

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 9 NOVEMBER 2015

SUBMITTED TO THE LICENSING & REGULATORY COMMITTEE – 28 JANUARY 2016

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

Present

Cllr Kevin Deanus
Cllr Patricia Ellis

Cllr Tony Gordon-Smith

Also Present

Cllr Simon Inchbald

8. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Patricia Ellis was appointed Chairman for this meeting of Licensing Sub-Committee B.

9. MINUTES (Agenda item 2.)

The Minutes of the Meeting held on 28 September 2015 were confirmed and signed.

PART I - RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PART II - MATTERS OF REPORT

Background Papers

The background papers relating to the following report items in part II are as specified in the agenda for the Committee.

10. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - MARKS & SPENCER, LION LANE, HASLEMERE, SURREY GU27 1LD (Agenda item 3.)

The applicant's legal representative attended the meeting. The objectors to the application were not present at the meeting and their representations were taken into account in their absence.

The Licensing Manager introduced the report and advised that there had been no representations from relevant authorities and there had been one late representation received which had not introduced any new or different issues. The applicant's legal representative and the Sub-Committee were content that it be included in the consideration of the application.

The Licensing Manager advised the Sub-Committee that following sight of the objections to the application the applicant had amended the application by amending the hours for sale of alcohol and opening. That had resulted in one objector being content with the amended application.

The applicant's legal advisor then summarised the application and explained that upon acquiring a number of similar Co-Op stores, Mark & Spencer had submitted a number of new applications during the year all with the same hours for the sale of alcohol and opening, ie. 0600-0000 hours. This was to allow seasonal flexibility and reduce the need to serve Temporary Event Notices. However, on receipt of the objections the applicant had decided to amend the application to 0600-2300 hours.

The applicant's legal advisor advised that the new application had been submitted because the new operator had different policies and procedures and the premises layout was being changed to add a café. Alcohol would be served in the café but only as part of the offers available on dining meals and staff serving in the café would have had relevant training in serving and selling alcohol. The latest digital CCTV would be installed and when appointed the Designated Premises Supervisor (DPS) would also be the shop manager. In his/her absence the Duty Manager would also have had training in the sale of alcohol. The applicant's legal representative also said that a number of concerns raised by the objectors were regarding planning and this was not within the remit of the Licensing Committee.

The Chairman then said that although no objectors were present their concerns would be taken into account.

The Sub-Committee then asked questions of the applicant's legal representative and asked whether the applicant would be displaying notices that requested customers to leave the premises quietly. The applicant would not normally display such notices but would do so if the Sub-Committee, with knowledge of the local area, requested it.

The Licensing Manager then clarified that the Police, as a responsible authority, had not responded to the notice of the application and would usually only do so if they had a representation to make.

The Council's Solicitor reminded the applicant's legal representative that should the Sub-Committee be minded to grant licence then the premises would require a (DPS). The applicant's legal representative said that the present DPS would be changed when a manager, who would also be the DPS, was appointed.

The Sub-Committee then WITHDREW at 10.37.

Following the Sub-Committee's deliberation the meeting RESUMED at 12.04. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision and on the appointment of a Designated Premises Supervisor.

The Chairman advised that the Sub-Committee had noted the condition regarding CCTV on the previous licence was more comprehensive. The Chairman read out the revised wording (see condition on CCTV below) and the applicant's legal representative indicated that he was content to accept this.

The Sub-Committee carefully considered the application for a new premises licence, taking into account the representations received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee heard that the applicant had amended the application by amending the hours for sale of alcohol and opening, and that had resulted in one objector being content with the amended application. The Sub-Committee was advised that a late objection had been received which had not brought up any additional issues and the applicant and Sub-Committee were content to include this in their considerations. The Sub-Committee noted that with regard to Sunday opening hours, the application stated these would be subject to relevant legislation, eg. the Sunday Trading Act 1994.

On the balance of probabilities the Sub-Committee found that, on the evidence before them, the amended application with the following times

Monday – Sunday : 0600 – 2300 hours

be granted with the following additional conditions:

Digital CCTV, with a capability to download cd/dvd, will be installed and data retained for a minimum period of 31 days and made available to the Police and responsible authorities.

Signage shall be displayed in store stating that it is an offence for people aged under 18 to purchase alcohol and that the store operates a Challenge 25 scheme.

Signage shall be prominently displayed asking customers to respect local residents by keeping noise to a minimum when leaving the premises.

The Sub-Committee had taken into consideration the concerns raised by the objectors but can only take steps as it considers appropriate to promote the four licensing objectives. A number of concerns raised were related to planning matters, and delivery hours and not covered by the licensing act.

The Sub-Committee took note of concerns regarding anti-social behaviour issues on Lion Green. However, guidance issued states that the Authority should look to the police as the first source of advice on crime and disorder and the police have made no representations to this application. The Sub-Committee therefore finds it cannot link such concerns to these premises.

However in view of the proximity to residential premises the Sub-Committee imposed the condition regarding signage reminding customers to leave quietly, so that residents are protected from disturbance.

The Sub-Committee noted that on the grant of the licence the existing licence would be surrendered.

The Sub-Committee is conscious that should there be any cause for concern in the future, legislation allows for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

The applicant or any person who made a representation may appeal against this decision to the magistrates' court within 21 days of receiving written notice of this decision.

The meeting commenced at 10.00 am and concluded at 12.17 pm

Chairman