

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE B - 9 NOVEMBER 2015

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – MARKS & SPENCER, LION LANE, HASLEMERE, SURREY GU27 1LD.

[Wards Affected: Haslemere Critchmere & Shottermill]

**Summary and Purpose**

1. The purpose of the report is to enable the Sub-Committee to consider an application from Marks & Spencer Foods Limited for a new premises licence for Marks & Spencer (M&S), Lion Lane, Haslemere, Surrey GU27 1LD, where two representations have been received from 'other persons'.

**Background**

2. An application has been received for a new premises licence for this ground floor retail store with food hall and customer café. The premises has an existing premises licence which was transferred to M&S from the previous occupants of the building, Co-Operative Group. M&S have stated on the application that on the grant of the new premises licence, the existing one will be surrendered. A copy of the existing premises licence is attached at Annexe 1.

**Activities Sought under this Licence Application**

3. The applicant seeks approval of the refurbishment of the premises and to license the premises as shown below. An extract of the relevant pages from the application form 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. Please see application for activities in full.
  - ❑ **Sale of Alcohol:**  
**0600 to 0000 Monday to Sunday (Box J)**  
(Existing 0600 to 2300 Monday to Saturday & 1000 to 2230 Sunday)
  - ❑ **Opening hours:**  
**0600 to 0000 Monday to Sunday (Box L)**  
(Existing 0600 to 2300 Monday to Saturday & 1000 to 2230 Sunday)
  - ❑ Box M 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 the responsible authorities under this legislation and/or any other persons.
  1. the prevention of crime and disorder
  2. public safety

3. the prevention of public nuisance
4. the protection of children from harm

### **Representations received**

#### Responsible Authorities

5. There have been no representations from any of the responsible authorities.

#### Other Persons

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

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

7. 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’s decision. The steps are:
  - 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;
  - 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.
8. Revised Guidance issued under Section 182 of the Licensing Act 2003, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf) will be available for reference purposes at the meeting. Contact the Licensing Manager on 01483 523189 or [paul.hughes@waverley.gov.uk](mailto:paul.hughes@waverley.gov.uk) if the link cannot be accessed.  
\*Particular attention is drawn to:
  - Hearings – paragraphs 9.30 to 9.43
  - Conditions – paragraphs 1.16 to 1.17 and 10.1 to 10.68
  - The Licensing Objectives – paragraphs 2.1 to 2.31

### **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.

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Background Papers

Application referred to above, representations referred to above.

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