

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE B - 30 APRIL 2012

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – OSCAR’S PIANO BAR, 180 HIGH STREET, CRANLEIGH, SURREY, GU6 8RG

[Wards Affected: Cranleigh West]

**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 Oscar’s Piano Bar, 180 High Street, Cranleigh, Surrey, GU6 8RG, (‘The Premises’), from Phillip Moger on behalf of Oscar’s Piano Bar Ltd, the current Premises Licence Holders. Six relevant representations have been received from interested parties.

**Background**

2. In August 2005 the Premises (previously known as the ‘Golden Palace Restaurant’) were the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, the Golden Palace Restaurant’ (Oscar’s Piano Bar), 180 High Street, Cranleigh, Surrey, was granted a Premises Licence.
3. The Premises have not been in operation for some time and are currently closed. An application to transfer the Premises to the current Premises Licence Holders, ‘Oscar’s Piano Bar Ltd’ was received in October 2011 and was duly transferred in accordance with the Licensing Act 2003. The Premises plan to open in May 2012 under the new name of ‘Oscar’s Piano Bar’.

**Activities/Variations Sought under this Licence Application**

4. The applicant requests that the premises licence be amended to **remove**;
  - The current elements of the Operating Schedule to address the Licensing Objectives
  - The Public Entertainment embedded restrictions
  - The Conditions attached after a hearing by the Licensing Authority
  - The Non-Standard Timings

And **Replace** the above with items addressed in Box P which are in accordance with steps to promote the four Licensing Objectives.

To remove, ‘Performance of Dance’ and ‘Facilities for Dancing’.

The variation also proposes that the Premises Licence be amended to add Live & Recorded Music on Sunday.

Note: The application has stated that the;

Recorded Music is background only, no 'Jukebox', no 'Karaoke' inc. vocalists

Live Music is 'Low volume acoustic/unplugged'.

- **Live Music**

**Monday to Saturday**  
**Sunday**

**Hours as per existing licence**  
**1200 - 1600**

- **Recorded Music**

**Monday to Saturday**  
**Sunday**

**Hours as per existing licence**  
**1200 – 2300**

An extract of the relevant pages from the application form is attached at Annexe 1 with an email amendment/clarification attached at Annexe 2.

5. Attached to this document at Annexe 3 are some amendments to the application following discussions between the applicant and Surrey police.
6. A copy of the current (previously the Golden Palace) Premises Licence is attached at Annexe 4 and summarised below:

- **Regulated Entertainment (Live & Recorded Music, Performance of Dance & anything similar, Making Music and facilities for dancing & anything similar)**

Monday to Thursday	1200 to 0000
Friday & Saturday	1200 to 0100

- **Late Night Refreshment**

Monday to Thursday	2300 to 0000
Friday & Saturday	2300 to 0100
Sunday	2300 to 2330

- **Sale of Alcohol**

Monday to Thursday	1200 to 0000
Friday & Saturday	1200 to 0100
Sunday	1200 to 2330

- **Opening hours**

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

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

### **Licensing Objectives**

8. 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

9. There have been no representations from any of the Responsible Authorities.

#### Interested Parties

10. There have been six relevant representations from Interested Parties, these are reproduced at [Annexe 6](#).

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

11. 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.
12. 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 7](#).

### **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.

---

### **CONTACT OFFICER:**

**Name:** Paul Hughes

**Telephone :** 01483 523189

**E-mail:** [paul.hughes@waverley.gov.uk](mailto:paul.hughes@waverley.gov.uk)