Licensing Objectives – paragraphs 2.1–2.32
- Hearings - paragraphs 9.31 to 9.44

The guidance can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

8.9 When relevant representations are received then the Sub-Committee must have regard to them.

8.10 The Licensing Sub-Committee can attach a “weight” to any relevant representations, such factors that could influence the “weight” to be placed on a representation could include:

- Whether the representation can be clearly related to any one of the four licensing objectives;
- Whether the representation concerns matters over which the applicant is able to exercise control;
- Whether the representation is based on “hearsay” evidence;
- Whether the representation is supported by firm evidence;
- Whether the person making the representation has attended the hearing in person.

8.11 The Sub-Committee must consider the application on its individual merits and take into account all relevant matters, then determine the application by taking the steps it considers appropriate and necessary / proportionate to promote the licensing objectives. Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:

- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
- To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
- To exclude any of the licensable activities to which the application relates
- To amend the times for all or some of the licensable activities;
- To refuse to specify a person on the licence as the designated premises

supervisor

- To reject the application

## **9. Conditions**

- 9.1 Conditions will not be necessary if they duplicate a current statutory requirement and there is no duty to impose conditions consistent with the operating schedule – rather it is a power..

Conditions must relate to the representation(s) and any conditions imposed must be proportionate, clear, achievable and enforceable. Evident is required before conditions, restrictions or refusals can be imposed following representations – speculation is not sufficient but this does not prevent conditions being attached to a new premises on the basis of the history of the premises or the applicant (Daniel Thwaites PLC v Wirral Borough Magistrates' Court [2008] EWHC 838 Admin).

- 9.2 Members are also referred to the Home Office guidance on conditions, specifically section 10 (para 10.10) which states that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions, which ignore these individual aspects, should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.
- 9.3 Licensing authorities should therefore ensure that any conditions they impose, are only those which are appropriate for the promotion of the licensing objectives.
- 9.4 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.

## **10. The Role of the Licensing Sub-Committee**

- 10.1 Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.
- 10.2 As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on material evidence, which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.
- 10.3 The Licensing Sub-Committee must give fair consideration to the contentions of all

persons entitled to make representations to them.

- 10.4 The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
- 10.5 The Sub-Committee can only consider matters within the application that have been raised through representations from Responsible Authorities (none in this case) and other persons. This will be decided on a case to case basis.

## **11. Relationship to the Corporate Strategy and Service Plan**

- 11.1 Waverley promotes and sustains a thriving local economy.

## **12. Implications of decision**

- 12.1 Resource (Finance, procurement, staffing, IT)

Members should be aware that Environmental and Regulatory Services does not have a direct budget provision for costs, should the applicant be successful in appealing to the Magistrates Court against a decision of the Council.

- 12.2 Risk management

Not applicable

- 12.3 Legal

An appeal against the determination of this application may be made to the Magistrates' Court within 21 days of all parties being notified of the local authority's decision. The applicant or any party making representation may make an appeal.

- 12.4 Equality, diversity and inclusion

Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the licensee and those making representations when making their decision. The Sub-Committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Waverley area.

- 12.5 Climate emergency declaration

There are no matters which directly impact upon the climate emergency declaration.

**13. Consultation and engagement**

13.1 The application has been advertised at the premises and in a local paper in accordance with the requirements of the Licensing Act 2003

**14. Other options considered**

14.1 Not applicable

**15. Governance journey**

15.1 Not applicable

**Annexes:**

Annexe 1 – An extract of the relevant pages from the new application form

Annexe 2 – A copy of the plans of the premises

Annexe 3 – A plan showing the area of the premises and surrounding properties

Annexe 4 – Email trail between applicant and Planning Service

Annexe 5 - Copies of the representations received from 'Other Persons'

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**Background Papers**

Background papers, as defined by Section 100D(5) of the Local Government Act 1972) are

The Licensing Act 2003

Guidance under 182 Licensing Act 2003

Waverley's Statement of Licensing Policy

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**CONTACT OFFICER:**

Name: Paul Hughes

Position: Licensing & Environmental Enforcement Manager

Telephone: 0148 3523189

Email: paul.hughes@waverley.gov.uk

**Agreed and signed off by**

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

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\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

**Agent Business**

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status



*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

#### Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

#### Non Individual Applicant's Name

Name

#### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited

### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

### Contact Details

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality

[Documents that demonstrate entitlement to work in the UK](#)

[Add another applicant](#)

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Retail store over one floor with licensed facilities (off sales)



*Continued from previous page...*

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Section 6 of 21

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes

☒ No

#### Section 7 of 21

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes

☒ No

#### Section 8 of 21

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes

☒ No

#### Section 9 of 21

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

#### Section 10 of 21

##### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes

☒ No

#### Section 11 of 21

##### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes

☒ No

#### Section 12 of 21

##### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

### Section 13 of 21

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

### Section 14 of 21

#### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

### Section 15 of 21

#### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 06:00

End 00:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth

dd

mm

yyyy

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 21

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NA

### Section 17 of 21

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.



*Continued from previous page...*

TUESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

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Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)



**Continued from previous page...**

List here steps you will take to promote all four licensing objectives together.

The company maintains comprehensive regulatory compliance procedures and all aspects of the four licensing objectives are covered by these procedures.

These measures will be in place when this new store opens and include the matters set out in the boxes below.

Our Client Support Manager is named as the DPS but on the grant of the new Licence and before trading, the Licence will be varied to the day to day Store Manager for M&S.

It is very unlikely the store will trade between the hours of 0600 to 0000 but the hours have been applied for to allow some flexibility for peak trading periods such as Christmas when the store may well choose to open earlier or trade later.

**b) The prevention of crime and disorder**

Digital CCTV will be installed. Data will be retained for a minimum period of 31 days and will be made available to the police for evidential purposes.

**c) Public safety**

No additional steps required to promote the licensing objectives identified beyond existing statutory duties

**d) The prevention of public nuisance**

No additional steps required to promote the licensing objectives identified beyond existing statutory duties

**e) The protection of children from harm**

Staff training to ensure that in case of any doubt whether a purchaser is over the age of 18 to refuse sales of alcohol unless valid identification is produced. Documented staff training regarding their responsibilities within the licensing act.

A Challenge 25 Scheme will be adopted.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

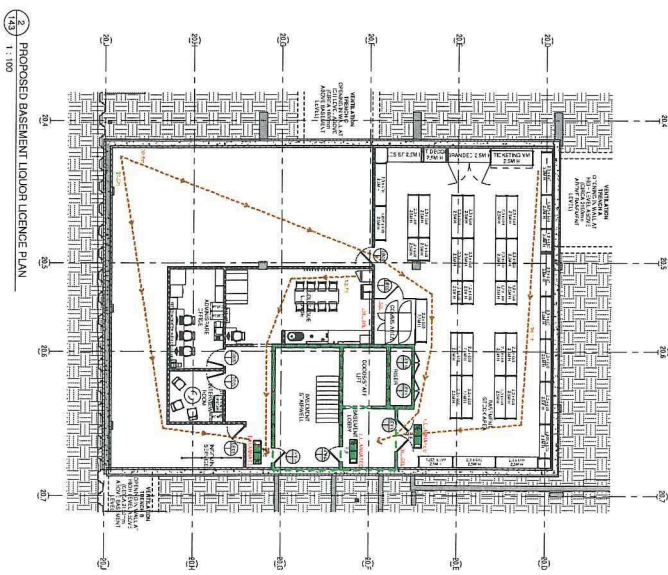
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/waverley/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**


**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**





[illegible]

**Means of escape:**

- TO GET OUT OF ROOM
- DO NOT BLOCK DOORWAYS
- PREPARE - GO

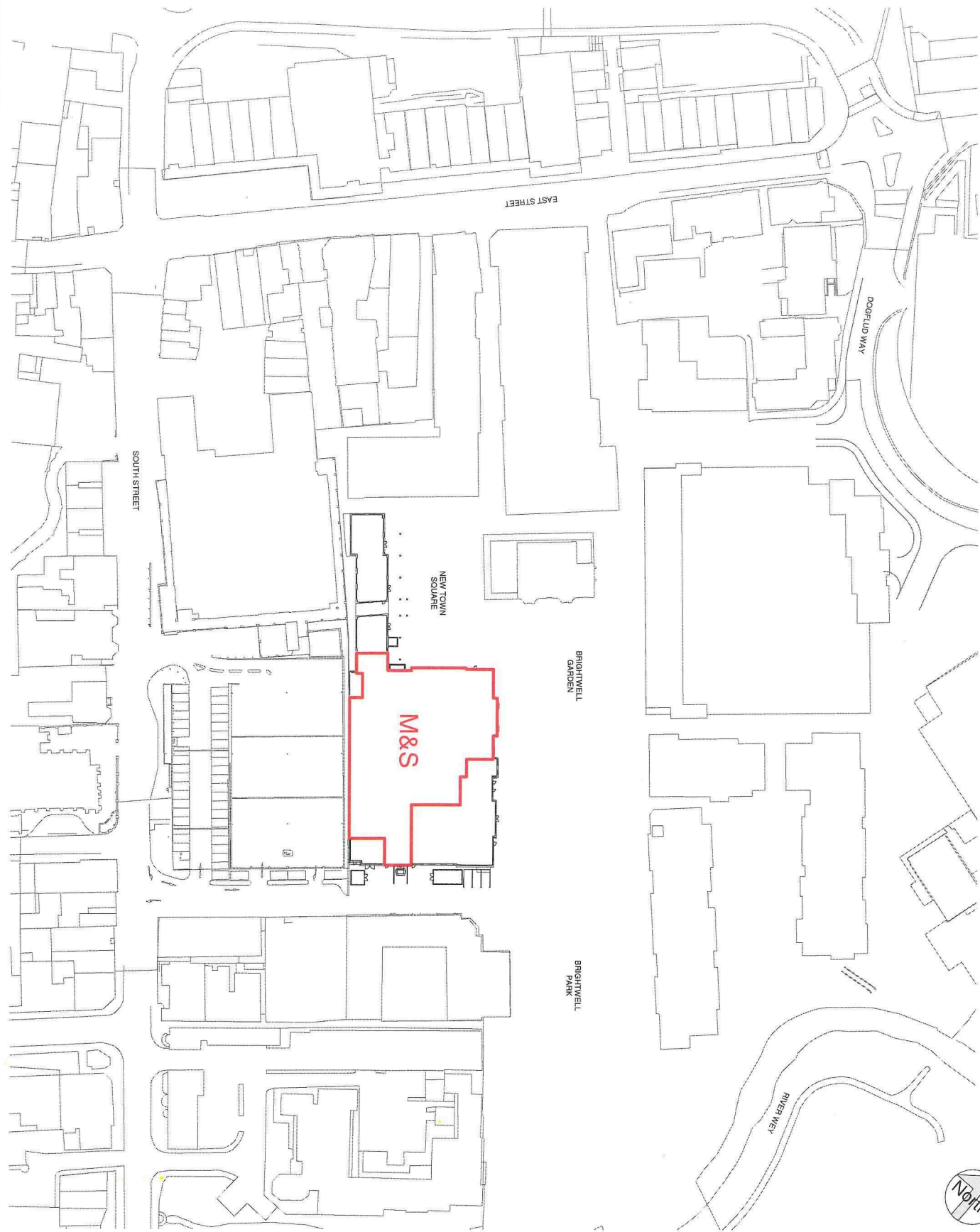
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Page 23

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KEY  
M&S UNIT

NOTES

ORIGINAL A1  
2016/04/01 10:00 AM  
2016/04/01 10:00 AM  
2016/04/01 10:00 AM

INFORMATION ISSUE

**GREEN STONE ASBESTOS STATEMENT**  
This statement is a declaration that the site is free from asbestos. It is a statement of fact and is not a guarantee. It is based on the results of the asbestos survey carried out on the site. The survey was carried out by a qualified and experienced surveyor. The results of the survey are as follows:  
No asbestos was found on the site.  
No asbestos was found in the soil.  
No asbestos was found in the buildings.  
No asbestos was found in the air.  
No asbestos was found in the water.  
No asbestos was found in the ground.  
No asbestos was found in the sky.  
No asbestos was found in the sea.  
No asbestos was found in the land.  
No asbestos was found in the air.  
No asbestos was found in the water.  
No asbestos was found in the ground.  
No asbestos was found in the sky.  
No asbestos was found in the sea.  
No asbestos was found in the land.

DATE	NO.	REMARKS
18/07/2015	1	1st visit
18/07/2015	2	2nd visit
18/07/2015	3	3rd visit
18/07/2015	4	4th visit
18/07/2015	5	5th visit
18/07/2015	6	6th visit
18/07/2015	7	7th visit
18/07/2015	8	8th visit
18/07/2015	9	9th visit
18/07/2015	10	10th visit

**M&S**  
EST. 1884

**FARNHAM**  
UNITED KINGDOM  
NEW FOODHALL

SITE LOCATION PLAN

**LEWIS AND HICKEY**  
ARCHITECTS

**LEWIS AND HICKEY**  
ARCHITECTS

**LEWIS AND HICKEY**  
ARCHITECTS

**LEWIS AND HICKEY**  
ARCHITECTS

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**From:** Licensing Policy  
**Sent:** Monday 04 January 2021 11:35  
**To:**  
**Subject:** FW: M&S Brightwells development FW: Licensing Act 2003 - Application

Hi

Please could you print and add to the M&S paperwork. Thank you.

Regards

--  
**Licensing Administrator, Environmental and Regulatory Services**  
Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR  
01483 523219 (ext 3219)  
[www.waverley.gov.uk/licensing](http://www.waverley.gov.uk/licensing)

[www.businesswaverley.co.uk](http://www.businesswaverley.co.uk)

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**From:** !  
**Sent:** Monday 04 January 2021 11:27  
**To:** Licensing Policy <[Licensing.Policy@waverley.gov.uk](mailto:Licensing.Policy@waverley.gov.uk)>  
**Cc:** Planning Enforcement <[Planning.Enforcement@waverley.gov.uk](mailto:Planning.Enforcement@waverley.gov.uk)>  
**Subject:** RE: M&S Brightwells development FW: Licensing Act 2003 - Application

**[\*\* This email originates from an external source \*\*]**

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Good morning

Thank you for your email and I note the comment from the planning team.

Condition 40 mentioned below will not impact on the licensing objectives or permitted times sought for the premises.

M&S will be fully aware of the time restrictions for use of the service yard.

Kind regards

---

**From:** Licensing Policy <[Licensing.Policy@waverley.gov.uk](mailto:Licensing.Policy@waverley.gov.uk)>  
**Sent:** 23 December 2020 13:28  
**To:**  
**Cc:** Planning Enforcement <[Planning.Enforcement@waverley.gov.uk](mailto:Planning.Enforcement@waverley.gov.uk)>  
**Subject:** FW: M&S Brightwells development FW: Licensing Act 2003 - Application

Please find below a response from our Planning Enforcement Team. Please include the Licensing Team in any correspondence between yourselves and the Planning Enforcement Team. Many thanks.

Regards

**Licensing Administrator, Environmental and Regulatory Services**  
Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR  
01483 523219 (ext 3219)  
[www.waverley.gov.uk/licensing](http://www.waverley.gov.uk/licensing)

[www.businesswaverley.co.uk](http://www.businesswaverley.co.uk)

**From:** Planning Enforcement <[Planning.Enforcement@waverley.gov.uk](mailto:Planning.Enforcement@waverley.gov.uk)>  
**Sent:** Wednesday 23 December 2020 13:05  
**To:** \_\_\_\_\_  
**Cc:** Licensing Policy <[Licensing.Policy@waverley.gov.uk](mailto:Licensing.Policy@waverley.gov.uk)>;  
**Subject:** M&S Brightwells development FW: Licensing Act 2003 - Application

Hi \_\_\_\_\_ copied in as you are also familiar with the site so may know the answer/have a comment),

We have received a licencing application from M&S which is within the Brightwells development. They want to be able to sell alcohol from 6am to midnight every day of the week.

I've checked the decision notice for WA/2016/0268 and condition 40 states:

**40. Condition**

The service yards shall not be used other than between the hours of 06.30 to 22.00 Mondays to Fridays, and 06.30 to 20.00 on Saturdays, and 09.30 to 16.30 on Sundays and Bank or Statutory Holidays.

**Reason**

In the interests of the amenities of adjoining residents and to limit noise disturbance, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

I'm not sure if M&S is considered to be in the service yards and therefore whether this condition conflicts with the licencing request? Are you able to advise? And do you have any concerns/issues about the request?

Are there any other applications you are aware of that I should be looking at to ensure there is no conflict between what they are requesting and any planning conditions?

Many thanks

Planning Enforcement Technician  
Waverley Borough Council  
Tel: 01483 523035

I work part time, Monday to Wednesday (9.15am – 5.15pm). If you need assistance before I return please contact the Planning Enforcement Team on 01483 523035 or at [planning.enforcement@waverley.gov.uk](mailto:planning.enforcement@waverley.gov.uk)  
[www.waverley.gov.uk/planning](http://www.waverley.gov.uk/planning)

Please note that the opinions expressed in this email are those of a planning officer and given without prejudice to any future decisions made by the Local Planning Authority.

**CORONAVIRUS: Please be advised in these unprecedented times we will be strictly prioritising complaints as to irreversible harm. This is likely to result in delayed processing of complaints and responses and would ask for your patience during this time.**



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**From:** Planning <Planning@farnham.gov.uk>  
**Sent:** Monday 18 January 2021 17:58  
**To:** Licensing Policy <Licensing.Policy@waverley.gov.uk>  
**Subject:** RE: Licensing Act 2003 - Application

[\*\* This email originates from an external source \*\*]

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Dear Kate

Please see below Farnham Town Council's comment on the new premises licence application for Marks and Spencer Simply Foods Ltd, Brightwells Development, Brightwells Road, Farnham, Surrey.

Kind regards  
Jenny

**A new premises licence was considered for Marks and Spencer Simply Foods Ltd in the Brightwells development. The application is for Off sales of alcohol and Open hours 06:00-00:00 Monday to Sunday.**

**Farnham Town Council objects to the proposed hours to sell alcohol and the premises to be open to the public from 06.00 to 00.00, Monday to Sunday. These are unacceptable hours for this town centre location and beyond legal opening times for a store of this size, if over 280m2. Confirmation of premises size must be sought.**

**Shops over 280 square metres can open on Sundays but only for 6 consecutive hours between 10am and 6pm; must close on Easter Sunday; and must close on Christmas Day.**

**Within the Licensing Objectives the applicant notes 'It is very unlikely the store will trade between the hours of 0600 to 0000 but the hours have been applied for to allow some flexibility for peak trading periods such as Christmas when the store may well choose to open earlier or trade later.'**

**Farnham Town Council does not feel that this is an acceptable reason to request these year-round opening hours with a potential for public nuisance, given its vicinity to residential dwellings within Brightwells and Falkner Court.**

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