

APPENDIX A

WAVERLEY BOROUGH COUNCIL **LICENSING SUB-COMMITTEE A** **2ND JUNE 2008**

LICENSING ACT 2003 - APPLICATION FOR NEW PREMISES LICENCE – THE BALL AND WICKET PUBLIC HOUSE, 104 UPPER HALE ROAD, FARNHAM GU9 0PB

[Wards Affected: Farnham wards]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to hold a hearing to consider an application from Mr Gary Wallace for a new premises licence for the Ball and Wicket public house, Upper Hale Road, Farnham where a representation has been received from an interested party.

Current Licensed activities at the smaller premises

2. The Ball and Wicket pub has recently been extended to incorporate adjoining buildings. In 2005, the original pub was the subject of a conversion from the 1964 Licensing Act and Public Entertainment Licences, together with a variation under the 2003 Licensing Act. At that time any premises was entitled to convert its then existing licences and to seek additional hours and permissions under the incoming Licensing Act 2003. The licence at the original premises currently provides for the following activities:
 1. Films, indoor sports, live and recorded music, performance of dance, anything similar
Sunday to Thursday: 1030 to 2230, Friday and Saturday: 1030 to 2330
 2. Late Night Refreshments
Sunday to Thursday: 2300 to 2330, Friday and Saturday: 2300 to 0030
 3. Sale of Alcohol:
Sunday to Thursday: 1030 to 2300, Friday and Saturday: 1030 to 0000
 4. Opening hours: as for the sale of alcohol, with traditional 20 minutes 'drinking up time' after sale of alcohol ceases
3. The licence is also subject to non-standard timings on New Year's Eve through the night, and also bank holidays, Burns Night, St George's Day, St Patrick's Day and St David's Day up to midnight. The detailed licence for the former premises, showing these hours, is attached at Annexe 1.

Activities sought under the new application

4. When a premises is extended to a significant degree, the plan originally submitted is negated. The plan forms part of the licence, and therefore a

variation becomes inappropriate as a means of dealing with any changes. In this case, a new licence is sought to cover the full premises area, as extended. The licence-holder seeks a new licence which will, in addition to covering the extended area of the premises, amend the hours for late night refreshment and sale of alcohol with a closing time of 30 minutes later each night. An extract of the relevant pages from the application form is attached at Annexe 2. 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.

- Films and Indoor Sports, Live and Recorded Music, Performance of Dance, Facilities for making Music and Dancing, anything similar - 1000 to 2300 every day (Boxes B, C, E, F, G, H, I, J, K)
- Late Night Refreshment: on Sunday to Thursday 2300 to 0030, and Friday - Saturday 2300 to 0130 (Box L)
- Alcohol sales - 1030 - 0000 on Sunday to Thursday, 1030 - 0100 on Friday and Saturday (Box M)
- Hours of opening - to close 30 minutes after the sale of alcohol ceases—on Sunday to Thursday 1030 to 0030, on Friday and Saturday 1000 to 0130 (Box O)
- Box P to address the four licensing objectives is also reproduced.

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

Representations received

Responsible Authorities

6. Surrey Police have raised no objection to the application, subject to the addition of conditions which have been agreed with the applicant. Environmental Health have also agreed conditions with the applicant. The conditions agreed are set out below. The Fire and Rescue Service have no objection to the application. There have been no representations from the other Responsible Authorities (Trading Standards, Surrey Children's Service, Health and Safety at Work):

Conditions agreed with the applicant:

1. When live music is being performed external doors and windows serving the licensed area shall be kept shut at all times. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter and must be fitted with self-closers, which shall be maintained in good working order.

2. When live music is being performed the licensee shall display notices at all public exits requesting customers to take all steps to minimise noise once they have left the premises. The wording and size of such notices shall be agreed in writing with the Environmental Health Section at Waverley Borough Council *.
3. In the steps to promote the licensing objectives we would like consideration to be given to include the following points.
 - a) staff shall be trained in licensing law and written training records kept
 - b) staff shall be trained in the prevention of drug abuse
4. No consumption of alcohol or licensable activities in front outside area between the hours of 23:00 and 08:00 except for allowing customers and staff to smoke whilst the premises are open.
5. CCTV to be upgraded and will be maintained and operational at all the times the premises are open with a facility to download images for evidential purposes.

Interested Parties

7. One representation from a local resident (interested party) has been received in respect of the application, set out at Annexe 4.

What the Sub-Committee may do

8. The Sub-Committee, after hearing from the applicants and those making representations, may take one or more of the actions listed below in seeking to meet the relevant Licensing Objectives in this case. 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 Sub-Committee may:
 - Grant the application as submitted; or
 - Refuse the application; or
 - Reduce or refuse parts of the application submitted,
 - Add conditions to meet the Licensing Objectives if the Sub-Committee considers it necessary in the light of the representation received.
 - The Sub-Committee will also need to consider the proposed conditions from the responsible authorities and, if appropriate, formally confirm these as added to the application
9. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, as it applies to this application - paragraphs 9.19 to 9.28 - is attached as Annexe 5.

Subsequent Developments in this Application Procedure

10. Any further amendment to the application is to be submitted to the Licensing Officer, in a form which can be circulated prior to the meeting.

Recommendation

It is recommended that the application for a new premises licence for The Ball and Wicket public house, 104 Upper Hale Road, Street, Farnham be considered and determined with regard to the representation received, statutory guidance and the Council's Statement of Licensing Policy 2008 - 2010. The Sub-Committee must take such steps (if any) as it considers necessary to promote the Licensing Objectives, having heard from the applicant and those making representations. It will also consider the addition of conditions as proposed by the responsible authorities, set out as 1 - 5 in paragraph 6 of the report, so that these may be confirmed as part of any licence granted.

Background Papers (DoLR)

Application referred to above, representation referred to above.

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