

APPENDIX A

WAVERLEY BOROUGH COUNCIL LICENSING SUB-COMMITTEE 'A' 19 DECEMBER 2011

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE FREEHOLDERS, ST JOHNS STREET, FARNCOMBE, GODALMING, SURREY GU7 3EJ

[Wards Affected: Godalming Farncombe & Catteshall Ward]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application for variation to the Premises Licence of The Freeholders, St John's Street, Farncombe, Godalming, Surrey GU7 3EJ, from Mark Fulton, Business Development Manager for Fullers, Smith and Turner Plc, the current Premises Licence Holders. Representations have been received from one interested party and one Responsible Authority.

Background

2. The variation proposes that the premises licence be amended to remove condition 3 of 'Conditions attached after a hearing by the Licensing Authority', which limits the Premises to a maximum of two music events per week. The application proposes that the number is increased to five nights per week.
3. In August 2005 an application for 'Conversion and Variation' was made that received five letters of objection. As a result of these objection letters the application for 'Conversion and Variation' for the Freeholders went to The Licensing Sub-Committee on the 15 September 2005, the outcome of which included a new 'Condition 3':

"Music events shall be limited to a maximum of two per week."

A copy of the Licensing Sub-Committee's decision is attached at Annexe 1.

4. Two subsequent applications for similar changes to the Premises Licence by way of Minor Variation applications have been refused by officers over the last year.

The first minor variation application was made on the 17 November 2010 requesting the maximum of live music events to be increased from two nights a week to four nights a week. A copy of the Council's decision letter is attached at Annexe 2.

The second minor variation application was made on the 3 June 2011 requesting the maximum number of live music events to be increased from two nights a week to three nights a week. A copy of the Council's decision letter is attached at Annexe 3

Activities Sought under this Licence Application

5. The applicant seeks to vary the condition 3 from 'Conditions attached after a hearing by the Licensing Authority' of the Premises Licence which limits the Premises to a maximum of two music events per week and be increased to five nights per week.
6. All hours including alcohol sales to remain the same.

An extract of the relevant pages from the application form is attached at Annexe 4.

Attached at Annexe 5 is a plan showing the area of the premises and surrounding properties.

A copy of the Premises Licence is attached at Annexe 6 and summarised below:

- **Regulated Entertainment** (Indoor Sports Event, Live & Recorded Music, Performance of Dance, Making Music and facilities for dancing)

Monday to Thursday	1000 to 2300
Friday & Saturday	1000 to 0000
Sunday	1100 to 2200

- **Late Night Refreshment**

Monday to Thursday	2300 to 0000
Friday & Saturday	2300 to 0100
Sunday	2300 to 0030

- **Sale of Alcohol**

Monday to Thursday	1000 to 2330
Friday & Saturday	1000 to 0030
Sunday	1100 to 2300

- **Opening hours**

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

Licensing Objectives

7. 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

8. There has been one representation from Environmental Health as a Responsible Authority, attached at Annexe 7.

Interested Parties

9. There has been one representation from an Interested Party (a local resident), and this is reproduced at Annexe 8.

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 promote the Licensing Objectives, if the Sub-Committee considers it necessary and proportionate in the light of the representations received.
11. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, relating to hearings - paragraphs 9.19 to 9.28 - is attached as Annexe 9.

Recommendation

1. The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.
2. Subject to 3 below, section 35(2) of the 2003 Act provides that the Sub-Committee must grant the application.
3. Having regard to the representations made by the Responsible Authority and interested party, the Sub-Committee must take such steps (if any) as it considers necessary for the promotion of the Licensing Objectives. Those steps are:
 - To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any additional or altered conditions must be necessary for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.

- To reject the application in whole or part.

Background Papers

Application referred to above, representations referred to above.

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