

WAVERLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE B
13 APRIL 2015

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –
TESCO, MEADOW, GODALMING, SURREY. GU7 3HY

[Wards Affected: Godalming Wards]

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, Meadow, Godalming, Surrey GU7 3HY, where 5 valid representations have been received.

Background

2. An application has been received for a new premises licence for this retail premises (supermarket) selling a range of goods and services. The building is two-storey, and was previously a licensed public house operating under the name of The Godalming Arms. The new application proposes that the licence will authorise the premises to sell alcohol for consumption off the premises from 0600 hours until 2300 hours, seven days a week,

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.
4. In brief summary, the applicant seeks the following activities in the new licence, if granted. Please see application for activities in full.

☐ **Sale of Alcohol:**

0600 to 2300 Monday to Sunday

☐ **Opening hours:**

0600 to 2300 Monday to Sunday

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 the responsible authorities under this legislation and/or any other persons.
 1. Prevention of Crime and Disorder
 2. Public Safety
 3. Prevention of Public Nuisance
 4. Protection of Children from Harm

Representations received

Responsible Authorities

6. There has been 1 representation from a Responsible Authority, Environmental Health, which is reproduced at Annexe 3.

Other Persons

7. Besides Responsible Authorities, “other persons” may make representations. There have been 4 valid representations from “other persons”. The representations are attached at Annexe 4.

Human Rights

8. Under Article 8 European Convention on Human Rights, everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. In Licensing Act 2003 cases this means that the Sub-Committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

What the Sub-Committee may do

9. The Sub-Committee, after hearing from the applicant and those making representations, must take one or more of the steps listed below (if any) 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 steps are:
 - Grant the application subject to such conditions as are consistent with the operating schedule, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
 - Exclude from the scope of the licence any of the licensable activities to which the application relates;
 - Refuse to specify a person as the premises supervisor;
 - Reject the application.
10. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, relating to hearings - paragraphs 9.30 to 9.43 - is attached as Annexe 5.

11. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, in relation to conditions - paragraphs 10.1 to 10.69 is attached as Annexe 6.

Recommendation

The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.

Having regard to the representations made, the Sub-Committee must take such of the steps outlined below (if any) as it considers appropriate for the promotion of the Licensing Objectives. Those steps are:

- To grant the licence subject to such conditions as are consistent with the operating schedule, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person as the premises supervisor;
- To reject the application.

Background Papers

Application referred to above, representations referred to above.

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