

APPENDIX A

WAVERLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE 'A'
10TH AUGUST 2009

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO A PREMISES LICENCE – THE SWAN INN PETWORTH ROAD CHIDDINGFOLD GU8 4TY

[Ward Affected: Chiddingfold and Dunsfold]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Cygnet Hotels Ltd for a variation of the existing licence for the Swan Inn, Petworth Road, Chiddingfold, GU8 4TY. Representations have been received from interested parties, and the Environmental Health Section as the Responsible Authority in respect of the prevention of public nuisance.

Background and The Current Licence

2. In 2005, under the incoming Licensing Act 2003, the holder of any existing Justices' licence(s) was entitled to have that converted with no change to the provisions of the licence. The licence-holder could also, if required, seek amendments under a variation procedure, either then, or at any time subsequently.
3. At that time, the licence for The Swan Inn, Chiddingfold was replaced under the simple conversion procedure, including the justices' licence and a supper hours certificate, to become a licence under the new 2003 Licensing Act. The licence at the premises currently provides for the following 'off-licence' sales at the store, as shown at Annexe 1:
 - A. Sale of Alcohol:
Monday to Saturday: 1000 to 0000, Sunday: 1200 to 2330
 - B. Provision of Late Night Refreshments
Monday to Saturday: 2300 to 0000, Sunday 2300 to 23.30
[Opening hours: are not specified in a conversion licence.]

Application for variation of the Licence

4. A new licence-holder, Cygnet Hotels Ltd, has recently taken over this premises. The company now seeks to vary the licence in terms of hours of sale and the addition of live and recorded music, facilities for making music and for dancing at the premises.
5. The applicant's representative, Lord Roger Hickman of Upton, is also the Designated Premises Supervisor. He has amended Box P of the application following discussions with the Police in respect of crime and disorder issues. An extract of the relevant pages from the application form, as amended, is

attached at Annexe 2. Also 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 additional hours/activities in the new licence, if granted.

- Live Music (indoors and outdoors): Monday to Thursday 1000 - 0000; Friday and Saturday 1000 - 0100, Sunday 1200 - 2330 [Box E]
- Recorded music (indoors only): Monday to Thursday 1000 - 0000; Friday and Saturday 1000 - 0100, Sunday 1200 - 2330 [Box F]
- Facilities for making Music, and for Dancing (indoors): Monday to Thursday 1000 - 0000; Friday and Saturday 1000 - 0100, Sunday 1200 - 2330 [Boxes I and J]
- Late Night Refreshment: Friday and Saturday 2300 - 0100 [Box L]
- Sale of Alcohol: Friday and Saturday: 1000 to 0100 [Box M]
- Opening hours: Monday to Thursday 1000 to 0030, Friday 1000 - 0130, Sunday 1200 - 0000 [Box O]
- Box P to address the four licensing objectives is also reproduced, together with a letter from the applicant's solicitors showing additional information to be inserted in Box P.

Licensing Objectives

6. 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

7. Responsible Authority representation - Environmental Health Section
There has been one representation from Waverley Environmental Health as the Responsible Authority with regard to Licensing Objective 3 - Prevention of Public Nuisance. Environmental Health officers have proposed amending the hours and conditions, as shown at Annexe 4 to this agenda. Additionally, Surrey Police have discussed the variation with the current licensee, and Box P of the application has been amended to cover their concerns.

Interested Parties

8. Some 22 representations have been submitted by local residents (interested parties) in respect of the application. These are reproduced at Annexe 5.

What the Sub-Committee may do

9. 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 not reduce the existing entitlement of the extant licence, but it may:
- Grant the application for variation 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.
10. 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 6.

Subsequent Developments in this Application Procedure

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

Recommendation

It is recommended that the application for variation to the premises licence for The Swann Inn, Chiddingfold GU8 4TY be considered and determined having regard to the representations 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 written representations.

Background Papers (CEX)

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

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