

APPENDIX A

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE A - 8 OCTOBER 2012

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – ASK (UNIT RU5), BRIGHTWELLS ROAD (OFF EAST STREET), FARNHAM, SURREY.

[Wards Affected: Farnham Wards]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Ask Restaurants Limited, for a new premises licence for Ask (Unit RU5), Brightwells Road (off East Street), Farnham, Surrey, where representations have been received from 5 persons.

Background

2. An application has been received for a new premises licence from Ask Restaurants, who are having constructed an Italian style restaurant consisting of ground floor and first floor layouts in restaurant style, with additional seating outside, as part of the new Brightwells development in Farnham at East Street.
3. The application proposes that the licence will allow the premises to sell alcohol for consumption on the premises, hold regulated entertainment and offer late night refreshment.

Activities Sought under this Licence Application

4. 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. Attached to this document at Annexe 2 are some amendments to the application following discussions between the applicant and Surrey Police. Also attached at Annexe 3 is a plan showing the area of the premises and surrounding properties.
5. In brief summary, the applicant seeks the following activities in the new licence, if granted. Please see the application for activities in full.

- **Regulated Entertainment (Recorded Music - Indoors only)**

Monday to Sunday 1100 to 0030

- **Late Night Refreshment**

Monday to Sunday 2300 to 0030

- **Sale of Alcohol**

Monday to Sunday 1100 to 0000

- **Opening hours**

Monday to Sunday 1100 to 0030

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 the responsible authorities or other persons under this legislation. The objectives are as follows:-
 1. Prevention of Crime and Disorder
 2. Public Safety
 3. Prevention of Nuisance
 4. Protection of Children from Harm

Representations received

Responsible Authorities

7. There have been no representations from Responsible Authorities, however Surrey Police have been in negotiation with the applicant and an amendment to the application was submitted and is reproduced at Annexe 2.

Other Persons

8. There have been 5 representations from 'Other Persons' and these are reproduced at Annexe 4. Several of these relate to planning issues, and the Head of Planning has explained that the unit forms part of the Brightwells redevelopment. Full Planning permission for the scheme including the use of the Unit RU5 as café / restaurant was granted on 7 August 2012. The use proposed is therefore authorised under planning legislation.

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:
 - 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 appropriate and proportionate in the light of the representations received.
10. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, relating to hearings - paragraphs 9.27 to 9.37 is attached as Annexe 5.

11. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, in relation conditions paragraphs 10.1 to 10.81 is attached as Annexe 6.

Recommendation

1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.
2. Subject to paragraph (3) below, the Sub-Committee must grant the application subject only to such conditions as are consistent with the operating schedule and any mandatory conditions.
3. Having regard to the representations made, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the Licensing Objectives. Those steps are:
 - Grant the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objections and any mandatory conditions;
 - To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - To refuse to specify a person as the designated premises supervisor;
or
 - To reject the application.

Background Papers

Application referred to above, representations referred to above.

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