

WAVERLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE C
2 SEPTEMBER 2013

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – OAK HALL, WISPERS PARK, HIGH LANE, HASLEMERE GU27 1AB

[Wards Affected: Haslemere East and Grayswood]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from RMH (Wispers) Care Limited Liability Partnership (LLP), for a new premises licence for Oak Hall, Wispers Park, High Lane, Haslemere, GU27 1AB where 2 valid representations have been received.

Background

2. An application has been received for a new premises licence from RMH (Wispers) Care LLP, for a retirement village club within the grounds of Wispers Park, which also includes 58 residential properties for the over 55s and a 54-bed care home. Activities will be provided for all residents and their visitors within the club itself, to include films.
3. The applicant proposes that the premises licence will allow the sale of alcohol for consumption on the premises only and for regulated entertainment indoors only.

Activities Sought under this Licence Application

4. The applicant seeks to license the premises as shown below. An extract of the relevant pages from the application form is attached at Annexe 1. Attached to this document at Annexe 2 are some amendments to the application following discussions between the applicant and Surrey Police. Also attached at Annexe 3 is a plan showing the area of the premises and surrounding properties.
5. In brief summary, the applicant seeks the following activities in the new licence, if granted. Please see the application at Annexe 1 for activities in full.

- **Regulated Entertainment**

Plays

Monday to Sunday 1000 to 2200

Films

Monday to Sunday 1000 to 2300

Live Music

Monday to Sunday 1200 to 2300

Recorded Music

Monday to Sunday 0900 to 2300

- **Sale of Alcohol**

Monday to Sunday 1200 to 2300

- **Opening hours**

Monday to Sunday 0900 to 2330

Licensing Objectives

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

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

Representations received

Responsible Authorities

6. There have been no representations from Responsible Authorities, however, Surrey Police have been in negotiation with the applicant and amendments to the application were submitted and are reproduced at Annexe 2.

'Other Persons'

7. Besides Responsible Authorities, "other persons" may make representations. There have been 2 valid representations from "other persons". The representations are attached at Annexe 4.

8. The objectors have raised issues related to whether appropriate planning permissions are in place. The Sub-Committee is reminded that the Licensing and Planning regimes are separate and that whether planning permission is required for any aspect of a premises is a matter for the Council as Planning Authority and not the Council as Licensing Authority.

What the Sub-Committee may do

9. The Sub-Committee, after hearing from the applicant and those making representations, must take one or more of the steps listed below (if any) as it considers appropriate in order to promote the Licensing Objectives. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any objector to appeal to the Magistrates' Court against the Licensing Sub-Committee decision. The steps are:
 - Grant the application subject to such conditions as are consistent with the operating schedule modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
 - Exclude from the scope of the licence any of the licensable activities to which the application relates;
 - Refuse to specify a person as the premises supervisor;
 - Reject the application.
10. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, relating to hearings - paragraphs 9.27 to 9.37 - is attached at Annexe 5.
11. 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 10.81 - is attached at Annexe 6.

Recommendation

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

Having regard to the representations made, the Sub-Committee must take such of the steps outlined below (if any) as it considers appropriate for the promotion of the Licensing Objectives. Those steps are:

- To grant the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives and any mandatory conditions;
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person as the premises supervisor;
- To reject the application.

Background Papers

Application referred to above, representations referred to above.

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