

APPENDIX A

WAVERLEY BOROUGH COUNCIL LICENSING SUB-COMMITTEE B 8 JULY 2013

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE WHITE HART HOTEL, EWHURST ROAD, CRANLEIGH, SURREY, GU6 7AE

[Wards Affected: Cranleigh East]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application for variation to the Premises Licence of, The White Hart Hotel, Ewhurst Road, Cranleigh, Surrey, GU6 7AE, from Mr Nathan Phillips the current Premises Licence Holder and Designated Premises Supervisor. Representations have been received from 13 'other persons'.

Background

2. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, The White Hart Hotel, Ewhurst Road, Cranleigh was granted a Premises Licence.
3. A copy of the latest Premises Licence is attached (Annexe 1) and summarised below:

- **Sale of Alcohol (both on and off the premises)**

Monday to Saturday	1000 to 2300
Sunday	1200 to 2230

- **Opening hours**

None stated

Activities Sought under this Licence Application

4. In brief summary, the applicant seeks the following activities in the new licence, if granted (updated with agreed timings with Surrey Police following negotiations). Please see the application for activities in full, attached at Annexe 2.

- **Regulated Entertainment (Films – Indoors only)**

Sunday to Thursday	0700 to 0000
Friday & Saturday	0700 to 0030

Christmas Eve until 0200 hours.

From the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day

- **Regulated Entertainment (Live & Recorded Music, Performance of Dance, Activities of similar description– Indoors only)**

Monday to Thursday	1000 to 2300
Friday & Saturday	1000 to 0030
Sunday	1000 to 2230

Christmas Eve until 0200 hours

From the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day

- **Late Night Refreshment**

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

For residents and their bona fide guests to be able to purchase alcohol 24 hours a day.

Christmas Eve until 0200 hours

From the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.

- **Sale of Alcohol**

Monday to Thursday	0900 to 0000
Friday & Saturday	0900 to 0030
Sunday	0900 to 2300

For residents and their bona fide guests to be able to purchase alcohol 24 hours a day.

Christmas Eve until 0200 hours

From the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.

During major sporting events (i.e. World Cup football, Golf, rugby, Cricket, Darts and F1) to open and sell alcohol 1 hour prior to the event and 1 hour after, including duration of the sporting event.

- **Opening hours**

Monday to Thursday	0700 to 0030
Friday & Saturday	0700 to 0100
Sunday	0700 to 2330

Residents and their bona fide guests to be permitted entry to the premises 24 hours a day.

Other Variations

To include internal alterations to the premises and to licence additional areas;

- a new dining room area which was previously a garage & flat
- the patio area

Existing plan attached at Annexe 3 and new plan attached at Annexe 4.

To remove all the embedded restrictions of the licence

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

Licensing Objectives

6. The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives, and representations must be from interested parties and/or from the responsible authorities under this legislation.

1. Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Nuisance
4. Protection of Children from Harm

Representations received

Responsible Authorities

7. There have been no representations from Responsible Authorities, however Surrey Police and Environmental Health have been in negotiations with the applicant. Amendments to the application were submitted and are reproduced, Surrey Police at Annexe 6 and Environmental Health at Annexe 7.

Other Persons

8. There have been 13 representations from 'Other Persons' and these are reproduced at Annexe 8.

Human Rights

9. Under Article 8 European Convention on Human Rights everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. In Licensing Act 2003 cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

What the Sub-Committee may do

10. The Sub-Committee, after hearing from the applicant and those making representations, must take such of the steps listed below as it considers appropriate for the promotion of the licensing objectives. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any person making representations to appeal to the Magistrates' Court against the Licensing Sub-Committee decision. The Steps are:
 - To modify the conditions of the licence;
 - To reject the whole or part of the application
11. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, relating to hearings - paragraphs 9.27 to 9.40 - is attached as Annexe 9.
12. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, in relation to conditions - paragraphs 10.1 to 10.61 is attached as Annexe 10.

Recommendation

1. The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.
2. Section 35(3) Licensing Act 2003 provides that the Sub-Committee, having regard to the representations made by 'other persons', must take such steps as it considers appropriate for the promotion of the licensing objectives. Those steps are:
 - To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations
 - To reject the application in whole or part.

Background Papers

Application referred to above, representations referred to above.

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