

## LICENSING SUB-COMMITTEE

20 October 2015

<b>Application Type:</b>	Application for a New Premises Licence	
<b>Ward:</b>	Friary and St.Nicolas	<b>Ward Councillors:</b> Cllr Alexandra Chesterfield Cllr Angela Goodwin Cllr Caroline Reeves
<b>Applicant:</b>	Waitrose Ltd 171, Victoria Street, London, SW1E 5NN	
<b>Applicant's Representative</b>	Blake Morgan LLP New Kings Court, Chandlers Ford, Eastleigh, Hampshire	
<b>Premises:</b>	Waitrose, York Road, Guildford, Surrey, GU1 4LY	
<b>Proposal:</b>	<p>The premises is a supermarket intending to sell a broad range of groceries, household products and alcohol.</p> <p>The application is for a Premises Licence allowing the sale of alcohol for consumption off the premises between the hours of 07:30 and 22:00 daily Monday to Saturday and between 10:00 and 17:00 on Sunday.</p>	

### 1. SITE LOCATION

- 1.1 The premises is currently under construction and is situated in central Guildford on York Road, with a mixture of commercial and residential properties within the immediate vicinity. The store is scheduled to open on 22 October 2015. A site location map is attached as **Appendix 1**.

### 2. APPLICATION

- 2.1 The application form, a copy of which is attached as **Appendix 2**, gives the following information in relation to the proposed hours:

**Licensable activities:**

- The sale of alcohol

**Proposed hours:**

The table below shows the proposed licensable activities and hours

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>Sale of alcohol</b>							
<b>For consumption off the premises</b>	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	10:00 – 17:00
<b>Times premises are open to public</b>							
	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	10:00 – 17:00

## 2.2 Promotion of the four licensing objectives

The applicant has submitted the following steps they intend to take in order to promote the four licensing objectives.

1. CCTV will be in operation throughout trading hours. Recorded material shall be kept for 1 month and will be made available for inspection if requested by a police officer or authorised officer of the Local Authority.
2. All cashiers shall be fully trained in licensing before they work the till. Training records shall be electronically recorded and refresher training will take place every 6 months. Training will be supported with training cards and think 25 posters in staff areas.
3. Challenge 25 will be adopted. Only photographic identification shall be accepted as proof of age.
4. Challenge 25 notices shall be displayed on the shop floor in prominent positions. Where the sale of alcohol is refused this shall be recorded in a refusals book.
5. Any cashier under the age of 18 shall be required to page a supervisor (all of whom will be over the age of 18) to authorise the sale of alcohol and the supervisor must adopt challenge 25 policy in deciding whether to authorise the sale.

## 3. CONSULTATION

The application was in consultation from 27 August 2015 to 23 September 2015. The application was advertised in accordance with regulations.

### Responsible Authorities.

No representations/objections have been received from the Responsible Authorities.

### Representations from other persons

One representation has been received signed by six (6) residents of Haydon Place, Guildford on the grounds of prevention of public nuisance and the prevention of crime and disorder. The residents feel that there will be an increased noise level, however at this time this cannot be evidenced or differentiated from general trade. A concern is also raised regards potential increase in alcohol related disorder.

None of the other issues raised appear to engage the licensing objectives.

A copy of this representation is attached as **Appendix 3**.

Home Office guidance makes it clear that anti-social behaviour beyond the immediate area surrounding the premises is a matter of personal responsibility of the individuals concerned.

The age of the person affected by noise nuisances is not a relevant consideration; all that needs to be made out is whether there is potential for a noise nuisance.

Paragraph 10.15 of the Guidance states "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting these hours".

#### **4. LICENSING POLICY**

The following sections of the Council's Licensing Policy are relevant:

- Section 5: (Fundamental Principles)
- Section 9: 9.1 – 9.8 (Prevention of Crime and Disorder)
- Section 11: 11.1 – 11.6 (Public Nuisance)
- Section 13: 13.1 – 13.6 (Licensing Hours)

#### **5. NATIONAL GUIDANCE**

The following sections of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.1 – 2.5 – Crime and Disorder

Paragraphs 2.18 – 2.24 – Public Nuisance

Paragraphs 9.27 – 9.37 – Hearings

Paragraphs 9.38 – 9.40 – Determining actions that are appropriate for the promotion of the licensing objectives

Paragraphs 10.1 to 10.61 – Conditions attached to premises licences

#### **6. CONCLUSION:**

- (I) The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.
- (III) Having regard to the relevant representations received, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
  - To impose additional conditions of the licence. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations. Additionally conditions can be imposed that are consistent with the steps set out in the operating schedule.
  - To exclude any of the licensable activities from the scope of the licence.
  - To reject the application.

Originator:

Mark Adams, Licensing Officer

Tel: (01483) 444368

E-Mail: mark.adams@guildford.gov.uk