

APPENDIX A

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE 'A' 12TH APRIL 2010

LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE - HOUSE OF BLUES 5 WHARF STREET GODALMING GU71NN

[Ward Affected: Godalming Central and Ockford]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Enterprise Inns PLC for a variation of the existing licence for the House of Blues, 5 Wharf Street, Godalming, Surrey GU7 1NN. Representations have been received from two interested parties in respect of public nuisance and crime and disorder.

Current Licensed activities

2. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, the House of Blues was granted a Premises Licence.
3. The licence was subject of a review hearing in September 2009. A copy of the latest Premises Licence is attached (Annexe 1) and summarised below:

1. Late Night Refreshment

Thursday	23.00 - 00.30
Friday and Saturday	23.00 - 02.00
2. Sale by Retail of Alcohol

Sunday - Wednesday	11.00 - 23.00
Thursday	11.00 - 00.30
Friday and Saturday	11.00 - 02.00
3. Hours of opening:

As for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases.

Application for a variation of the Licence

4. An application for variation of this premises licence has been made by Enterprise Inns PLC. The company now seeks to vary the licence in terms of hours of sale and the addition of live and recorded music, films and facilities for making music at the premises, as well as adding and removing certain conditions – relevant pages attached at Annexe 2.
5. The applicant, Enterprise Inns PLC, has consulted and agreed control measures with Environmental Health officers attached at Annexe 3. Enterprise

Inns have also added further conditions following discussions with Surrey Police attached at Annexe 4.

Also attached to this document at Annexe 5 is a plan showing the area of the premises and surrounding properties. Another plan showing the changes to the internal layout after a recent minor variation will be shown at the hearing.

In brief summary, the applicant seeks the following additional hours/activities in the new licence, if granted.

- Films: Sunday to Wednesday 1100 – 2300; Thursday to Saturday 1100 – 0030 , [Box B]
- Live Music (indoors and outdoors): Sunday to Wednesday 1100 - 2300; Thursday to Saturday 1100 – 0030; [Box E]
- Recorded music (indoors only): Thursday 1200 - 0000; Friday and Saturday 1200 - 0200; [Box F]
- Performance of Dance, facilities for making Music: Sunday to Wednesday 1100 – 2300; Thursday to Saturday 1100 – 0030; [Boxes G, H and I]
- Opening hours: Sunday to Wednesday 0800 – 2330; Thursday 0800 - 0100; Friday and Saturday 0800 - 0230; [Box 0]

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
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Nuisance
 - Protection of Children from Harm

Other Responsible Authorities - Responses to the Notice Procedure

7. There have been no responsible authorities' representations in respect of the application.

Interested Parties - Responses to the Notice Procedure

8. A total of two representations have been received. Both of these are from persons who live in the vicinity of the House of Blues. The officers are satisfied that they are both interested parties to the review. The two representations are reproduced at Annexe 6.

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.

Procedure at the Hearing

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 7.

Human Rights considerations

11. The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following Convention rights:

Article 6 - Right to a Fair Trial/Hearing:

In the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 - Right to Respect for Private and Family Life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public

interest and subject to the conditions provided for by law and by the general principles of international law.

Subsequent Developments in this Application Procedure

12. 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 House of Blues, Godalming GU7 1NN 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.

CONTACT OFFICER:

Name: Paul Hughes

Telephone : 01483 523225

E-mail: paul.hughes@waverley.gov.uk