



Licensing Act 2003
Premises Licence - Summary

The White Hart Hotel Ewhurst Road Cranleigh Surrey GU6 7AE	Licence number:	LN/000000135	
	Valid from:	30th January 2013	
	Valid until:		
	Telephone:		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Sale by Retail of Alcohol	Monday - Saturday	10:00	23:00
	Sunday	12:00	22:30
Non-standard Timings:	Good Friday 12:00-22:30. Christmas Day 12:00-15:00 and 19:00-22:30. New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

The opening hours of the premises: -

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises: On and off the premises

Name & (registered) address of holder of premises licence: Mr Nathan Patrick Williams
The White Hart Hotel
Ewhurst Road
Cranleigh
Surrey
GU6 7AE

Registered number of holder, for example company number, charity number (where applicable): N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Nathan Patrick Williams

Whether access to the premises by children is restricted or prohibited: No restrictions

**Licensing Act 2003
Premises Licence - Detail**

The White Hart Hotel Ewhurst Road Cranleigh Surrey GU6 7AE	Licence number:	LN/000000135	
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	Valid until:		
	Telephone:		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Sale by Retail of Alcohol	Monday - Saturday Sunday	10:00 12:00	23:00 22:30
Non-standard Timings:	Good Friday 12:00-22:30. Christmas Day 12:00-15:00 and 19:00-22:30. New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

The opening hours of the premises: -

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:

On and off the premises

Name & (registered) address of holder of premises licence:

Mr Nathan Patrick Williams
 The White Hart Hotel
 Ewhurst Road
 Cranleigh
 Surrey
 GU6 7AE

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Nathan Patrick Williams

Whether access to the premises by children is restricted or prohibited:

No restrictions

Annexe 1 – Mandatory Conditions

Alcohol

No supply of alcohol may be made under the premises licence:

- At a time when there is no designated premises supervisor in respect of the premises licence.
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Annexe 2 – Conditions consistent with the operating schedule

Alcohol BOTH ON/OFF premises	Monday	10:00 hours to 23:00 hours
	Tuesday	10:00 hours to 23:00 hours
	Wednesday	10:00 hours to 23:00 hours
	Thursday	10:00 hours to 23:00 hours
	Friday	10:00 hours to 23:00 hours
	Saturday	10:00 hours to 23:00 hours
	Sunday	12:00 hours to 22:30 hours

Further Detail

N/A

Non-Standard Timing

Good Friday 12:00-22:30.

Christmas Day 12:00-15:00 and 19:00-22:30.

New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Sale of alcohol to be for consumption : On and off the premises

Designated Premises Supervisor

Name: Mr Nathan Patrick Williams

Address: Cranhurst
Bookhurst Road
Cranleigh
Surrey
GU6 7DW

Personal Licence Number (If known): LN/000004367

Issuing Licence authority (If known): Waverley Borough Council

Expiry date: 21/01/2023

Embedded Restrictions : On Licence – No Children's Certificate

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00-23:00

- b) On Sundays, other than Christmas Day or New Year's Eve, 12:00-22:30
- c) On Good Friday, 12:00-22:30
- d) On Christmas Day, 12:00-15:00 and 19:00-22:30
- e) On New Year's Eve, except on a Sunday, 10:00-23:00
- f) On New Year's Eve on a Sunday, 12:00-22:30
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied ; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Children in Bar (No Children's Certificate)

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals.

Annexe 3 – Conditions attached after a hearing by the Licensing Authority

N/A

Annexe 4 – Plans

Attached



WAVERLEY BOROUGH COUNCIL

Licensing Team, Waverley Borough Council, The Bury, Godalming, Surrey GU7 1HR

**Application to vary a premises licence
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We MR. NATHAN P. WILLIAMS (Insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

LN/000000135

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
THE WHITE HART HOTEL, GUNNIST ROAD	
Post town	Post code
CRANLEIGH	GU6 7AE

Telephone number at premises (if any)

01483 275566

Non domestic rateable value of premises

£ 87,001 To £125,000 '0'

Part 2 – Applicant Details

Daytime contact telephone number

07831 - 849670

Email address (optional)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev.)

Surname

First names

WILLIAMS

NATHAN PATRICK

Current postal address
if different from
premises address

THE S.M.C.

Post Town

Postcode

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick



If not do when do you want the variation to take effect from?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO CHANGE OUR CURRENT OPENING TIMES TO 09.00 A.M TO MIDNIGHT SUNDAY TO THURSDAY OF WHICH LIVE & RECORDED MUSIC CAN BE PLAYED DURING THESE TIMES AND 09.00 A.M TO 01.00 A.M FOR FRIDAY AND SATURDAY ~~AND~~ OF WHICH LIVE & RECORDED MUSIC CAN BE PLAYED AT THESE TIMES. AND WILL ALSO INCORPORATE CHRISTMAS EVE, NEW YEARS EVE, BURNS NIGHT, ST PATRICKS DAY, ST GEORGE'S DAY.

THE RESTAURANT AND PATIO AREA IS ALSO TO BE INCLUDED IN THE LICENCED AREA, AND TO REMOVE ALL EMBEDDED CONDITIONS. AND TO ADD & ADD TO THE THE RESTAURANT, AREA.

If your proposed variation would mean that 5000 or more people are expected attend the premises at any one time please state the number expected to attend

NO

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Provision of regulated entertainment

Please tick ✓

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

✓
✓
✓
✓
✓

Provision of late night refreshment (if ticking yes, fill in box I)

✓

Sale by retail of alcohol (if ticking yes, fill in box J)

✓

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	07.00 A.M	01.00 A.M	Please give further details here (please read guidance note 3) FOR THE ENTERTAINMENT OF HOTEL GUESTS & PATRONS	Both	
Tue	07.00 A.M	01.00 A.M			
Wed	07.00 A.M	01.00 A.M	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	07.00 A.M	01.00 A.M			
Fri	07.00 A.M	01.00 A.M	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) FILMS SHOWN ON THE PREMISES CHRISTMAS EVE UNTIL 02.00 FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY.		
Sat	07.00 A.M	01.00 A.M			
Sun	07.00 A.M	01.00 A.M			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
Day	Start	Finish	Both		
Mon	10:00 A.M.	13:00 P.M.	Please give further details here (please read guidance note 3) FOR DISCO'S OR LIVE ACTS FOR BIRTHDAY PARTIES OR SPECIAL EVENTS DURING THE YEAR.		
Tue	10:00 A.M.	13:00 P.M.			
Wed	10:00 A.M.	13:00 P.M.	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10:00 A.M.	13:00 P.M.			
Fri	10:00 A.M.	01:00 A.M.	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) AMPLIFIED AND UNAMPLIFIED LIVE MUSIC. CHRISTMAS EVE UNTIL 02:00. FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY		
Sat	10:00 A.M.	01:00 A.M.			
Sun	10:00 A.M.	23:30 P.M.			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place Indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
Day	Start	Finish	Both		
Mon	10:00 A.M.	13:00 P.M.	Please give further details here (please read guidance note 3)		
Tue	10:00 A.M.	13:00 P.M.			
Wed	10:00 A.M.	13:00 P.M.	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00 A.M.	13:00 P.M.			
Fri	10:00 A.M.	01:00 A.M.	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5) RECORDED MUSIC PLAYED ON THE PREMISES CHRISTMAS EVE UNTIL 02:00. FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY.		
Sat	10:00 A.M.	01:00 A.M.			
Sun	10:00 A.M.	23:30 P.M.			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00 A.M	11.00 P.M			
Tue	10.00 A.M	11.00 P.M			
Wed	10.00 A.M	11.00 P.M			
Thur	10.00 A.M	11.00 P.M			
Fri	10.00 A.M	01.00 A.M			
Sat	10.00 A.M	01.00 A.M	<p>FOR PERMISSION OF CUSTOMERS TO DANCE WITHIN THE PREMISES, CHRISTMAS EVE UNTIL 02.00 FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY.</p>		
Sun	10.00 A.M	10.30 P.M			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00 A.M	11.00 P.M			
Tue	10.00 A.M	11.00 P.M			
Wed	10.00 A.M	11.00 P.M			
Thur	10.00 A.M	11.00 P.M			
Fri	10.00 A.M	01.00 A.M			
Sat	10.00 A.M	01.00 A.M	<p>FOR KARAOKE AND OTHER SIMILAR TYPE ENTERTAINMENT, CHRISTMAS EVE UNTIL 02.00, FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY.</p>		
Sun	10.00 A.M	10.30 P.M			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (✓) (please read guidance note 2)	Indoors	Outdoors	Both
Day	Start	Finish		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mon	23.00 P.M.	12.00 P.M.	Please give further details here (please read guidance note 3) SO PATRONS CAN DRINK LATER IN THE HOTEL; RESTAURANT & GARDEN.			
Tue	23.00 P.M.	12.00 P.M.				
Wed	23.00 P.M.	12.00 P.M.	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur	23.00 P.M.	12.00 P.M.				
Fri	23.00 P.M.	02.00 A.M.	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5) HOT FOOD & DRINK SERVICE ON THE PREMISES TO RESIDENTS AND THEIR GUESTS TO BE ABLE TO HAVE HOT FOOD & DRINK 24 HOURS A DAY. CHRISTMAS EVE UNTIL 02.00 A.M. FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY			
Sat	23.00 P.M.	02.00 A.M.				
Sun	19.00 A.M.	11.00 P.M.				

J

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both - please tick (✓) (please read guidance note 7)	On the premises	Off the premises	Both
Day	Start	Finish		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mon	9.00 A.M.	12.00 P.M.	State any seasonal variations for the sale of alcohol (please read guidance note 4)			
Tue	9.00 A.M.	12.00 P.M.				
Wed	9.00 A.M.	12.00 P.M.	Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5) FOR RESIDENTS AND THEIR GUESTS TO BE ABLE TO PURCHASE ALCOHOL 24 HOURS A DAY. CHRISTMAS EVE UNTIL 02.00 A.M. FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY.			
Thur	9.00 A.M.	12.00 P.M.				
Fri	9.00 A.M.	02.00 A.M.	DURING MAJOR SPORTING EVENTS, WORLD CUP FOOTBALL, RUGBY, CRICKET, DRESS, FI TO OPEN & SELL ALCOHOL 1 HR PRIOR TO THE EVENT, AND 1 HR AFTER, INCLUDING DURATION OF SPORTING EVENT			
Sat	9.00 A.M.	02.00 A.M.				
Sun	9.00 A.M.	11.00 P.M.				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

A QUIZ MACHINE AND FRUIT MACHINE.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00 A.M.	00:30 A.M.	
Tue	07:00 A.M.	00:30 A.M.	
Wed	07:00 A.M.	00:30 A.M.	
Thur	07:00 A.M.	00:30 A.M.	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri	07:00 A.M.	00:30 A.M.	RESIDENTS AND THEIR BONA FIDA GUESTS WILL BE PERMITTED ENTRY TO THE PREMISES 24 HOURS A DAY/ CHRISTMAS EVE UNTIL 02:30. FROM THE START OF PERMITTED HOURS ON NEW YEARS EVE UNTIL THE END OF PERMITTED HOURS ON NEW YEARS DAY.
Sat	07:00 A.M.	02:30 A.M.	
Sun	07:00 A.M.	02:30 A.M.	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

To REMOVE ALL ENCLOSED CONDITIONS

Please tick ✓

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

A GENERAL POLICY WILL BE ADOPTED TO IN THE IMPLEMENTATION OF ALL FOUR LICENSING OBJECTIVES AND TRAINING GIVEN TO STAFF AND UPDATED WHEN NECESSARY AND DOCUMENTATION KEPT AND REVIEWED IF A VISIT BY ANY RELEVANT AUTHORITY OR EMERGENCY SERVICES REQUESTS ANY INFORMATION OR CHECKS TO BE CARRIED OUT AT THE PREMISES.

b) The prevention of crime and disorder

ALL TV SYSTEM IS ALREADY IN PLACE AT THE PREMISES AND WILL RECORD EVERYTHING UP TO 28 DAYS ON RECORD. THERE WILL BE A ZERO TOLERANCE TOWARDS ILLEGAL DRUGS. ALL INSTANCES OF CRIME AND DISORDER SHALL BE REPORTED AND LOGGED. THE PREMISES SHALL BE A MEMBER OF THE LOCAL PUBLICATION SCHEME. A 30 MINUTE 'DRINK UP TIME' ON TOP OF THE LAST PERMITTED STATE OF ALCOHOL TO ALLOW CUSTOMERS TO USE THE TOILET FACILITIES AND TO MAKE THE PREMISES IN AN ORDERLY FASHION.

c) Public safety

ALL FIRE EQUIPMENT WILL BE LOCATED IN AN ACCESSIBLE AREA AND SIGNS EMPLOYED SHOWING DESIGNATED AREAS TO GO IF A FIRE STARTS, ALL GRASS WILF WILL BE REMOVED PROMPTLY BY STAFF, FIRST AID BOXES WILL BE LOCATED IN AN ACCESSIBLE AREA SO STAFF CAN IMPLEMENT FIRST AID PROMPTLY IF REQUIRED.

d) The prevention of public nuisance

THE REAR OUTSIDE AREA SHALL NOT BE USED FOR ALCOHOL OR FOOD AFTER 23:00, AND ALL BOTTLES, GLASS ETC REMOVED. DOORS AND WINDOWS WILL REMAIN CLOSED DURING REGULATED ENTERTAINMENT, EXCEPT FOR ACCESS TO AND EGRESS FROM THE PREMISES. ANY LITTER ETC WILL BE REMOVED FROM THE FRONT OF THE PREMISES AND DISPOSED OF. SIGNS WILL BE IMPLEMENTED ASKING THE PUBLIC TO BE QUIET AND LEAVE IN A ORDERLY MANNER WHEN LEAVING THE PREMISES.

e) The protection of children from harm

THE PROTECTION OF CHILDREN FROM HARM A "CHALLENGE 21" POLICY SHALL, AND IS ALREADY IN PLACE. WHEREBY THOSE INDIVIDUALS WHO APPEAR TO BE UNDER THE AGE OF 21 AND ARE ATTEMPTING TO PURCHASE ALCOHOL SHALL BE ASKED TO PROVIDE SUITABLE I.D. IN THE FORM OF A PHOTO DRIVING LICENCE OR PASSPORT. A LOG BOOK RECORDS WILL BE KEPT ON SITE. CHILDREN SHALL BE PERMITTED ONLY WHEN ACCOMPANIED BY AN ADULT.

Please tick ✓

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature Nathan P. Williams

Date 23-4-2013

Capacity OWNER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

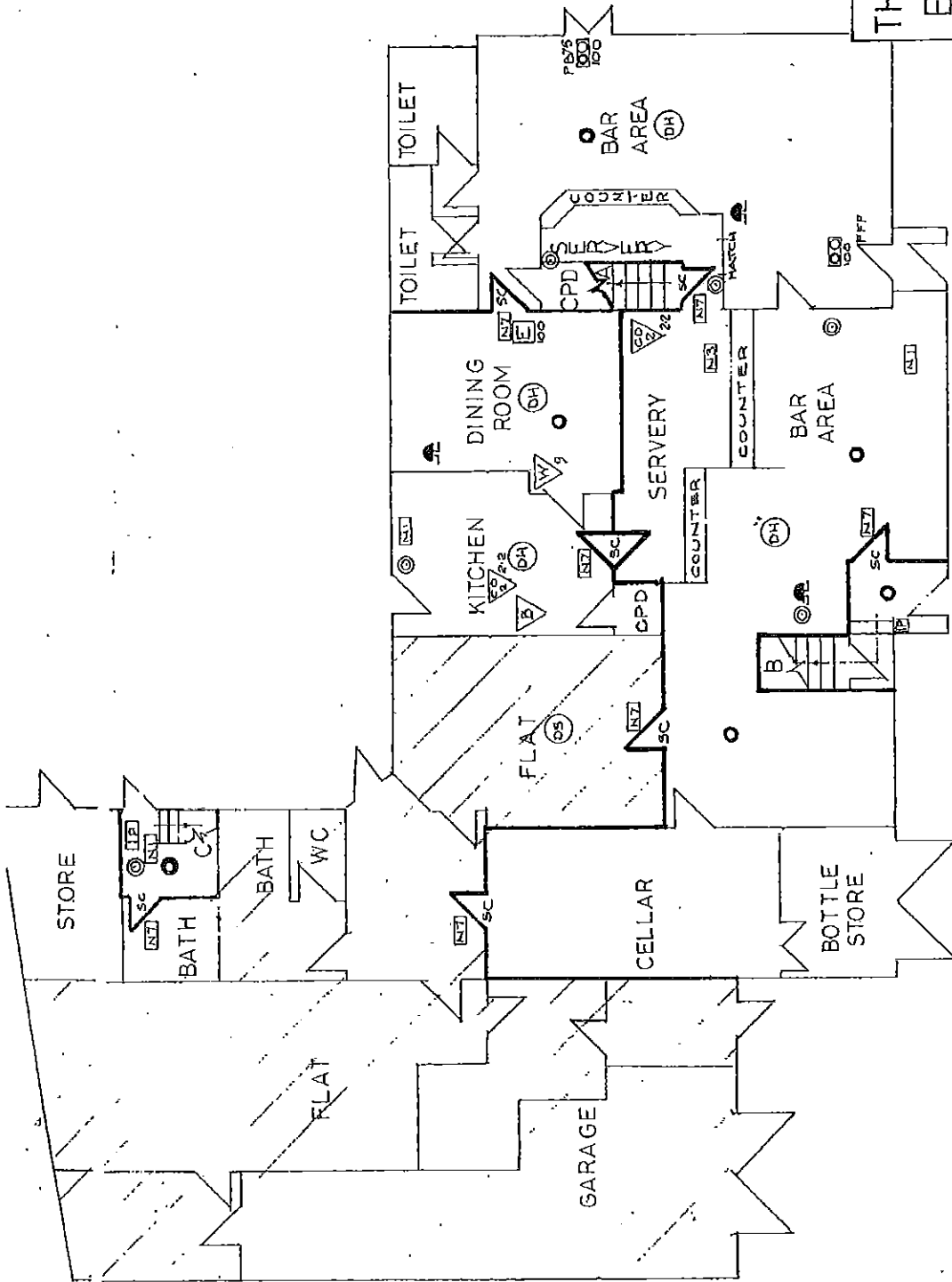
Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

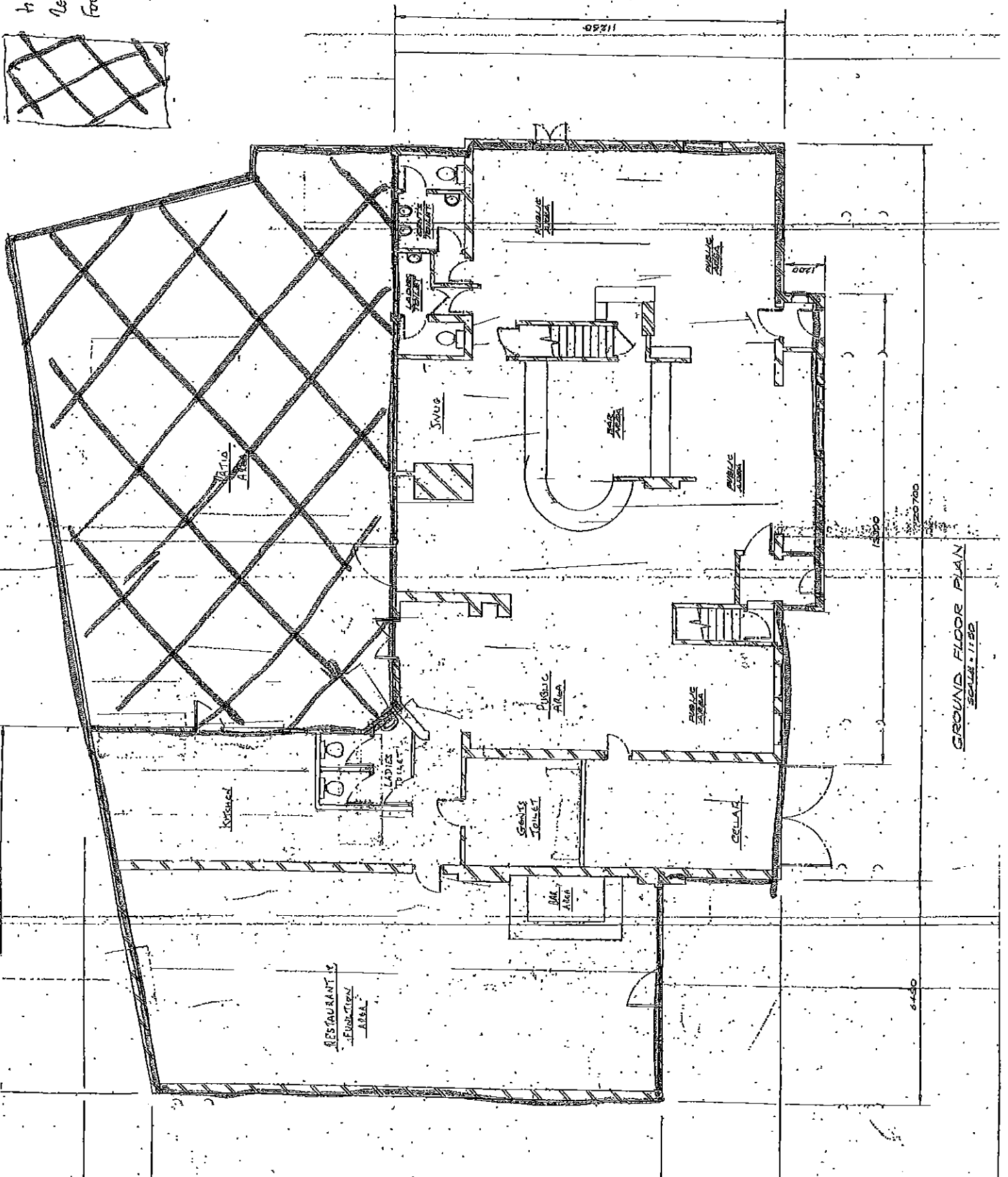
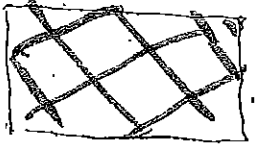
THE WHITE HART
 EWHURST ROAD
 CRANLEIGH

PLAN NO	1	OF	1
APPROX. SCALE	1/100		
SFB	AMT.	28.5-	



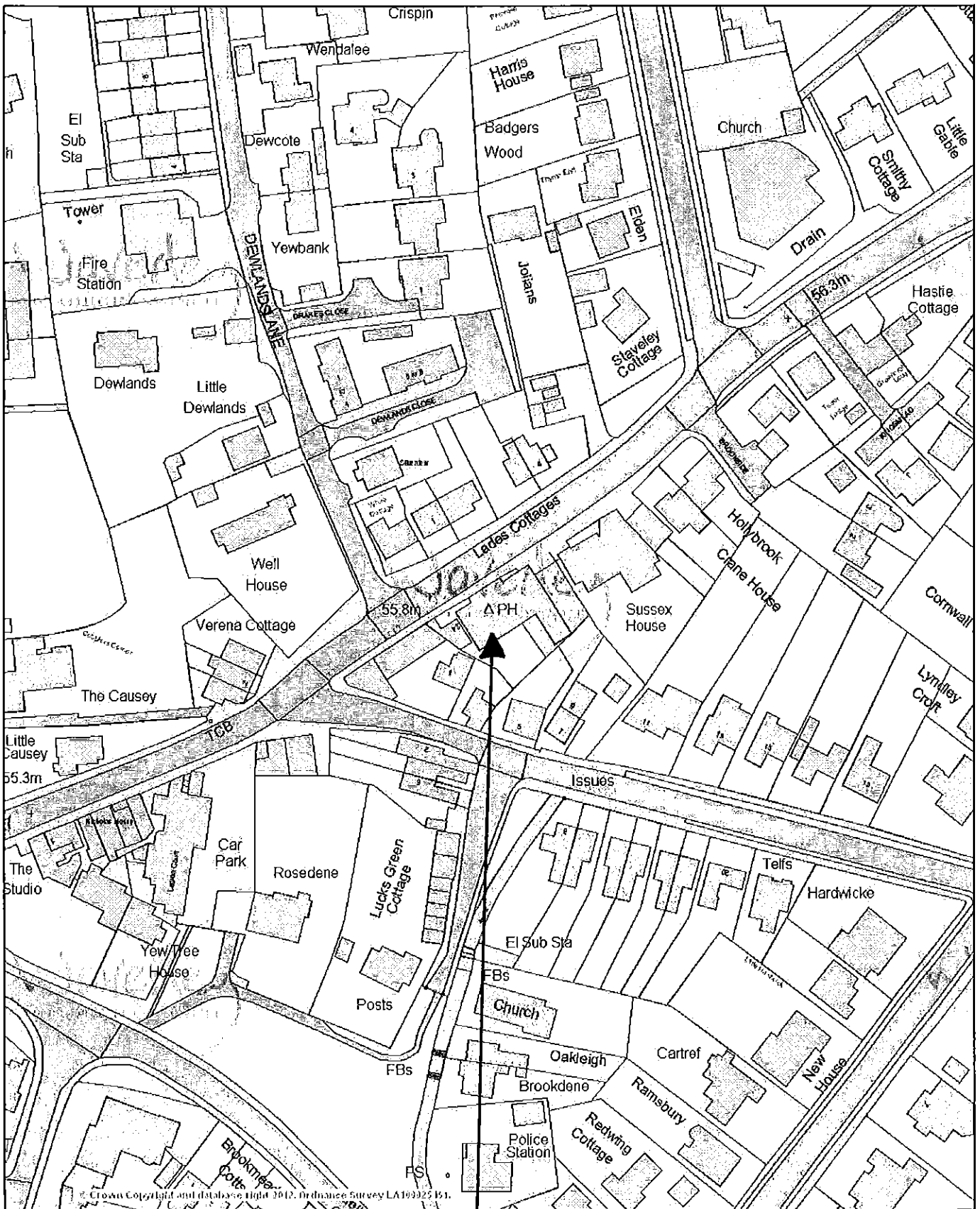
GROUND FLOOR

Hatched Area will be
restricted to 1300 PM for
Food Services.



GROUND FLOOR PLAN
SCALE: 1:150

Amir
10/12/2013 0134



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Waverley Borough Council
 The Burs, Godalming, Surrey
 GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 523118

Waverley
 BOROUGH COUNCIL

The White Hart, Ewhurst Road, Cranleigh

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Scale 1/1250 Date 10/6/2013
 Centre = 506206 E 139102 N

N
1

Our Ref: 10378 WVC
Your Ref:



■ SURREY ■
POLICE

Licensing Officer
Waverley Borough Council
Council Offices
The Burys
Godalming
Surrey
GU7 1HR

Pete Hathaway
Waverley Licensing Officer

6th June 2013

Dear Sir/Madam,

Licensing Act 2003 – Application to vary Premises Licence

Premises: White Hart, Ewhurst Road, Cranleigh

We have been in negotiations with the applicant and understand that he has now submitted an amendment to include the following conditions and amended hours:

1. The licence holder shall maintain a comprehensive digital colour CCTV system at the premises that ensures all public areas of the licensed premises are monitored, including all public entry and exit points and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and video recordings shall be available for a minimum of 28 days with time and date stamping. Recordings shall be made available to an authorised officer or police officer together with facilities for viewing. There will be a capability to download to CD/DVD
The recording system will be locked in a secure cupboard together with the mains supply.
2. Staff engaged in the sale of alcohol shall be trained in the law relating to the sale/supply of alcohol and written records will be maintained and then kept for inspection for a minimum period of 12 months. The training will include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There will be an ongoing training regime with refresher/reinforcement training at intervals of no more than six months.
3. The age verification policy required by the mandatory conditions shall specify the age of 21 as opposed to 18 years.

4. The premises will operate a Challenge 21 policy and will only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.
5. Outside areas will not be used for the consumption of alcohol or food after 22:00
6. No glasses or bottles will be allowed to be taken outside after 22:00
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Borough Council or the Police, which will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any incidents of disorder
 - d) Seizures of drugs or offensive weapons
 - e) Any faults in the CCTV system
 - f) Any refusal of the sale of alcohol
 - g) Any visit by a relevant authority or emergency service
8. All external doors and windows will be kept closed during regular entertainment and in any case after 23:00, except for access to and egress from the premises.
9. Prominent, clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly
10. The sale of alcohol in the outside rear garden will be restricted to no more than on 4 occasions per year and a written record will be kept of these occasions.

Section B

Films

Sunday to Thursday start 07:00 – finish 00:00

Friday & Saturday start 07:00 – finish 00:30

Section E

Live Music

Friday & Saturday start 10:00 – finish 00:30

Section F

Recorded Music

Friday & Saturday start 10:00 – finish 00:30

Section G

Performance of dance

Friday & Saturday start 10:00 – finish 00:30

Section H

Anything of similar description

Friday & Saturday start 10:00 – finish 00:30

Section I
Late night refreshment
Friday and Saturday start 23:00 – finish 01:00
Indoors only

Section J
Sale of alcohol
Friday and Saturday start 09:00 – finish 00:30

Section L
Hours premises open to the public
Friday and Saturday start 07:00 – finish 01:00

This now allays our concerns and therefore Surrey Police have no objections to the variation of the premises licence under Section 34 of the Licensing Act 2003.

Yours faithfully,

Peter Hathaway
Waverley Licensing Officer



INTERNAL MEMORANDUM

To: Licensing Policy

Your Ref:

From: Michael Bateman

My Ref: WK/201301342

Date consultation received:

Date: 10th June 2013

Address: The White Hart Hotel, Ewhurst Road, Cranleigh, Surrey, GU6 7AE

Part B Application to vary the club premises certificate

1. Identified Environmental Health issues relevant to the four licensing objectives

Potential for public nuisance from noise

2. Conclusion

I have been in negotiations with the applicant and I have now agreed an additional control with the applicant, relating to the prevention of public nuisance:

"The Licence Holder or nominated person will assess the impact of any regulated entertainment that has the potential to cause a public nuisance. They will assess the impact on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest noise sensitive property. Where complaints are received from neighbouring premises during regulated entertainment, these shall be recorded in writing and a record kept for inspection by an authorised officer of the Borough Council or the Police. The entry shall show the date and time, the substance of the complaint and where available the contact details of the member of the public that calls. Adjacent to the entry shall be recorded any corrective action that is taken in response to the complaint."

In considering the application, I have taken the following factors into account:

- a) The agreed additional control as above.
- b) The changes to legislation as a result of the Live Music Act 2012.
- c) The applicant has agreed a range of additional controls in consultation with the Police, which further promote the licensing objectives including the prevention of public nuisance.
- d) I visited the applicant and we discussed the proposed activities at the site. The proposed main function room is to undergo extensive renovation prior

to coming into use and the applicant is aware of the importance of insuring the room is properly soundproofed to prevent entertainment causing a nuisance to neighbouring premises. We also discussed the use of the main public house area for entertainment and the additional steps that may be required to insulate this area should sound breakout be at a level that may cause a public nuisance.

- e) The applicant has advised that lighting of the rear garden area will be installed at a low height level. This is unlikely to cause a nuisance. Where lighting does cause a nuisance, this can be investigated under the provisions of the Environmental Protection Act 1990.
- f) Powers under The Environmental Protection Act 1990 to deal with statutory nuisance and the ability to instigate a Premises Licence review under the Licensing Act 2003, enables the Environmental Health Section to take action should a nuisance be caused in the future.

This now allays my concerns and therefore the Environmental Health Section has no objections to the variation of the premises licence under Section 34 of the Licensing Act 2003.

Please do not hesitate to contact me if you require further information or would like to discuss the above comments.

Officer signature: M. Bateman

Date: 10th June 2013

Michael Bateman
Environmental Health Officer
Direct Line: 01483 523393

Waverley
BOROUGH COUNCIL

Waverley Borough Council
Contract Services

10 JUN 2013

RECEIVED

Agreed Control Measures for the Prevention of Public Nuisance

Premises: The White Hart Hotel, Ewhurst Road, Cranleigh, Surrey, GU6 7AE

1. The Licence Holder or nominated person will assess the impact of any regulated entertainment that has the potential to cause a public nuisance. They will assess the impact on neighbouring premises at the start of the activity/entertainment and periodically throughout the activity/entertainment and take action to reduce noise levels if they are found to be excessive/distinguishable above background levels at the nearest noise sensitive property. Where complaints are received from neighbouring premises during regulated entertainment, these shall be recorded in writing and a record kept for inspection by an authorised officer of the Borough Council or the Police. The entry shall show the date and time, the substance of the complaint and where available the contact details of the member of the public that calls. Adjacent to the entry shall be recorded any corrective action that is taken in response to the complaint.

Signed: *Nath P. Williams*

Designation: ... *Owner?*

Date: *7-6-2013*


Signed: Michael Bateman

Designation: Environmental Health Officer

Date: 07/06/13

Please return this form to: Michael Bateman, Waverley Borough Council, The Burs, Godalming, Surrey, GU7 1HR
Direct line number: 01483 523393

Kate Halsall

From: 
Sent: Monday 20 May 2013 11:30
To: Licensing Policy
Subject: RE: The White Hart, 26 Ewhurst Road, Cranleigh
Attachments: RE: The White Hart, 26 Ewhurst Road, Cranleigh

Dear Ms Halsell

Further to your e-mail of Tuesday 14 May 2013, I went round to The White Hart in Ewhurst Road and saw that they did have a blue notice pinned up asking for an extension of hours and permission to play live and recorded music etc. As these premises are surrounded by residential properties in close proximity, I do not feel that this is a suitable place for this type of entertainment as the noise would prevent our quiet enjoyment of our houses and gardens, especially if the hours are extended over the weekend.

I also note that the building works in the garden appear to be a barbeque or bar in the centre of the courtyard and it appears that the owners intend to serve either drinks, food or both in this area. This would be totally unacceptable as this area directly abuts my garden and that of Number 5 Mead Road.

I hope that you take these points into account when assessing the application and if you need access to my garden or any further information, please do not hesitate to contact me either by email or on the office number shown below.

Regards

Kate Halsall

From:

Sent:

To:

Subject:

(2)

Monday 20 May 2013 18:43

Licensing Policy

Application for a variation to a premises licence -The White Hart Hotel, Ewhurst Road, Cranleigh, GU6 7AE

Dear Mr Paul Hughes

Application for a variation to a premises licence -The White Hart Hotel, Ewhurst Road, Cranleigh, GU6 7AE I am writing to you regarding the above application. I live at [REDACTED] where I have lived for the past 10 years. My garden is adjacent to the garden of the White Hart pub. Over the past 4 weeks or so I have noticed significant work taking place at the pub.

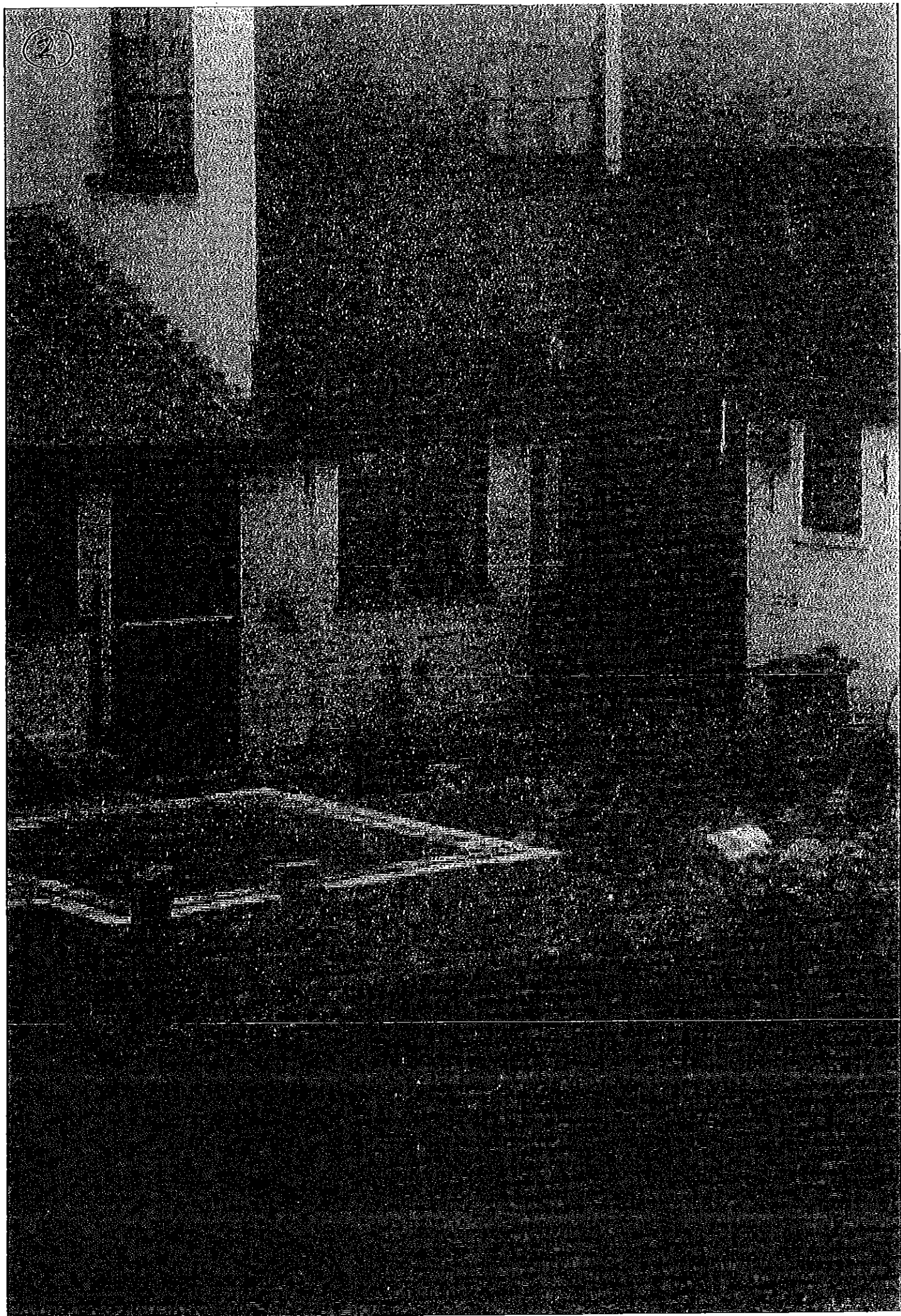
The new owners have had a massive tree removed (with no consultation with neighbours or Waverley Borough Council). I understand that this is a conservation area. In addition, they appear to be building a very substantial structure in the garden for which they have not applied for permission -I will send a photo by separate e-mail.

I am horrified at the prospect of any changes to the pub's current licence. This is a quiet residential area with a number of houses backing directly onto the pub garden. The houses and pub are in very close proximity. The pub as never utilised the outside space. Should they be permitted to serve alcohol in the garden, play music outside, BBQ outside, life for the very nearby residents would become intolerable. It simply shouldn't be permitted and I have very strong opposition to any alteration to the pub's licence.



The manner in which the new owners have gone about supposedly updating and refurbishing the pub has been hugely inconsiderate to the neighbours. I can only imagine the noise and public nuisance any variation to the current licence will create.

I look forward to your response.

Regards



Kate Halsall

From: 
Sent: Wednesday 22 May 2013 15:00
To: Licensing Policy
Cc: 
Subject: revlet/allreps White Hart Cran 1

To whom this may concern,

THE WHITE HART PUBLIC HOUSE

Please accept this email as my objection to the above Public House requesting extended opening hours and live music.

Thanking you

Kate Halsall

From:

Sent:

To:

Subject:

(LH)

Thursday 23 May 2013 11:25

Licensing Policy

Application to vary premises licence - The White Hart Hotel, Ewhurst Road, Cranleigh
GU6 7AE

Dear Mr Hughes

It has come to our attention that the licensee of the White Hart Hotel has applied for alterations to his licensing conditions (I believe to extend the opening hours, and for permission to allow dancing and karaoke, and to serve drinks in the garden), and I and my husband would like to inform you of our objections to these alterations.

My home address is

Our home is within sight of the rear of the White Hart, and would in our opinion definitely be affected by the proposed changes to the licence. Our concerns are:

1. That the alterations to the licence would increase late night noise in our road:

The White Hart is situated in a densely developed residential area, with a small number of business adjacent to it, is surrounded by homes, backs onto the gardens of residents of our road and is within sight and earshot of a number of other residential properties. The White Hart is not surrounded by large pub gardens or shrubbery which would dampen sound from the premises, and late night music and garden service would generate considerable noise pollution from the property itself. Such noise would be inappropriate and an inconvenience to the surrounding homeowners and families, during the day affecting their quiet enjoyment of their own gardens and at night affecting the sleep of children and adults alike with an 11pm close, let alone a 2am close. (Your licensing objectives 1., 3. and arguably 4. as the quality of sleep of children will be directly affected)

2. That the extension to the opening hours and music licensing changes would increase drunken activity in the road:

The proposed licence alterations, including, opening hours appear targeted at attracting a younger clientele than the pub presently enjoys, a demographic which is catered for in more appropriate locations in the village (such as the Cranley Hotel) which are not surrounded by family homes. The late opening hours would attract drinkers after the closing hours of the other pubs in the village, who having already been drinking for some hours would generate additional noise and rowdiness, both on their way to and after leaving the pub. This would inevitably lead to an increase in drunken arguments and damage to vehicles taking place in the area immediately surrounding the White Hart, which includes Mead Road. (Your licensing objectives 1. and 3, and potentially 2.)

3. The extension of the licencing hours would affect the quality of life of local residents:

The extension of the licensing hours beyond 11pm would result in noise from the premises and generated by patrons going to and leaving the premises (see above) extending for three hours beyond 11pm, at which time the road and local area is usually quiet. The additional noise will disturb the sleep of local residents, directly affecting their quality of life and quiet enjoyment of their properties. (Your licencing objectives 3 and 4)

4. That there is insufficient parking to support additional traffic to the White Hart:

Kate Halsall

From:

Sent:

To:

Cc:

Subject:

[REDACTED]
Friday 24 May 2013 09:08

Licensing Policy

[REDACTED]
White Hart Hotel - Application Complaint

Good morning Paul

I have spoken with my new neighbour, [REDACTED] regarding the White Hart Hotels application to extend the opening hours, play live music and serve drinks in the garden.

Having just hit 30 years old, this type of situation would have probably appealed to me not long ago, however, I chose to move into [REDACTED] in order to settle and look after my family in quiet, peaceful and safe surroundings. I am expecting my first child in December, so the thought of us and the baby being repeatedly disturbed through no fault of our own is extremely worrying.

My belief is that a public house should support its locals, blend into the surroundings, encourage the development of the community and project the spirit and history of the village/town/city. I cannot see how this application promotes any of those values in Cranleigh.

I am not against a pub diversifying its offering, and as a local business owner I am certainly all for supporting local businesses. But I really believe the priority of your office should be to ensure the wellbeing of the surrounding families is not valued below that of a public house.

I strongly contest this application, and will do so by person at the enquiry on the 8th July.

Ref. revlet/allreps White Hart Cran 1 22nd May 2013

Dear Mr Hughes,
The White Hart Hotel. Prevention of public nuisance.

6

I am the Owner of the above house and have lived here for 13 years. The frontage of my property lies diagonally across the street from the White Hart Hotel and approximately 30 metres in distance.

My wife and I have always accepted that the near presence of a public house would bring some late night disturbance, loud voices, singing and occasional drunken brawls after closing hours at 2300 and consider this a part of living in a community. We have never sought to interfere with others enjoying their weekend leisure.

An associated unpleasantness, which we also reluctantly accept arises from regularly finding bottles, tins and discard food wrappers thrown over the hedge or stuffed in the fence, and vomit on the pavement.

An application for the licensing hours to be extended to 0030 and 0200 on Saturdays is quite another matter. This is essentially a quiet residential area occupied by retired and elderly people. While a 2300 closing time was reasonable and the level of disturbance accepted by those in the immediate neighbourhood this would now be extended to well after midnight during the week and into the small hours of the morning on Saturdays. It is completely unacceptable that those of us who chose to live here should now have the quiet enjoyment of our properties threatened in such a way. For this reason I submit an objection to any extension of the Hotel's opening hours.

I also lodge my objection to the licensing of Kareoke, live and recorded music to be played in the Hotel which would result in booming noise over a wide area especially in calm summer evenings when the Hotel's doors and windows were open.

This would be even more objectionable than the irritation of noisy people leaving late at night. Such a move would have an instantly depressing effect on local property values.

PLANNING DEPARTMENT	
CIVIL ENGINEERING & SURVEYING OFFICE	
PRM	
DATE	20 MAY 2013
DATE ACK:	
PASS TO FOR ATTN:	
ACK. CODE:	
FILE NO:	

I trust that the Council's licensing authority will take these considered views into account and reject both the application for an extension of hours and the playing of live and recorded music.

I have no objection to anyone having access to my submission and will be available to appear at a hearing on Monday 8 July.

Yours Faithfully



P Hughes
Licensing Manager
Waverley Borough Council
The Burys
GODALMING
GU7 1HR

28 May 2013

Dear Mr Hughes,

**Licensing Act 2003 - The White Hart Hotel, Ewhurst Road, Cranleigh, GU6 7AE –
Application for a Variation to a Premise Licence – Representations**

I wish to express my concerns over the Application for a Variation to the Premise Licence for The White Hart Hotel submitted on 16 May 2013. I live in Mead Road some 5 gardens from the rear of the pub. My concerns relate to the Licensing Objective "Prevention of Public Nuisance". We have lived here for 5 years and have had no reason to complain about The White Hart Hotel under the current licence conditions. However the variations applied for represent an inappropriate change to the character of pub with many more patrons, live music and the use of the rear garden for (late night) refreshment. This will result in an unacceptable Public Nuisance as I will explain below.

The White Hart Hotel is situated away from the main commercial centre of Cranleigh, within a quiet residential area. It is situated on a relatively small plot, with no parking facilities, and has a small rear garden that is overlooked by several neighbouring houses.

- i) **Noise** - the proposed extension of opening hours to 00:30 Sunday to Thursday and 02:30 on Friday & Saturday, with alcohol sale continuing until 30 minutes before these closing times, would result in intolerable noise nuisance until the early morning hours for me and other neighbours from patrons in the bars, in the garden, leaving the premises, and returning to their vehicles. In addition, the provision of live and recorded music, karaoke and dancing will also cause intolerable noise nuisance, as it is not practical to keep doors and windows closed all the time, with patrons regularly going in and out of the garden (to smoke and for refreshments), and windows being opened for ventilation; the noise would be totally unacceptable after 11pm when neighbouring residents will be trying to sleep.
- ii) **Parking** – the White Hart has no parking facilities and very limited on-street parking outside the premises. If the proposed variation is approved, patrons will inevitably park their cars in nearby side streets, causing considerable nuisance to residents in terms of traffic and noise late at night, and preventing residents from parking their own and visitors' cars.

iii) **Noxious smells** – the proposed use of The White Hart's small garden for serving food, including late night refreshment, will cause nuisance to nearby residents in the form of noxious smells, particularly if the garden is used for barbecues.

iv) **Light Pollution** – the application for variation makes no mention of lights, but it seems likely that lighting may be provided for patrons in the garden, and if so this would cause a nuisance to nearby residents, particularly after 11pm, when they are trying to sleep.

I fully appreciate that applicant has the right to improve the attractiveness of the premises to generate more income. However, I do not accept that the changes should be to the detriment of local residents who live close to The White Hart Hotel. I also understand that the Operating hours applied for are more extensive than other pubs in Cranleigh. For the reasons outlined above, I urge the council to refuse this application for variation.

I confirm that I live at the address shown at the beginning of this letter. I confirm that I would like to attend the hearing on 8 July to support my representation.

Yours sincerely,



Paul Hughes
Licensing Manager
Waverley Borough Council
The Burys
GODALMING
GU7 1HR

23 May 2013

Dear Mr Hughes,

The White Hart Hotel, Ewhurst Road, Cranleigh, GU6 7AE – Application for a Variation to a Premises Licence – Representation

It has come to my attention that an application for a variation to The White Hart Hotel's premises licence was submitted on 16 May 2013. I have inspected the application online, and I am extremely concerned that it represents a fundamental change in the nature and usage of the premises which, if approved, would certainly result in considerable public nuisance, and would be very likely to have an adverse effect on public safety and public order. I therefore wish to object in the strongest possible terms, and I urge the Council to refuse this application.

1. Prevention of Public Nuisance

The White Hart Hotel is situated away from the main commercial centre of Cranleigh, right next to a quiet residential area. It is situated on a relatively small plot, with no parking facilities, and has a small rear garden that is very close to neighbouring houses. The variation applied for is wholly inappropriate for such a location and would definitely cause considerable public nuisance, specifically:

- i) **Noise** - the proposed extension of opening hours to 00:30 Sunday to Thursday and 02:30 on Friday & Saturday, with alcohol sale continuing until 30 minutes before these closing times, would result in intolerable noise nuisance late into the night for me and my neighbours from patrons in the bars, in the garden, leaving the premises, and returning to their vehicles. In addition, the provision of live and recorded music, karaoke and dancing would also cause intolerable noise nuisance, as it would be impracticable to keep doors and windows closed all the time, with patrons regularly going in and out of the garden and windows being opened for ventilation. The noise would be totally unacceptable after 11pm when neighbouring residents will be trying to sleep. My sitting room and bedroom windows face the White Hart garden and are about 8 metres away. My kitchen window is closer still; about 6 metres. You are welcome to visit me and see first hand my proximity to the hotel.
- ii) **Parking** – the White Hart has no parking facilities and very limited on-street parking outside the premises. If the proposed variation is approved, patrons will inevitably

park their cars in nearby side streets, causing considerable nuisance to residents in terms of traffic and noise, and preventing residents from parking their own and visitors' cars.

- iii) **Noxious smells** – the proposed use of The White Hart's small garden for serving food, including late night refreshment, will cause nuisance to nearby residents in the form of noxious smells, particularly if the garden is used for barbecues.
- iv) **Light Pollution** – the application for variation makes no mention of lights, but it seems likely that lighting may be provided for patrons in the garden, and if so this would cause a nuisance to nearby residents, particularly after 11pm, when they are trying to sleep.

2. Public Safety

The proposed variation is totally out of keeping with the character and function of the quiet residential area in which the White Hart is situated (para. 7.10 of the council's Statement of Licensing Policy), and would significantly detract from the residential amenity of the neighbourhood.

In addition, I would be very concerned about my own personal safety if the variation were to be approved. I would not feel safe faced with the prospect of revellers, possibly in groups and probably intoxicated, walking around the local streets, particularly late at night.

3. Prevention of Crime and Disorder

The proposed extension of opening hours would be likely to lead to an increase in crime and disorder. It would result in patrons emerging on to the streets late at night, probably in groups and probably intoxicated, at a time when there is no local policing presence. It seems inevitable that there would, as a result, be instances of public disorder and possibly petty or even serious crime.

For all of the reasons outlined above, I urge the Council to refuse this application for variation.

I confirm that I live at the address shown at the letterhead. I would prefer my name and address not to be disclosed, but I understand that this information may have to be revealed at the hearing. I confirm that I would like to attend the hearing on 8 July to support my representation.

Yours sincerely,

(9)

May 23 2013.

Mr. P. Hughes

Licensing Dept. N/B/C. Re. The White Hotel, Southport Rd, Crawley

Dear Mr Hughes.

I understand that the owner of the above hotel has applied for an extension of his licensing hours for the purpose of musical entertainment.

My house lies, 50 yds north, across the road from the hotel, ^{and} any late night noise would be of considerable inconvenience. Not only the music but the cars etc leaving after the performance.

I also believe that the property lies within the bounds of the conservancy area covering this neighbourhood.

I therefore object to this application

Yours truly

WAVENLEY B.C.	
CHILD PROTECTIVE OFFICE	
PRM	
DATE	31 MAY 2013
DATE ACK	
PASS TO FOR ATTN	
ACK. CODE	
Ref:	renewal/altera White Hart Crantch 1.

(10)

30th May 2013

Dear Mr Hughes -

I am horrified and deeply disappointed that the new owners of the White Hart Hotel should contemplate applying for these extended opening hours. Surely the policy of the country is to discourage drinking?

At present the main nuisance we experience is the young drinkers 'waddling' / staggering home up Dowlunds lane, past Drakes Close & throwing litter of all kinds into the hedges or just onto the road. All this will be made worse if the licence application is allowed. The idea of loud music is also a worry as all of us in this quiet area of Crantch are elderly.

Permission for the landlord to serve alcoholic drinks in the garden seems a reasonable request but, again, not until 2am.

I sincerely hope that his application will be turned down.

Yours sincerely

RECEIVED

3 JUN 2013

(11)

30th May 2013

The Licensing Authority,
Waverley Council,
The Burys,
Godalming, Surrey,
GU7 1HR

Dear Sirs,

Re: The White Hart Hotel, Ewhurst Road Cranleigh

I wish to make a strong objection to the proposals of Mr N P Williams, the licence holder of the above premises for a variation of his licence.

It is unreasonable and unacceptable to have music, outdoor catering and dancing for the hours requested. It could be argued that it would be unreasonable to have it any time.

As you will be aware the premises are in the centre of a residential area and the proposed activities would be of considerable annoyance to the local residents. There is also the matter of parking. As far as I know there are no proposals to accommodate visitors vehicles. At present customers appear to park in the road and frequently on double yellow lines, especially at night when there is no possibility of any action being taken against them.

To sum up I object to the proposals on the following grounds.

- (a) Prevention of Public Nuisance
- (b) Public safety. (Dangerous parking of vehicles).

Unfortunately I will not be able to attend the Public Hearing, but appoint me behalf.

to speak on

Yours faithfully,

(12)

31st May 2013

Ref: revlet/allreps White Hart Cran 1

Dear Mr Hughes,

I am writing with regard to the application for a change to Premises License submitted by the White Hart Hotel, Ewhurst Road, Cranleigh, and to submit my strong objections thereto, in its entirety.

My property, _____, is located on the Ewhurst Road, directly opposite the White Hart Hotel. When I purchased the property in 2010, I was obviously fully aware that there was a public house / hotel on the other side of the road. I proceeded with the purchase of my property as public houses, when run in a manner which is sensitive to the local community, are an important part of village life. However, the proposed changes to the Premises License at the White Hart Hotel would, I believe, significantly alter the nature and character of the establishment; rather than potentially serving and being an integral part of the local community, it would be a public nuisance for those who live in this quiet and peaceful, and largely elderly and retired or family, residential area. Whilst I am aware that there is no obligation on the applicant to consult with neighbours prior to submission, the fact that Mr Williams has not done so gives me little confidence that, if his application were to be ultimately successful, he would work with the local community to minimise the very adverse effects that the proposed changes to the license would otherwise undoubtedly have on local residents. For the avoidance of doubt, I was only made aware of this application by my neighbours.

I understand that you will review the application with regard to four Licensing Objectives and I have noted the applicant's submission as to how these objectives are proposed to be met and / or mitigated. In objection, I would like to comment as follows:

- (1) **Prevention of Crime and Disorder:** proposed to be mitigated by (i) CCTV on premises, (ii) a zero tolerance policy to illegal drugs, and (iii) a 30 minute "drinking up time" to allow for use of toilets etc. With residential premises in such close proximity, how will this deter or prevent crime and disorder once off premises in the nearby residential community? My property is less than 10 metres across the road from the White Hart Hotel. I already regularly wake to find empty beer bottles, empty glasses, discarded cigarette packets etc in my front garden or on my garden wall; I am also awoken by the sound of people leaving the White Hart singing or talking loudly or, occasionally, engaging in drunken brawls; and, finally, I endure vomit on the pavement outside my house and urine on my garden wall. I have accepted this as, whilst I bought my property in the knowledge that there was a public house across the street, it was one which did not have anti-social opening and closing hours and so such instances were "just a part of life". I strongly believe that an extension to opening hours will exacerbate the problem in an unacceptable and inappropriate manner for the local community as it will undoubtedly lead to an increase in such instances of disorder and

at even more unsociable hours. To re-iterate, an extension to opening hours would most certainly not better serve the local community but would, instead, put us at risk of an increase in such cases of crime and disorder and, potentially, those of a more serious nature.

- (2) **Public Safety:** I understand that this aspect of the Licensing Objectives is concerned with the safety of patrons of the establishment. I would simply like to note that I believe the safety, and perception of safety, of those who reside locally should also be a factor. I live on my own, as do many of my neighbours, and, whilst I have accepted the odd rogue / prank knock on my door from people leaving the White Hart after closing time in the last few years (and I have never troubled the Emergency Services in such instances so as not to waste their time), if this were to happen in the middle of the night (which I believe it would with the proposed extension to opening hours), I would be made to feel quite nervous and frightened in my own home – this can surely not be correct in what is otherwise a peaceful, residential community.
- (3) **Prevention of Public Nuisance:** I note the applicant's comments about (i) windows and doors being closed other than for egress, (ii) asking patrons to leave in a quiet and orderly manner and (iii) not serving food / drink outside after 11pm. Whilst the intent of these measures is appreciated, the reality is that such measures will not prevent the playing of live and / or recorded music from creating a significant nuisance to local residents. To re-iterate that my house is less than 10 metres from the White Hart. Are all the windows at the White Hart double-glazed? Even if so, how will the applicant ensure that all windows are closed, particularly on hot summer evenings (and by doing so I assume there is some air conditioning system in place as otherwise the venue would become overly hot for patrons from an H&S perspective)? Will a noise limiter be installed – if so, at what decibel level will it kick-in? Even if all doors and windows remain closed, residential properties are in such close proximity to the White Hart that, in my opinion, the playing of live and / or recorded during the hours proposed would most likely constitute noise pollution in this otherwise quiet residential area.
- (4) **Protection of children from harm:** I applaud the applicant's intent to implement and monitor a "Challenge 21" policy. Whilst this comment is subjective, it is my opinion that the proposed changes to the License are to attract a younger clientele to the venue and so (i) the "Challenge 21" policy will need to be robust, and (ii) whilst I have no prima facie objection to his desire to attract a younger clientele, I would like to submit that this is not the profile of local residents (who are largely families and / or elderly and retired), and so the proposed amendment to the Premises License is not one designed to better serve the local community. Finally, on this point, I believe that protection of children from harm should extend to local residents and not just patrons of the premises; for families living locally, I believe the proposals will mean more disruption (at more unsociable hours) and, potentially, more crime and disorder for all of us who live locally in this otherwise peaceful and respectful residential community.

I hope to be able to attend the formal hearing scheduled for 8th July at 10am. In the event work commitments prevent me from doing so, please take this as my agreement for

to speak on my behalf. In conclusion, I would like to underline my objections to all aspects of the proposed extensions to the Premises License of the White Hart Hotel. I hope that it is clear that I believe such establishments to have an important part in the community life of a

village such as Cranleigh; I also wish for Cranleigh to remain as a flourishing village and one in which local businesses can thrive (and, indeed, I do all that I can to support the local independent businesses in Cranleigh). However, I firmly believe, for the reasons described above, that this proposal is not in the interests of the local community and that it would, instead, deeply prejudice the quality of life of local residents. If this application is rejected, I would be more than happy to speak with Mr Williams regarding ideas that would help the White Hart flourish whilst also properly serving and addressing the needs of the local community.

I have no objection to anyone having access to my submission.

With kind regards,

Kate Halsall

From: Monday 10 June 2013 16:53
Sent: Licensing Policy
To: White Hart Hotel, Cranleigh
Subject:

(13)

Dear Sirs,

As owner of 9 Mead Road, Cranleigh, GU6 BG,

I wish to object to the application for a license to play late music at the White Hart Hotel, Ewhurst Road, Cranleigh, GU6 7AE.

This is quite unsuitable for the location, which is a quiet and peaceful residential area. I am concerned that it will constitute a public nuisance and contribute to increased risk of crime and disorder in the locality.

Regards,

- 9.27 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.

- 9.35 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities in the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10. Conditions attached to premises licences and club premises certificates

GENERAL

- 10.1 This chapter provides advice and recommendations concerning best practice in relation to conditions attached to premises licences and club premises certificates.
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question.
- 10.3 All interests – licensing authorities; licence and certificate holders; authorised persons; the police; other responsible authorities; and local residents and businesses – should be working together in partnership to ensure collectively that the licensing objectives are promoted.
- 10.4 The courts have made it clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.
- 10.5 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

PROPOSED CONDITIONS

- 10.6 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.7 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. Proper liaison may avoid the need for representations.
- 10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.
- 10.9 It is also not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE

- 10.10 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.11 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

IMPOSED CONDITIONS

- 10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.13 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.
- 10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

Duplication with other statutory provisions

- 10.16 If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties as conditions.
- 10.17 So, licensing authorities should not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005 (see Chapter 2).
- 10.18 The 2003 Act does not affect the continued use of inspection and enforcement powers conferred by other legislation; for example, the powers of an environmental health officer in relation to statutory nuisance under the Environmental Protection Act 1990.
- 10.19 However, these general duties will not always adequately address specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that conditions will need to be attached to a licence.

Hours of trading

- 10.20 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.21 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.22 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Workers rights

- 10.23 It is not for the licensing authority to consider such matters as the rights of the workers employed on the premises who may be asked to work longer hours. There are existing protections under employment law and laws of contract.

PEOPLE WITH DISABILITIES

10.24 It is important that appropriate steps are taken to ensure legislative requirements in respect of health and safety are fully met, including in respect of all disabled people (including staff and performers). However, licensing authorities and other responsible authorities should avoid imposing inappropriate conditions which may actively deter operators from admitting or employing disabled people.

10.25 It is a legal requirement that facilities for disabled people at large (including staff and performers) should be provided at places of entertainment. Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person⁵. This applies in regard to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition should therefore be attached to a licence or certificate which conflicts with or duplicates this requirement. Service providers also have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means. Access to buildings and their facilities is also a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.

10.26 The reasonable adjustments duty becomes applicable, if reasonable in all the circumstances of a particular case, where:

- a **“provision, criterion or practice” of the person on whom the duty falls, places a disabled person at a substantial disadvantage**. An example of a reasonable adjustment might be a restaurant with a no-dogs policy ‘waiving’ it in respect of a disabled person’s assistance dog. For example, a guide or hearing dog. Any condition of a licence or certificate which states that “pets” may not be present on licensed premises for public safety reasons must include a clear indication that the condition does not apply to guide or assistance dogs. Further advice can be obtained from the Equality and Human Rights Commission (EHRC) website at www.equalityhumanrights.com.
- a **physical feature puts a disabled person at a substantial disadvantage compared with a non-disabled person**.
- it is **appropriate to provide an auxiliary aid to help the disabled person overcome a substantial disadvantage compared to a non-disabled person**. For example, installing a hearing induction loop at the counter in an off-licence to assist a disabled person with a hearing impairment.

⁵ The accepted meaning of the term ‘substantial disadvantage’, for the purposes of the Equality Act 2010, is a disadvantage that is more than ‘minor or trivial’.

10.27 Licensing authorities may wish to offer advice to applicants for licences and certificates about how to achieve this, such as reminding them that they cannot wait until a disabled person wants to use their services but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need; the duty to make reasonable adjustments is an 'anticipatory' duty for service providers.

10.28 The Equality Act 2010 by use of the word 'reasonable' recognises the need to strike a balance between the rights of disabled people and the interests of service providers.

10.29 The Equality Act 2010 does not apply to provision of services.

EQUALITY ISSUES

10.30 Licensing authorities need to be aware that the Equality Act 2010 lists a number of protected characteristics which must not be used as a reason to treat a person less favourably than another person (age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race (this includes colour; nationality; ethnic and national origins), religion or belief, sex, and sexual orientation). Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory. The Equality Act 2010 also includes the public sector Equality Duty which requires public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations, between people with different protected characteristics.

10.31 Note that discrimination may be direct or indirect.

THE PERFORMANCE OF PLAYS

10.32 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

CENSORSHIP

10.33 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

COPYRIGHT AND ROYALTIES

10.34 Copyright law is intended to safeguard the livelihood of authors, composers, arrangers, playwrights, film-makers, publishers and makers of recordings and is extremely important. Offences relating to copyright are made "relevant offences" by the 2003 Act. Conditions attached to premises licences should not require adherence to requirements in the general law that the use of copyright material must be authorised. Licensing authorities may, however, remind applicants of the need to obtain Performing Right Society (PRS) licences and Phonographic Performance Ltd (PPL) licences and to observe other copyright arrangements.

MAJOR ART AND POP FESTIVALS, CARNIVALS, FAIRS AND CIRCUSES

10.35 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

10.36 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.

10.37 In the case of circuses and fairgrounds, much will depend on the content of any entertainment presented. For example, at fairgrounds, a good deal of the musical entertainment may be incidental to the main attractions and rides at the fair that are not themselves regulated entertainment.

10.38 In addition, in the context of festivals and carnivals, local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

FIXED PRICES

10.39 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act

prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives.

10.40 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

LARGE CAPACITY VENUES USED EXCLUSIVELY OR PRIMARILY FOR THE "VERTICAL" CONSUMPTION OF ALCOHOL (HVVDs)

10.41 Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.

10.42 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

10.43 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated Premises Supervisor

10.44 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no

designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

10.45 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.46 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

10.47 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.48 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.49 "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.50 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.51 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.52 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.53 It must be remembered that whilst the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

10.54 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification and small measures) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a Designated Premises Supervisor and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.

10.55 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex A of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.

10.56 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

10.57 Under this condition, the "responsible person" (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have taken all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.

Drinking games

10.58 Irresponsible promotions can include activities, whether drinking games or not, which may require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise. For example, this may include organised 'drink downing' competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit 'happy hours' as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

10.59 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or "all you can drink for £10". This condition does not apply to a promotion or discount on alcohol for consumption with a table meal. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of

alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

10.60 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, "Buy one and get two free" and "Buy one cocktail and get a second cocktail for 25p". This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Sporting Events

10.61 Irresponsible promotions can include the provision of alcohol for free or for a discounted price in relation to a sporting event shown on the premises, where the sale, supply or provision of alcohol depends on the outcome of a race, match or other event. For example, this may include offering unlimited drinks based on the outcome of a sporting competition. It also applies to events which are unpredictable, such as offering free double shots for every foul committed in a football match, or heavily reduced drinks for five minutes after a try is scored in a rugby match.

Posters and Flyers

10.62 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

10.63 The responsible person (see paragraph 10.57) must ensure that no alcohol is dispensed directly by one person into the mouth of another person. For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free tap water

10.64 The responsible person (see paragraph 10.57) must ensure that free portable tap water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply.

Age verification

- 10.65 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.57) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark.
- 10.66 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.67 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.
- 10.68 The premises licence holder or club premises certificate holder must ensure that staff (in particular staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy applied by the premises.

Smaller Measures

- 10.69 The responsible person (see paragraph 10.57) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: 1/2 pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

10.70 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures – for example, by making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent, conspicuous place in the relevant premises (for example, at the bar).

10.71 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.

10.72 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Exhibition of films

10.73 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification – BBFC) or by the licensing authority itself.

10.74 The BBFC classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

10.75 The effect of paragraph 5 of Schedule 1 to the Act is to exempt adverts from the definition of regulated entertainment, but not to exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film' it is therefore applicable to the exhibition of adverts.

Door supervision

10.76 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.

10.77 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain

employees benefit from an exemption when carrying out conduct in connection with a certified sports grounds (section 4(6 to 12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).

10.78 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

10.79 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:

- premises staging plays or exhibiting films;
- casinos or bingo halls licensed under the Gambling Act 2005;
- premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

10.80 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.

10.81 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public) no mandatory condition should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act).