



Waverley Borough Council
Council Offices, The Burys,
Godalming, Surrey
GU7 1HR
www.waverley.gov.uk

To: All Members of the LICENSING SUB-COMMITTEE A
(Other Members for Information)

When calling please ask for:
Maureen Brown, Democratic Services
Officer

Policy and Governance

E-mail: maureen.brown@waverley.gov.uk

Direct line: 01483 523325

Calls may be recorded for training or monitoring

Date: Date Not Specified

Membership of the Licensing Sub-Committee A

Cllr John Fraser
Cllr Simon Inchbald

Cllr Libby Piper

Dear Councillors

A meeting of the LICENSING SUB-COMMITTEE A will be held as follows:

DATE: MONDAY, 26 OCTOBER 2015

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. ELECTION OF CHAIRMAN

To elect a Chairman for this meeting of Sub-Committee A.

2. MINUTES

To confirm the Minutes of the Meeting held on 30 March 2015 (to be laid on the table half an hour before the meeting).

3. DISCLOSURE OF INTERESTS

To receive from Members declarations of personal and prejudicial interests in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE - THE LOUNGE BAR & GRILL, 1 HIGH STREET GODALMING, SURREY, GU7 1AZ (Pages 5 - 38)

The purpose of this report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Lounge Bar & Grill, 1 High Street, Godalming, Surrey GU7 1AZ, from Mr David Vanderhook, the current Director of Lounge Bar and Grill Ltd which is the company that is the registered Premises Licence Holder. The application has received 2 representations, one of which is from a Responsible Authority.

Recommendation

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

Section 35(3) Licensing Act 2003 provides that the Sub-Committee, having regard to the relevant representations made, must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- **To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any 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.**

5. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 3 or the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act as follows:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

6. LEGAL ADVICE

To consider any legal advice relating to any applications in the agenda.

**For further information or assistance, please telephone
Maureen Brown, Democratic Services Officer, on 01483 523325 or by
email at maureen.brown@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE A – 26 OCTOBER 2015

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE LOUNGE BAR & GRILL, 1 HIGH STREET GODALMING, SURREY, GU7 1AZ

[Ward Affected: Godalming Central and Ockford Ward]

Summary and Purpose

1. The purpose of this report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Lounge Bar & Grill, 1 High Street, Godalming, Surrey GU7 1AZ, from Mr David Vanderhook, the current Director of Lounge Bar and Grill Ltd which is the company that is the registered Premises Licence Holder. The application has received 2 representations, one of which is from a Responsible Authority.

Background

2. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, The Lounge Bar & Grill, Godalming was granted a Premises Licence.
3. A copy of the latest Premises Licence is attached at Annexe 1 and summarised below:

- **Regulated Entertainment (Live Music and Performance of Dance)**

Thursday	1200 to 0000
Friday & Saturday	1200 to 0100
Sunday	1200 to 2300

- **Regulated Entertainment (Recorded Music)**

Monday to Wednesday	1100 to 2300
Thursday	1100 to 0000
Friday & Saturday	1100 to 0100
Sunday	1200 to 2300

- **Late Night refreshment**

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

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

Monday to Thursday	1100 to 0000
Friday & Saturday	1100 to 0100
Sunday	1200 to 2230

- **Opening hours**

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases.

Activities Sought under this Licence Application

4. In brief summary, the applicant seeks to vary the area/plans covered for licensable activities, change the capacity limit and amend the conditions regarding:

- Smoking outside
- Last entry/re-entry
- Children in the bar

There is no request to change the licensable activities or the times and days that licensable activity is permitted. A copy of the application form is attached at Annexe 2.

5. Attached at Annexe 3 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 Public Nuisance
4. Protection of Children from Harm

Representations received

Responsible Authorities

7. There has been one representation from Environmental Health as a Responsible Authority which is reproduced at Annexe 4.

Other Persons

8. There has been 1 representation from 'Other Persons', namely from Godalming Town Council, which is reproduced at Annexe 5.

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 having considered the representations, must take such of the steps listed below (if any) 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. Revised Guidance issued under Section 182 of the Licensing Act 2003, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf will be available for reference purposes at the meeting.* Particular attention is drawn to:
 - Hearings - paragraphs 9.30 to 9.43
 - Conditions – paragraphs 1.16-1.17 and 10.1 to 10.68
 - The Licensing Objectives – paragraphs 2.1–2.31

Recommendation

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

Section 35(3) Licensing Act 2003 provides that the Sub-Committee, having regard to the relevant representations made, must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any 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.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

*Those without access to the Internet should contact Paul Hughes in order to access the Guidance.

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Licensing Act 2003
 Premises Licence - Summary

Lounge Bar and Grill 1 High Street Godalming Surrey GU7 1AZ	Licence number:	LN/000002421	
	Valid from:	2nd April 2015	
	Valid until		
	Telephone:	01483 862610	
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music and Performance of dance	Thursday Friday and Saturday Sunday	12:00 12:00 12:00	00:00 01:00 23:00
Recorded Music	Monday - Wednesday Thursday Friday and Saturday Sunday	11:00 11:00 11:00 12:00	23:00 00:00 01:00 23:00
Provision of Late Night Refreshment	Monday - Thursday Friday and Saturday Sunday	23:00 23:00 23:00	00:00 01:00 23:30
Sale by Retail of Alcohol	Monday - Thursday Friday and Saturday Sunday	11:00 11:00 12:00	00:00 01:00 23:30
Non-standard Timings:	On Sundays immediately before a Bank Holiday Monday 12:00 - 01:00. 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:

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases

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:

 Lounge Bar and Grill Ltd
 Enterprise House
 Beeson's Yard
 Rickmansworth
 Hertfordshire
 WD3 1DS

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

06926380

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

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

Licensing Act 2003
Premises Licence - Detail

Lounge Bar and Grill 1 High Street Godalming Surrey GU7 1AZ	Licence number:	LN/000002421	
	Valid from:	2nd April 2015	
	Valid until:		
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06926380

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

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 must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must 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;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

6. For the purposes of the condition set out in paragraph 5—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).

7. Where the permitted price given by Paragraph (b) of paragraph 6 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 6 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol

Annexe 2 – Conditions consistent with the operating schedule

Live Music	Monday	-
	Tuesday	-
	Wednesday	-
	Thursday	12:00 hours to 00:00 hours
	Friday	12:00 hours to 01:00 hours
	Saturday	12:00 hours to 01:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

Occasional live music performed

Non-Standard Timing

N/A

Location of activity : Indoors

Recorded Music	Monday	11:00 hours to 23:00 hours
	Tuesday	11:00 hours to 23:00 hours
	Wednesday	11:00 hours to 23:00 hours
	Thursday	11:00 hours to 00:00 hours
	Friday	11:00 hours to 01:00 hours
	Saturday	11:00 hours to 01:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

N/A

Location of activity : Indoors

Performance of dance	Monday	-
	Tuesday	-
	Wednesday	-
	Thursday	12:00 hours to 00:00 hours
	Friday	12:00 hours to 01:00 hours
	Saturday	12:00 hours to 01:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

Occasional dancing by customers

Non-Standard Timing

N/A

Location of activity : Indoors

Late Night Refreshment	Monday	23:00 hours to 00:00 hours
	Tuesday	23:00 hours to 00:00 hours
	Wednesday	23:00 hours to 00:00 hours
	Thursday	23:00 hours to 00:00 hours
	Friday	23:00 hours to 01:00 hours
	Saturday	23:00 hours to 01:00 hours
	Sunday	23:00 hours to 23:30 hours

Further Detail

N/A

Non-Standard Timing

Sundays immediately before a Bank Holiday Monday 23:00 - 01:00.

Location of activity : Indoors

Alcohol BOTH ON/OFF premises	Monday	11:00 hours to 00:00 hours
	Tuesday	11:00 hours to 00:00 hours
	Wednesday	11:00 hours to 00:00 hours
	Thursday	11:00 hours to 00:00 hours
	Friday	11:00 hours to 01:00 hours
	Saturday	11:00 hours to 01:00 hours
	Sunday	12:00 hours to 23:30 hours

Further Detail

N/A

Non-Standard Timing

On Sundays immediately before a Bank Holiday Monday 12:00 - 01:00.

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 Kelvin Kaliyati

Address: 16 George Road
Farncombe
Godalming
Surrey
GU7 3LS

Personal Licence Number (If known): 092272

Issuing Licence authority (If known): Manchester City Council

Opening Hours	Monday	11:00 hours to 00:30 hours
	Tuesday	11:00 hours to 00:30 hours
	Wednesday	11:00 hours to 00:30 hours
	Thursday	11:00 hours to 00:30 hours
	Friday	11:00 hours to 01:30 hours
	Saturday	11:00 hours to 01:30 hours
	Sunday	12:00 hours to 00:00 hours

Further Detail

N/A

Non-Standard Timing

On Sundays immediately before a Bank Holiday Monday 12:00 - 01:30.
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.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

The licensee shall adhere to the "Lounge Management Policy" submitted with the application attached hereto.

Embedded Restrictions - Sunday, Monday, Tuesday and Wednesday.

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means the hours as set out above.

Restrictions

The above restrictions do not prohibit:

- a) 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;
- b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) 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;
- f) the taking of alcohol from the premises by a person residing there; or
- g) 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
- h) 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 persons 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.

Supper Hours certificate embedded restrictions

Alcohol may be sold or supplied for one hour following the end of permitted hours on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the permitted hours shall continue to apply.

Embedded Restrictions - Friday and Saturday

- 1) Alcohol shall not be sold or supplied except during permitted hours as set out above.
- 2) Subject to the following paragraphs, the permitted hours on Fridays and Saturdays shall extend until 01:00 the following morning, except that -
 - a) the permitted hours shall end at midnight on Friday and Saturday on which music and dancing is not provided after midnight; and
 - b) on any Friday and Saturday that music and dancing end between midnight and 01:00 in the morning, the permitted hours shall end when the music and dancing end;
- 3) In relation to the morning on which summer time begins, paragraph 2) of this condition shall have effect with the substitution of references to 01:00 in the morning for references to 00:00 in the morning.
- 4) On New Year's Eve, the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, to midnight 31st December).
- 5) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

The above restrictions do not prohibit:

- a) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- b) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises
- c) the ordering or alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) 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 Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) 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

h) 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 liquor 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.

Public Entertainment embedded conditions

This Licence is granted by the Licensing Authority subject to the embedded regulations and general conditions for the time being in force (copy attached) made by the Licensing Authority and to the following special conditions:-

1. The number of persons to be admitted shall not exceed: **100 (one hundred)**
2. No candles or naked flames are permitted unless previously approved in writing by the Licensing Authority.
3. The licensee shall ensure that any music provided at the premises shall not cause a disturbance to local residents and that any form of amplification shall be so controlled by the licensee as to prevent a disturbance.
4. The licensee shall retain and maintain at the premises an AVC2 volume-limiting device or equivalent, pre-set to $L_{Aeq(5mins)} 89/90dB$ with an L_{Amax} of 96dB.
5. The Licensee shall retain and maintain at the premises a 31 band graphic equalizer, in conjunction with the AVC2 above, to control the music profile in all areas.
6. The Licensee shall ensure that all amplified music (DJ, karaoke, live etc.) shall be played through the existing in-house amplification system; no additional speakers or amplification equipment shall be used.
7. The windows situated over the main entrance door shall be glazed with fixed glazing or similar, to minimise noise breakout from the premises.
8. The Licensee shall retain and maintain one-hour fire resistant doors and framework to the internal and external rear lobby and fire exit doors of the premises. These shall be rebated (minimum 25mm single rebates) and fitted with suitable acoustic seals to ensure minimum acoustic leakage when shut; and suitable panic bolts shall be fitted to the doors.
9. The Licensee shall ensure that the walls and roof of the rear fire exit lobby remain acoustically clad with 2 layers of 19mm Gyproc Plank material, or similar, laid at staggered joints.
10. All external doors and windows at the premises shall be kept closed at all times (other than for access and egress) when amplified music is being played.
11. A management policy shall be submitted to Waverley Borough Council within one month of the date of this licence to address issues such as age restrictions, drugs policy, reporting of incidents policy, door staff duties, searching policy, membership of Pubwatch, dispersal control and any public nuisance or environmental health factors.
12. Management shall undertake a proactive approach in liaising with police, and the reporting of incidents for their investigation arising from customers at the premises.
13. A proactive hourly monitoring programme shall be recorded in writing at the premises in regard to the toilet areas.

14. A "Wind down" period shall start at least 30 minutes prior to the end of permitted hours, or closure of the venue, whichever is the earlier. During this period, entertainment shall stop and music may be played at a lower sound level and at a lower beat per minute than that of the main entrance to enable customers to prepare to leave. During the "wind down" period, the toilets shall continue to be made available for customers' use.
15. Electrical sockets serving the band shall be protected with a 30mA residual current circuit breakers.
16. One water and one powder fire extinguisher shall be provided in the band area.
17. Fire exit doors shall be marked with a sign externally "FIRE EXIT DOOR - KEEP CLEAR".
18. No persons engaged in vetting customers and/or maintaining public order or the security of the premises at exit or entry points (hereinafter referred to as door staff), whether it be permanently or occasionally, shall be employed as door staff until they have been registered with the Waverley Borough Council.
19. The licensee/designated premises supervisor shall ensure that all door staff, whilst employed, wears an identification badge issued by the Security Industry Authority (SIA). Badges shall be worn in a conspicuous position to the front of the upper body.
20. Where the licensee or his employer engages any person at or about the entertainment premises in the capacity of door staff, the licensee shall maintain a log in the form approved by the Council, showing in respect of each period of duty of that person:-
 - (a) the name, date of birth and residential address of that person;
 - (b) the time at which he/she commenced that period of duty with a signed acknowledgement by that person;
 - (c) the time at which he/she finished the period of duty with a signed acknowledgement by that person;
 - (d) any times during the period of duty when he/she was not on duty;
 - (e) if that person is not an employee of the licensee or his/her employer, the name of the person by whom that person is employed or through whom the services of that person were engaged;
 - (f) the log shall be so kept that it can be readily inspected at any reasonable time by an authorised officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least 12 months.
21. The licensee shall, as soon as is reasonably practicable, notify Waverley Borough Council of any door staff dismissed by the licensee for serious misconduct which might reasonably affect the continuation of, or renewal of, such door staff's registration.
22. The licensee, where requested, shall identify by name those persons employed by him to a Police Officer or other officer authorised by the Council or by statute to make such enquiry.
23. The licensee shall ensure that all door staff are given adequate oral and written instruction and have attended a suitable course of training in vocational skills.

To register a person as "door staff" the licensee shall provide to the Local Authority the following information:-

- 1) Name in full/former names
- 2) Date, place of birth
- 3) Residential address(es) for the past 3 years

- 4) Details of any previous experience
 - 5) Details of any criminal convictions
 - 6) Four up-to-date passport photographs.
24. Notwithstanding General Condition 4.03(a) of the Councils Regulations and General Conditions, this licence shall operate until 12:00 am the following day on Friday and Saturday, and every Thursday until 00:00 (midnight), and every Sunday until 23:00 - see note below.
- Note: On Sundays preceding bank holiday Mondays, the terminal hour is extended so that the licence for alcohol and late night refreshment may operate until 01:00 the following day, in accordance with the amendment made under the Licensing Act 2003.
25. In accordance with the request of the Fire Authority (letter dated 24th August 2004) and as agreed by the licensee, provision of a fire alarm system which is capable of interconnecting between the licensed premises and the first and second floors of the building, to provide early fire warning to occupiers of the accommodation above the licensed premises.

Condition agreed with the Environmental Health Section:

1. All external doors and windows shall be kept closed between 21:00 hours and 08:00 hours.

Conditions agreed with Surrey Police

1. With effect from 18th December 2009 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 the street environment, 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 31 days with time and date stamping. Recordings shall be made available to an authorised officer or police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. There shall be a capability to download to CD/DVD. The recording system shall be locked in a secure cupboard together with the mains supply.
2. Staff shall be trained in the basic law relating to the sale/supply of alcohol and written records shall be kept for inspection. This shall 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 shall be ongoing training for staff every 6 months with written training records kept.
3. The premises shall operate a "Challenge 21" policy and will only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.
4. A minimum of two SIA registered door staff shall be employed at the premises from 21:00 on Friday and Saturday evenings and any event evening such as Christmas and New Years Eve. Door staff shall be retained on duty until the end of permitted hours and any such later time as may be necessary to monitor the safe dispersal of customers away from the area of the venue.
5. There shall be no consumption of alcohol outside the premises.
6. No glasses or bottles shall be allowed to be taken outside.

7. A single incident log shall be kept at the premises and updated within 24 hours of any incident and made available on request to an authorised officer of the Borough Council or the Police to include the following:-
 - a. All crimes reported to the venue;
 - b. All ejections of patrons;
 - c. Any complaints received;
 - d. Any incidents of disorder;
 - e. Seizures of drugs or offensive weapons;
 - f. Any faults in the CCTV system;
 - g. Any refusal of the sale of alcohol;
 - h. Any visit by a relevant authority or emergency service.

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

Conditions attached and amended at review hearing held on 23rd May 2011

1. No entry or re-entry to be allowed to the premises after 12 midnight except for patrons wishing to smoke outside the premises, and a system must be in place to ensure that the hands of those patrons smoking are stamped in order to gain re-admittance. (New condition)
2. Staff to be trained in the basic law relating to the sale/supply of alcohol and written records to be kept for inspection. This shall 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 shall be ongoing training for staff every 6 months with written training records kept. (Modified condition - see Conditions agreed with Surrey Police number 2 on current licence)
3. A single incident log shall be kept at the premises and updated within 24 hrs of any incident and made available on request to an authorised officer of the Borough Council or the Police to include the following..... (Modified condition - see Conditions agreed with Surrey Police, number 7 on current licence)
4. A proactive hourly monitoring programme shall be recorded in writing at the premises in regard to the toilet areas. (Modified condition - see Public Entertainment embedded conditions, number 13 on current licence)
5. No more than 5 patrons shall be allowed to congregate outside at any one time to smoke. (New condition)
6. Empty glasses and bottles to be cleared promptly and regularly from tables and all other areas. (New condition)

Annexe 4 – Plans

Attached

Lounge Management Policy

It is the responsibility of the management team to ensure the safety of all our customers and staff at all times during trading hours.

To achieve this the following practices are in place at all times.

AGE RESTRICTION

All patrons must be over the age of 21, and will be asked to provide relevant identification. This will be controlled by the door staff, management and all members of staff.

DISCOURAGING MISUSE OF DRUGS OR ALCOHOL/CRIME AND DISORDER

This is to be achieved by regular monitoring of all areas of the bar and toilets at regular intervals by door staff, management and all employees. Any persons found or suspected of misuse or selling illegal substances will be removed from the premises. The time, date and name if possible will be noted and reported to the Police as soon as possible. Any persons found to be intoxicated will be refused service and will be asked to leave.

DOORSTAFF DUTIES

A minimum of two door staff at any one time of which must be WBC registered and SIA badged are to be used.

Their duties are to ensure the safety of customers and staff at all times. This is achieved by a "meet and greet" policy at the door whereby they can assess the suitability of the customer before entrance into the establishment, i.e. drunk, obvious misuse of drugs, or under-age. They may also carry out random bag searches.

They also carry out regular checks of all areas of the premises and emergency exits.

Door staff and bar staff are at all times in contact via radio communication. The door staff are also in constant contact with the door staff of The Blues Bar, thus increasing their awareness of the on-goings of people in the High Street and said bars. Should a person be asked to leave either of these premises they will also be refused entrance to our bar, and vice-versa.

Door staff remain until the last customer has left and a final check has been done on the entire premises.

DISPERSAL CONTROL AND PUBLIC NUISANCE/PUBLIC SAFETY

A wind down period will commence at least 30 minutes before the end of permitted hours or, closure of the venue, whichever is earlier. During this time, lights will be raised and the music will be lowered to allow customers to prepare to leave. All facilities other than the bar will remain available to the consumer, and the door staff will be able to monitor the safe dispersal of customers.

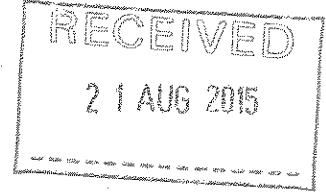
PUBWATCH/CRIME AND DISORDER

We are a willing member of Pubwatch in the area and are more than happy to give information which may help the Police in any investigations arising from customers at these premises. We also ensure that all members of staff, including door staff are aware of any persons currently on the Pubwatch list.

In an attempt to assist in gathering evidence and conform to the Data Protection Act we have installed a CCTV system. All images will be fully recorded on a secure system with only authorised persons having access. All recordings will be kept for a period of at least 30 days and will be readily available to the Police should they require.

W4/201506828
18/9/15
First CCO date 2-10-15

ANNEXE 2



WAVERLEY BOROUGH COUNCIL
Licensing Team, Waverley Borough Council, The Burys, 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 LOUNGE BAR & GRILL LTD (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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

1 HIGH STREET,

Post town

GODALMING.

Post code

GU7 1AZ.

Telephone number at premises (if any)

01483 862610.

Non domestic rateable value of premises

£ 17,600

Part 2 – Applicant Details

Daytime contact telephone number

+44 7989 439180

Email address (optional)

david@limeuk.com

Mr Mrs Miss Ms Other title (for example, Rev)

Surname: **DAVID VANDERHOOK** First names: **DAVID ALAN**

Current postal address if different from premises address: **15 EAST DOWNS RD,
BOWDON**

Post Town: **BOWDON** Postcode: **WA14 2LQ**

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
(PLEASE SEE ATTACHED, BREAKDOWN OF VARIATIONS)

- VARIATION OF AREA COVERED FOR LICENSABLE ACTIVITIES
- CHANGE OF CAPACITY
- REGULATION OF PATRONS SMOKING OUTSIDE
- LAST ENTRY/RE-ENTRY POLICY
- VARIATION OF UNDER 14s POLICY

OPERATING SCHEDULE AND PROVISION OF REGULATED ENTERTAINMENT TO REMAIN THE SAME.

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

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

*ALL REMAIN THE SAME AS PER
CURRENT LICENSE*

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)

AS BELOW:

b) The prevention of crime and disorder

THE PRIVATE AREA WILL BE MONITORED BY A BARTENDER WHO WILL BE ASSIGNED TO WORK IN THE AREA ALL EVENING. RADIO CONTACT WITH MANAGER ON DUTY AS WELL AS DOOR STAFF. WAITRESSES TO ALSO FREQUENT THE ROOM.

c) Public safety

- NEW FIRE ALARM INSTALLED
- VISIBLE FIRE EXIT
- MANUAL FIRE CALL POINT

d) The prevention of public nuisance

- PRIVATE ROOM AIMED FOR PRIVATE FAMILY EVENTS SUCH AS BIRTHDAYS/HEN PARTIES ETC
- DOOR STAFF TO FREQUENT / MONITOR EVENTS, AS WELL AS STAFF AND MANAGEMENT.
- STAFF WELL TRAINED ON HOW TO DEAL WITH DRUNKENNESS

e) The protection of children from harm

- MANAGEMENT POLICY IS NO UNDER 21s

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 *[Handwritten Signature]*

Date 14/8/2015.

Capacity DIRECTOR

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)	

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

- PLEASE SEE ATTACHED BREAK-DOWN

Please tick ✓

I have enclosed the premises licence

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

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.

LICENCE FEE - LICENSING ACT 2003

PREMISES LICENCE

RATEABLE VALUE (see note 1)	BAND	FEE (new applications and variations) (see note 2)	FEE (annual) (see note 3)
Nil to £4,300	A	£100	£70
£4,301 to £33,000	<u>B</u>	£190	£180
£33,001 to £87,000	C	£315	£295
£87,001 to £125,000	D	£450	£320
£125,001 and above	E	£635	£350

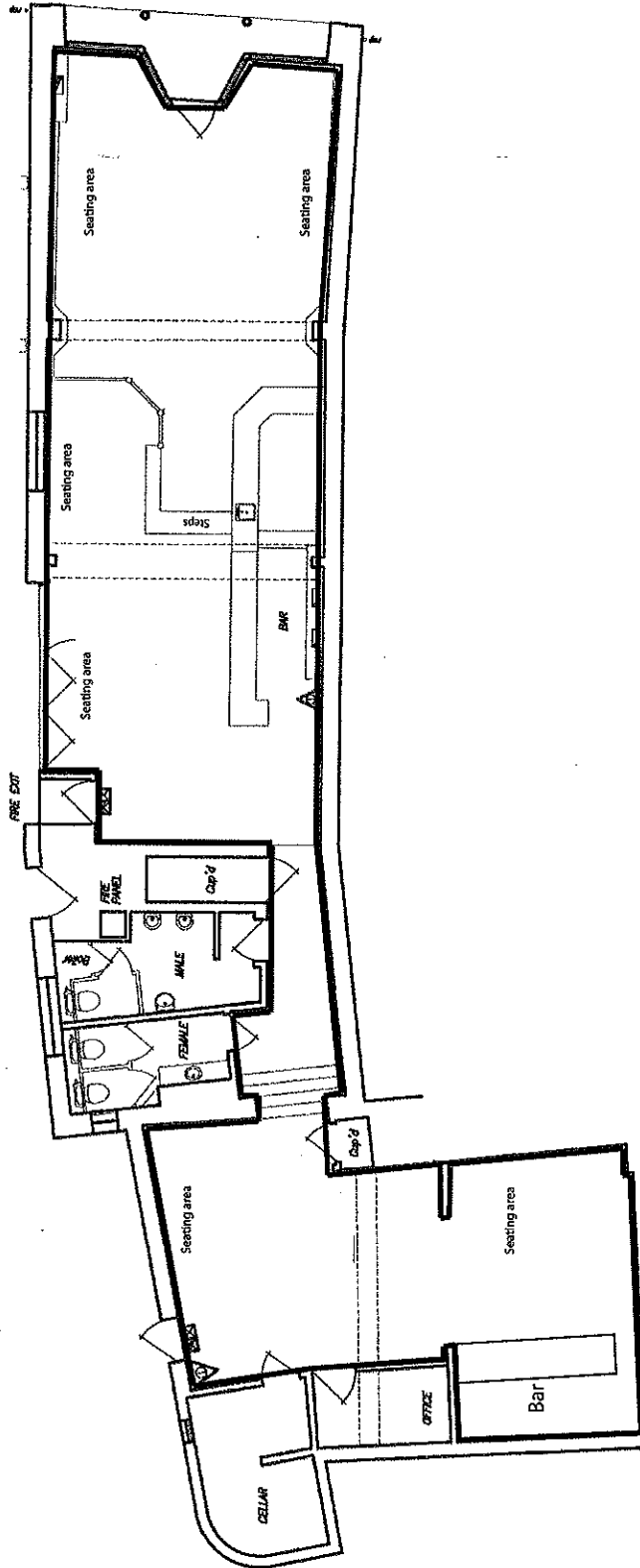
Notes:

1. Club application and annual fees – each premises that is licensable will be allocated to a fee band according to rateable value.
2. Each band attracts a fee for the application, a further fee for variation and a subsequent annual fee.
3. Each band attracts a different level of annual fee – payable one year after the grant of the licence.
4. Cheques should be made payable to Waverley Borough Council. Please do not send cash in the post.

PREMISES NAME

.....
LOUNGE BAR

RECEIVED
13 AUG 2015



13 August 2015

RE: Breakdown of variations to the Lounge Bar's License

To Whom It May Concern:

Here is a break down of the variations currently applied for:

Variation of area covered for licensable activities:

We have knocked the kitchen through and made the private hire room slightly bigger and added seats and a service bar. The main objective is to create a chill out room/ private hire room. A member of staff will be permanently employed to look after guests in this area at all times every time the space is open. As well as the sufficiently trained bartender, a cocktail waitress will frequent the space to ensure cleanliness. We would like this area to be covered for licensable activities as per our current license.

Change of capacity:

With the additional space, our capacity will be slightly more than 100 as per our current license. In most instances we leave out seats for added comfort. On special events we may clear furniture to clear dance floor. This affects capacity. We propose that the license holder responsibly manage capacity to no more than 150 people.

Regulation of patrons smoking outside:

A maximum 5 people are currently allowed outside smoking at any one time. We propose the limit be enforced after 11pm with a maximum of 15 patrons on Fridays and Saturdays, of which the smoking area will be the sides of the building hence discouraging people to stay out longer than normal. Our door staff will take an active roll to insure that the main street stays relatively clear. This also directs the noise away from the main street, as there are no residents on the left hand side of the building.

Last entry or re-entry Policy:

Currently, no patrons are allowed into the premises after midnight. We propose discretion for industry workers, friends and family. Most pub and restaurant workers in Godalming like to enjoy a late night refreshment and wind down at the Lounge Bar after they finish work of which most of them finish work around midnight. Either we extend the policy to 12.30am or keep it at 12am but make exception for industry workers. The Lounge is an active member of the Pub Watch community so this should be easy to manage.

Variation of Under 14s Policy:

Patrons under the age of 14 are currently NOT allowed in the premises. We propose NO AGE LIMIT, but the following to be imposed: Entry by U18s to be strictly accompanied by a responsible adult over the age of 21 and children monitored at all times. Any persons under 18 will be required to vacate by 8pm. With major sporting events coming soon, such as the rugby world cup, we aim to attract families during daytime.

If you wish to discuss any of the above in more detail, please do not hesitate to contact me at anytime.

Thank you

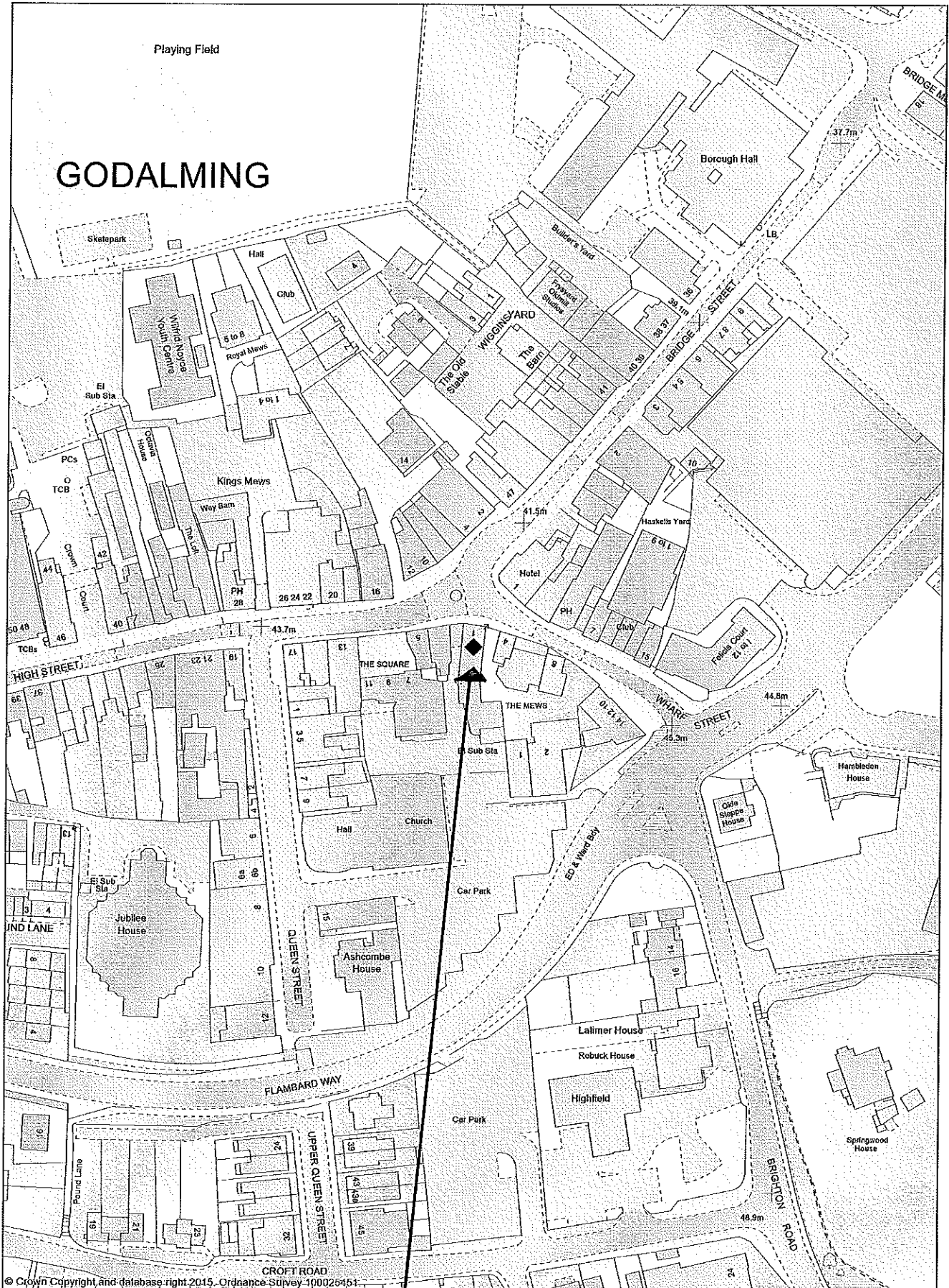
Yours Sincerely



Kelvin Kaliyati
Lounge DPS
Mobile contact: 07746215677

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GODALMING



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Waverley Borough Council
 The Bury, Godalming
 Surrey, GU7 1HR
 Telephone: 01483 523330
 Fax No: 01483 426337

The Lounge Bar & Grill

1 High Street Godalming GU7 1AZ



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Memorandum

Licensing Act 2003

DATE: 14TH SEPTEMBER 2015

TO: Paul Hughes Licensing Authority

FROM: Ann-Marie Wade Environmental Health Officer

TELEPHONE NUMBER: 01483 523393

Location: Lounge Bar and Grill, 1 High Street, Godalming, Surrey, GU7 1AZ

This department wishes to make a representation with regards to the above application and comment as follows;

The applicant is proposing to implement a number of changes including increasing the permitted level of smokers outside the venue and removing the restriction on access to the venue after midnight.

There is insufficient information provided with the application with regard to preventing public nuisance from the proposed activities. The regulation of patrons smoking outside the premise was added at a previous review and it has been noted on a number of occasions that this condition is not being adequately controlled by the applicant. There are a number of residential properties nearby, including to the rear of the premise that may be prejudicially affected by noise nuisance caused by the relocation of the smoking area to the side of the building, and the increase in patrons with access to this area by the granting of this variation.

Additionally, Environmental Health is in receipt of complaints of noise affecting local premises late at night, the cause is alleged to be from patrons at this premise and loud amplified music. The applicant does not indicate any proposals for the control of noise with the additional times requested and

there are no direct actions outlined by the applicant to promote the licensing objective with regards to noise nuisance, both inside and outside the premise.

It is therefore considered that these requested variations will have the potential to cause further disturbance to local residents from noise nuisance. Suitable controls need to be in place to protect local residents from excessive noise from such licensable activities. If statutory nuisance was to occur at this location as a direct result of the premise operating procedures it may require controls under other legislation, however, it is recognised that the licensing approach is one of prevention.

Suitable controls may be agreed and I would be interested to know how the applicant proposes to control nuisance issues at this location. However, at present, I am concerned that granting of the requested variations may lead to public nuisance being caused, and therefore, I wish to make a representation to this effect.

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

Regards

Ann-Marie Wade

Environmental Health Officer

Kate Halsall

From: Andy Jeffery <operations@godalming-tc.gov.uk>
Sent: Wednesday 26 August 2015 12:00
To: Licensing Policy
Cc: Louise Goodfellow
Subject: Lounge bar & grill Godalming, Variation



Dear Kate

Whilst Godalming TC would not normally comment on this type of matter, as the land owner adjacent to the Lounge we have a vested interest in this application.

The issue at hand which concerns GTC is the variation to allow a relaxation of the smoking regulations.

The lounge currently is allowed a maximum of 5 people outside the front of the building at any one time. The variation is proposing to remove enforcement of this policy before 11pm and thereafter to allow up to a maximum of 15 patrons at any one time on a Friday and Saturday night, mentioning no limit on numbers on other days. Additionally it is proposed that the smoking area be moved to the side of the building.

Godalming Town Council object to this proposal on a number of grounds.

1. The side of the building opens onto land owned by Godalming Town Council over which pedestrian access only is allowed under the 1932 Rights of Way Act, Godalming Town Council would not wish to extend the use of this land for other purposes.
2. The assertion that there are no residential neighbours to the left of building is false.
3. The side entrance to the lounge opens onto a footpath area which also allows access to the entrances of No 3A, 3B and 5A High Street which are residential properties, as well as to the current empty offices at 1 High Street.
- 4 The current limit of 5 persons to the front of the Lounge limits the noise and being a wide stretch of roadway allows for the noise to dissipate. Having upto 15 people will not only increase the amount of noise, the fact of being in a confined alleyway will also amplify the noise to the detriment of neighbours.
- 5 The temptation will exist to seek shelter under the cover way between the High Street and the alleyway, which will encourage people to linger for longer.

Regards

Andy Jeffery
Deputy Town Clerk
Godalming Town Council
01483 523112

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