

Runnymede Borough Council

Licensing Sub-Committee

Application for a new Premises Licence under the Licensing Act 2003

Sainsbury's Supermarket, 1 Station Approach, Virginia Water, Surrey GU25 4DN

Date of Hearing: Wednesday 3 December 2014 at 11.00am

Venue: the Council Chamber, Civic Centre

NOTIFICATION OF DECISION

Members of the Committee: Councillors Mr D W Parr (Chairman), Mrs M T Harnden and Wase-Rogers.

For the Applicant Ms Joanne Surguy, Sainsbury's Supermarket Limited
Mr Robert Botkai, Winckworth Sherwood, Solicitors.

Other Persons: Mrs Gill Croucher, submitter of a representation and resident of a flat above the premises.

Officers of the Authority Andrew Atkinson, Solicitor, Legal Advisor to the Sub-Committee, Robert Smith, Senior Licensing Officer and Clare Pinnock the Clerk to the Sub-Committee.

This is an application by Sainsbury's Supermarket Limited Ltd owner of 1 Station Approach, Virginia Water, Surrey GU25 4DN under section 17 of the Licensing Act 2003 for a Premises Licence. The Application is for a new licence for the sale of alcohol for consumption off-premises only.

The proposed times for alcohol sales are Monday to Sunday from 07:00 to 23:00 hours. No non-standard timings or seasonal variations for the supply of alcohol were applied for. The operating schedule states that the proposed opening times of the premises are Monday to Sunday from 00:00 to 24:00 hours, but it was clarified on behalf of the Applicant that the intention was to trade only between 07:00 to 23:00 hours.

None of the Responsible Authorities had submitted any representations. Mrs G Croucher , a resident of a flat above the premises, which used to be a bank, had filed a representation objecting to the application, which the Sub-Committee considered. It did not consider two further representations received after the statutory deadline.

Mr Smith, the Senior Licensing Officer, presented the report to the Sub-Committee and answered questions. Mrs Croucher was given an opportunity to address the Sub-Committee and, by agreement, was allowed to submit a further written statement, effectively in lieu of an oral submission. Mr Botkai presented Sainsbury's case to the Sub-Committee. The parties answered the questions that were put.

Decision:

The Sub-Committee carefully considered the application, the committee report, including the written representations; the submissions of Mr Smith; the representations on behalf of the applicant company and those of the other person, including a further written submission made at the meeting in lieu of oral representation; the relevant provisions for the Licensing Act 2003 and of the latest Amended Guidance issued under Section 182 of the Act in June 2013; The Council's Licensing Policy (Third Edition) 2011-2016, paragraphs 4 to 9 relating to local policy and also paragraph 10.

The Sub-Committee was satisfied that the licensing objectives of the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm were engaged.

The decision of the Sub-Committee was to grant the Premises Licence in accordance with the application subject to mandatory conditions, the conditions consistent with the operating schedule submitted and including the following:

- The supply of alcohol for consumption off the premises between the hours of 07:00 to 23:00, Monday to Sunday.

Reasons:

The Sub-Committee considered the conditions proposed were appropriate to address potential problems that might arise, taking into account those raised by the representations from the other person.

- It was satisfied that, notwithstanding some individual notices may not have remained displayed, the applicant had relied on a number of notices in the vicinity of the premises as well as placing an advertisement in a local paper and the legal notification requirements had been complied with.
- It took account that the Runnymede's Licensing Policy document at paragraph 10 'Shops, Stores and Supermarkets' states, at 10.1, that the Council will generally consider licensing stores for off sales 'at any time they are open for shopping'; that valid reasons for restricting those hours, such as given in 10.2, Police representations of shops known to be the 'focus of disorder and disturbance', were not present and, in accordance with 10.3, the operating schedule submitted had indicated, at 'M(e)', the procedures in place to ensure alcohol is not sold to a person not entitled to purchase it.
- It took account the current Statutory Guidance, in particular paragraph 10.13 concerning conditions, which states stores should normally be free to sell alcohol for off premises consumption at any times the retail outlet

was open. It concluded that there were no good reasons, based on the licensing objectives for restricting those hours.

Members expressed the wish that Sainsbury's would continue to work with Ms Croucher and other local residents to minimise any disruption and ensure there were no ongoing problems arising from the grant of the licence.

Appeal

If the Applicant or any person having made a relevant representation is dissatisfied with this decision he or she may appeal against the decision to the Staines Magistrates' Court, Knowle Green, Staines, Middlesex within the period of 21 days beginning with the day on which he or she was notified by the licensing authority of the decision appealed against.

Effective Date

The premises licence will take effect from 3 December 2014.

Dated: **10 December 2014**

Signed:



For the Corporate Head of Legal & Governance, Runnymede BC