

# APPENDIX A

## WAVERLEY BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE A 7 JANUARY 2013

#### LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES LICENCE -THE ROYAL ARMS, 172 FARNBOROUGH ROAD, FARNHAM, SURREY GU9 9AX

[Wards Affected: Farnham Hale & Heath End]

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**WARNING: Please be advised that the representations annexed to this report contain language that readers may find offensive and in no way represents Waverley Borough Council's position.**

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#### Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Surrey Police for a review of the Premises Licence for the The Royal Arms, 172 Farnborough Road, Farnham, Surrey GU9 9AX.

#### Current Licensed activities

2. **The premises were the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, the Royal Arms was granted a Premises Licence.**

3. A copy of the latest Premises Licence is attached (Annexe 1) and summarised below:

1. Provision of regulated entertainment:-

Live music:

Monday - Sunday 10.00 - 23.30

Dancing:

Sunday – Thursday 10.00 - 0000

Friday & Saturday 10.00 - 0100

Recorded Music, Films:

Sunday - Thursday 07.00 - 00.00

Friday and Saturday 07.00 - 01.00

2. Late Night Refreshment

Sunday-Thursday 23.00 - 00.30

Friday and Saturday 23.00 - 01.30

3. Sale by Retail of Alcohol

Sunday - Thursday 10.00 - 23.00

Friday and Saturday 10.00 - 01.00

4. Hours of opening:

Sunday - Thursday	07.00 - 00.30
Friday and Saturday	07.00 - 01.30

### **Application for a Review of the Licence**

4. An application for review of this premises licence has been made by Surrey Police as a responsible authority. The application has been advertised at the premises by the Licensing Authority, and elsewhere in accordance with the Licensing Act 2003. A copy of the review notice is attached at Annexe 2, giving a deadline date of 10th December 2012 for any representations to be submitted to the Licensing Authority. The application for a review is set out in full at Annexe 3. Surrey Police may call witnesses in support of any evidence they may give, having first notified the Licensing Authority of their intention to do so. Attached at Annexe 8 are statements from Police Sergeant Paul Plews and Police Constable Daniel Eaves from Hampshire Police who were the officers that were in attendance in the car park of the premises on Saturday 20 October 2012.

### **Other Responsible Authorities - Responses to the Notice Procedure**

5. No representations have been received from other responsible authorities' in respect of the application.

### **Interested Parties - Responses to the Notice Procedure**

6. Positive representations have been received from 'other persons', in the form of three letters in support of the premises which are attached at Annexe 4. The views expressed in the representations at Annexes 4 & 5 in no way are condoned by Waverley Borough Council and personal and other details have in some cases been redacted.
7. Mr Jon-Paul Stubbings who is the current Premises Licence Holder and Designated Premise Supervisor (DPS) has also sent an email in response to the application to review which is attached at Annexe 5
8. Attached at Annexe 6 is the plan, showing the premises and surrounding area.
9. Annexe 7 to the agenda is an extract from the statutory Guidance issued under Section 182 of the 2003 Act, published in October 2012, regarding determining a Review (Paragraphs 11.1 - 11.28).

### **Licensing Objectives**

10. The four Licensing Objectives of the Licensing Act 2003 are set out below. It is for the Licensing Sub-Committee to promote the Licensing Objectives in making any decision on the Application for Review.
  - Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - Protection of Children from Harm

## **The Purpose of the Hearing**

11. Having regard to the application for review at Annexe 3, and the relevant representations submitted as a result of notice of the review (see Annexe 4 and 5), the Sub-Committee must take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives. It may hear from the applicant (Surrey Police), 'other persons' who have made representations on this occasion, and from the representative(s) of the premises, The Royal Arms.. The Sub-Committee may take steps as a result of a review hearing, which are also set out at paragraph 11.19 of the Government Guidance at Annexe 7, as follows:
- Modify or add conditions to the premises licence
  - Exclude one or more licensable activity from the premises licence
  - Remove the Designated Premises Supervisor
  - Suspend the premises licence for not more than three months
  - Revoke the premises licence
  - Allow the licence to continue in its present form, with or without a written warning

## **Procedure at the Hearing**

12. The applicant for the review (Surrey Police) and the subject of the review (The Royal Arms, with Mr Jon-Paul Stubbings as both the Premises Licence Holder and the Designated Premises Supervisor) may call witnesses to support their respective cases. Each side has been asked to inform the Council if they intend to do so. The meeting will be advised further at the introduction to the hearing on this matter. Others making representations as part of the review ('other persons') may do the same.
13. In determining the application for review, the Sub-Committee must focus on the steps needed to promote the Licensing Objectives. It must have regard to the Guidance issued under Section 182 of the Act (Paragraphs 11.1 - 11.28 in Annexe 7 attached), as well as to its own Statement of Licensing Policy.

## **Human Rights considerations**

14. 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**

15. Any subsequent developments in the procedure for the Review will be reported at the meeting.

#### Recommendation

**It is recommended that the Application for Review of the Premises Licence for The Royal Arms, 172 Farnborough Road, Farnham, Surrey GU9 9AX. be determined by the Sub-Committee in light of and having regard to:**

- **the steps that are appropriate to promote the Licensing Objectives;**
- **the representations made;**
- **the Guidance issued under Section 182 of the Licensing Act 2003; and**
- **the Council's Statement of Licensing Policy.**

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#### Background Papers (CEX)

Application referred to above, representations referred to above.

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[Http://sharepoint/sites/democratic/Licensing/Sub-Committees/7 January 2013/Appendix A The Royal Arms Final \(2\) Cleared by legal.doc](http://sharepoint/sites/democratic/Licensing/Sub-Committees/7%20January%202013/Appendix%20A%20The%20Royal%20Arms%20Final%20(2)%20Cleared%20by%20legal.doc)