

# APPENDIX B

WAVERLEY BOROUGH COUNCIL  
LICENSING SUB-COMMITTEE A  
13 MAY 2013

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – ,  
WINKWORTH ARBORETUM, HASCOMBE ROAD, GODALMING, SURREY GU8  
4AD

[Wards Affected: Bramley, Busbridge & Hascombe Wards]

## **Summary and Purpose**

1. The purpose of the report is to enable the Sub-Committee to consider an application from National Trust (Enterprises) Ltd, for a new premises licence for Winkworth Arboretum, Hascombe Road, Godalming, Surrey GU8 4AD, where Representations have been received from 'other persons' and 'Responsible Authorities'

## **Background**

2. An application, attached at Annexe 1, has been received for a new premises licence from National Trust (Enterprises) Ltd , for a hillside arboretum with a large collection of trees and shrubs. A tea room is situated within the premises. A plan is attached at Annexe 2.
3. The application proposes that the licence will allow the premises to sell alcohol for consumption both on and off the premises and regulated entertainment.

## **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. 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 application for activities in full.

- **Regulated Entertainment (Plays, Films, Live & Recorded Music, Performance of Dance, Activities of similar description)**

Monday to Sunday                      0900 to 2200

- **Sale of Alcohol**

Monday to Sunday                      1000 to 2100

- **Opening hours**

Monday to Sunday                      0000 to 2400

## **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 and/or from any persons under this legislation.
  1. Prevention of Crime and Disorder
  2. Public Safety
  3. Prevention of Public Nuisance
  4. Protection of Children from Harm

## **Representations received**

### Responsible Authorities

7. There has been one representation from a Responsible Authority; Environmental Health attached at Annexe 4. Surrey Police have been in negotiation with the applicant and an amendment to the application was submitted and is reproduced at Annexe 5.

### 'Other Persons'

8. Besides Responsible Authorities, "other persons" may make representations. There have been 54 valid representations from "other persons", a further one that is anonymous and others that were received after the deadline. The valid representations are attached at Annexe 6 with the anonymous attached at Annexe 7.

## **Human Rights**

9. Under Article 8 European Convention on Human Rights everyone has the right to respect for his private and family life, his home and his correspondence. 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. In Licensing Act 2003 cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

## **What the Sub-Committee may do**

10. The Sub-Committee, after hearing from the applicant and those making representations, must take such of the steps listed below (if any) as it considers appropriate in order to promote the Licensing Objectives. Reasons must be given by the Sub-Committee for any decision made, since there is an

opportunity for any applicant or any person making representations to appeal to the Magistrates' Court against the Licensing Sub-Committee decision.

The steps are:

- Grant the application as submitted (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);
- Exclude from the scope of the licence any of the licensable activities to which the application relates;
- Refuse to specify a person as the designated premises supervisor;
- Reject the application

### Recommendation

11. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits.

Having regard to the representations made, the Sub-Committee must take such of the steps outlined below (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.

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### Background Papers

Application referred to above, representations referred to above.

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