

# **APPENDIX A**

## **WAVERLEY BOROUGH COUNCIL** **LICENSING SUB-COMMITTEE A** **26TH AUGUST 2008**

### **LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –** **ONE FORTY, 140 HIGH STREET, CRANLEIGH GU6 8RF**

[Wards Affected: Cranleigh Wards]

#### **Summary and Purpose**

1. The purpose of the report is to enable the Sub-Committee to consider an application from J R Graham Limited for a new premises licence for One Forty, 140 High Street, Cranleigh GU6 8RF, where representations have been received from interested parties and from responsible authorities.

#### **Background**

2. An application has been received for a new premises licence for this retail shop, which has a first floor (mezzanine) café/restaurant. The application proposes that the licence will allow the premises to be used for a wider choice of activities than the premises currently permits. It is not currently licensed for alcohol or entertainments.

#### **Activities Sought under this Licence Application**

3. The applicant seeks to license the premises as shown below. An extract of the relevant pages from the application form is attached at Annexe 1. Also attached to this document at Annexe 2 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: 0900 to 2300 Monday to Sunday (Box B)
  - ❑ Live music, recorded music, facilities for and performance of dance, anything similar, 0900 to 2300 Monday to Sunday
  - ❑ Sale of Alcohol: 0900 to 2300 Monday to Sunday (Box M)
  - ❑ Opening hours: 0900 to 2345
  - ❑ Box P 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 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

### **Conditions agreed with the applicant**

5. Surrey Police (as the responsible authority for Prevention of Crime and Disorder) have been in discussion with the applicants and they have agreed the following conditions between them to be confirmed on any licence approved at this hearing:
  1. The current CCTV system will be upgraded to include the restaurant and bar area. The system will be maintained and operational at all times the premises are open for business.
  2. Staff will be trained in all aspects of the sale of alcohol and written records kept.
  3. The premises will operate a Challenge 21 policy and will only accept a passport, photo driving licence or ID card bearing a PASS hologram as forms of identification.
  4. No alcohol, glasses or bottles will be allowed to be taken outside the premises at any time.

### **Representations received**

6. Responsible Authorities  
The Environmental Health Section (as a responsible authority for Public Safety) has proposed the addition of the following conditions to the licence which, at the time of writing this report, had not been accepted by the applicant. The Section comments: "This application covers a wide range of proposed activities for the retail shop and café. The Health and Safety at Work etc Act 1974 and Regulations thereunder should be complied with at all times in any event. However, it is important that when additional events and activities as applied for are held, that those additional risks to the public are addressed. The Environmental Health section wishes to make representation with regards the application, by the addition of conditions as follows":
  5. The Licensee shall produce a health and safety event plan to the satisfaction of the health and safety responsible authority that describes how the event organiser intends to manage safely, who has specific responsibilities and how these will be carried out. The plan must include risk assessments of all activities, which should be brought to the attention of all staff, contractors, artists and performers at the event site.
  6. The Licensee must ensure that the risk control measures, identified in the assessment, are being adhered to and suitable competent staff are available to ensure that the risks are monitored and adequately controlled at all times.
  7. The licensee shall pay particular attention to the health and safety arrangements made by all contractors, artists and performers. In particular the licensee should ensure that they have suitable risk assessments and that any electrical equipment being brought onto the site and any temporary installations are fit for purpose.
  8. The Emergency Fire exit leading to the spiral staircase at the rear of the premises shall remain closed at all times. The licensee shall

ensure that members of the public are not allowed to use this exit for anything other than emergency egress from the building.

7. The Environmental Health Section (as a responsible authority for Prevention of Nuisance) has proposed the addition of the following conditions to the licence which, at the time of writing this report, had not been accepted by the applicant. The Section comments: "This is a new venture of activities for this premises and exact details with regard to frequency and nature of use appear to be unclear, therefore the possibility of noise nuisance arising from these changes are difficult to predict at this stage. There is clear potential for nearby residences to be affected by the proposed activities as accommodation is provided above the shop premises, and residential flats are immediately adjacent to the kitchen. Having reviewed the proposed changes and considered the varied hours applied for, there is a possibility that the granting of this variation will result in public nuisance without conditions imposed since there is a potential for noise breakout to noise sensitive properties. The Environmental Health section does wish to make a representation with regard to this application, as follows:"
  9. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
  10. All external doors and windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place and after 22.00 on all other occasions.
  11. A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises at a level deemed satisfactory to the Environmental Health department so as to not adversely affect any noise sensitive properties.
  12. The rear area of the premises should not be available for use by members of the public.
  13. No more than five patrons/smokers should occupy the front, outside area at any one time. Management of the area should ensure drinks are not taken outside and that noise from customers is kept to a minimum.
  14. Staff and/ or SIA registered door supervisors should be employed for all events to manage the doors and control customers and smokers entering and leaving the premises.
  15. A maximum of thirty events incorporating live or amplified music in any one calendar year and no more than three within any one month.

#### Interested Parties

8. Five representations have been submitted by local residents (interested parties). These are reproduced at Annexe 3. The writers have been informed of the conditions proposed by the Police and accepted on the application.

9. The Licensing Officer has concerns about the handling of the shop door during the evening. The Sub-Committee may wish to explore this with the applicants at the hearing.

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

10. The Sub-Committee, after hearing from the applicant and those making representations, may take one or more of the steps listed below in order to promote the Licensing Objectives which have given rise to the representations 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.
11. 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 4.

### **Subsequent Developments in this Application Procedure**

12. 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 premises licence for One Forty, 140 High Street, Cranleigh GU6 8RF be considered and determined having regard to the representations received, including the conditions 1 - 15 proposed by the responsible authorities at Paragraphs 5 - 7 above, together with 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 written representations.**

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### **Background Papers (SDoCS)**

Application and amendment referred to above, representations referred to above.

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