

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**

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Calls may be recorded for training or monitoring

Date: 20 March 2015

**Membership of the Licensing Sub-Committee A**

Cllr Simon Inchbald  
Cllr Chris Storey

Cllr Brett Vorley

Dear Councillors

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

DATE: MONDAY, 30 MARCH 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 the Sub-Committee A meeting.

2. **DISCLOSURE OF INTERESTS**

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

3. **LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE - FRENHAM POND HOTEL, BACON LANE, CHURT, FARNHAM SURREY, GU10 2QD (Pages 5 - 84)**

The purpose of the report is to enable the Sub-Committee to consider an application for variation to the Premises Licence of Frensham Pond Hotel, Bacon Lane, Churt, Farnham, Surrey, GU10 2QD, from Mr Kevin Halstead the current Premises Licence Holder and Designated Premises Supervisor. Representations have been received from 18 'other persons'.

Note: The premises licence holder is currently being transferred from Mr Kevin Halstead to Demibourne Ltd T/A Frensham Pond Hotel.

#### **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.**

4. 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)

5. LEGAL ADVICE

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

[Note: Reports relating to confidential or exempt information may be excluded from those copies of the agenda provided for inspection by members of the public if they relate to matters during which the meeting is likely not to be open to the public].

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

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WAVERLEY BOROUGH COUNCIL  
LICENSING SUB-COMMITTEE A - 30 MARCH 2015

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – FRENESHAM POND HOTEL, BACON LANE, CHURT, FARNHAM SURREY, GU10 2QD

[Ward Affected: Frensham Dockenfield & Tilford]

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## **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 Frensham Pond Hotel, Bacon Lane, Churt, Farnham, Surrey, GU10 2QD, from Mr Kevin Halstead the current Premises Licence Holder and Designated Premises Supervisor. Representations have been received from 18 'other persons'.

Note: The premises licence holder is currently being transferred from Mr Kevin Halstead to Demibourne Ltd T/A Frensham Pond Hotel.

## **Background**

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

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

Monday to Saturday                      1200 to 0000

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

Monday to Saturday                      1000 to 2300

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 the following activities in the new licence, if granted. Please see the application for activities in full, attached at Annexe 2.

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

Monday to Sunday                      1200 to 0130

**NOTE:** No regulated entertainment in any outside area after 2300 hours

- **Regulated Entertainment (Plays, Films)**

Monday to Sunday                      1000 to 0000

**NOTE:** No regulated entertainment in any outside area after 2300 hours

- **Late Night Refreshment**

Monday to Sunday                      2300 to 0130

**Note:** Supplies of hot food or drink from 2300 hours are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to persons staying overnight (or their guest) in a hotel, guest house, lodging house, hostel. A caravan or camping site or any other premises whose main purpose is providing overnight accommodation.

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

Monday to Sunday                      1000 to 0130

**NOTE:** Residents and their bona fide guests to be able to purchase alcohol 24 hours a day.

Alcohol sales from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day

- **Opening hours**

Monday to Sunday                      0000 to 0000 (24 hours a day)

### **Other Variations**

The licensed area to include the large lawn area which is currently under refurbishment which will be made available for marquee weddings and pre booked events.

The new plan attached will be available at the hearing for inspection.

To remove some conditions/restrictions of the licence – for full details see application 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 have been no representations from Responsible Authorities, however Environmental Health have been in negotiations with the applicant. Amendments to the application were submitted and are reproduced at Annexe 4.

#### **Other Persons**

8. There have been 18 representations from 'Other Persons' and these are 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 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 9.30 to 9.43 - is attached as Annexe 6.
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 10.69 is attached as Annexe 7.

### **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.

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### **Background Papers**

Application referred to above, representations referred to above.

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### **CONTACT OFFICER:**

**Name:** Paul Hughes

**Telephone:** 01483 523189

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





Licensing Act 2003  
Premises Licence - Summary

<b>Frensham Pond Hotel</b> Bacon Lane Churt Farnham Surrey GU10 2QD	<b>Licence number:</b>	<b>LN/000000374</b>	
	<b>Valid from:</b>	<b>24th November 2005</b>	
	<b>Valid until</b>		
	<b>Telephone:</b>	<b>01252 795161</b>	
<b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>			
<b>Activity (and area if applicable)</b>	<b>Description</b>	<b>Time From:</b>	<b>Time To:</b>
<b>Provision of regulated entertainment:-</b>  <b>Live Music, Recorded Music, Performance of dance, Regulated - anything similar, Making music, Facilities for dancing and Facilities - anything similar</b>	<b>Monday - Saturday</b>	<b>12:00</b>	<b>00:00</b>
<b>Sale by Retail of Alcohol</b>	<b>Monday - Saturday</b> <b>Sunday</b>	<b>10:00</b> <b>12:00</b>	<b>23:00</b> <b>22:30</b>
<b>Non-standard Timings:</b>	Good Friday 1200-2230. Christmas Day 1200- 1500 and 1900-2230. From the close 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:**

Mr Kevin Nicholas Lewis Halstead  
 Management Flat, Room 202  
 Frensham Pond Hotel  
 Bacon Lane  
 Churt Farnham  
 Surrey  
 GU10 2QB

**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 Kevin Nicholas Lewis Halstead

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

No restrictions

Licensing Act 2003  
Premises Licence - Detail



<b>Frensham Pond Hotel</b> Bacon Lane Churt Farnham Surrey GU10 2QD	<b>Licence number:</b>	<b>LN/000000374</b>	
	<b>Valid from:</b>	<b>24th November 2005</b>	
	<b>Valid until</b>		
	<b>Telephone:</b>	<b>01252 795161</b>	
<b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>			
<b>Activity (and area if applicable)</b>	<b>Description</b>	<b>Time From:</b>	<b>Time To:</b>
<b>Provision of regulated entertainment:-</b>  <b>Live Music, Recorded Music, Performance of dance, Regulated - anything similar, Making music, Facilities for dancing and Facilities - anything similar</b>	<b>Monday - Saturday</b>	<b>12:00</b>	<b>00:00</b>
<b>Sale by Retail of Alcohol</b>	<b>Monday - Saturday</b> <b>Sunday</b>	<b>10:00</b> <b>12:00</b>	<b>23:00</b> <b>22:30</b>
<b>Non-standard Timings:</b>	Good Friday 1200-2230. Christmas Day 1200- 1500 and 1900-2230. From the close 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:** Mr Kevin Nicholas Lewis Halstead  
 Management Flat, Room 202  
 Frensham Pond Hotel  
 Bacon Lane  
 Churt Farnham  
 Surrey, GU10 2QB

**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 Kevin Nicholas Lewis Halstead

**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.

## Annexe 2 – Conditions consistent with the operating schedule

<b>Live Music</b>	<b>Monday</b>	12:00 hours to 00:00 hours
	<b>Tuesday</b>	12:00 hours to 00:00 hours
	<b>Wednesday</b>	12:00 hours to 00:00 hours
	<b>Thursday</b>	12:00 hours to 00:00 hours
	<b>Friday</b>	12:00 hours to 00:00 hours
	<b>Saturday</b>	12:00 hours to 00:00 hours
	<b>Sunday</b>	-

### Further Detail

N/A

### Non-Standard Timing

The premises must not be used for any of the above activities on Good Friday.  
Christmas Day 1200-2330.

Location of activity : Indoors

<b>Recorded Music</b>	<b>Monday</b>	12:00 hours to 00:00 hours
	<b>Tuesday</b>	12:00 hours to 00:00 hours
	<b>Wednesday</b>	12:00 hours to 00:00 hours
	<b>Thursday</b>	12:00 hours to 00:00 hours
	<b>Friday</b>	12:00 hours to 00:00 hours
	<b>Saturday</b>	12:00 hours to 00:00 hours
	<b>Sunday</b>	-

### Further Detail

N/A

### Non-Standard Timing

The premises must not be used for any of the above activities on Good Friday.  
Christmas Day 1200-2330.

Location of activity : Indoors

<b>Performance of dance</b>	<b>Monday</b>	12:00 hours to 00:00 hours
	<b>Tuesday</b>	12:00 hours to 00:00 hours
	<b>Wednesday</b>	12:00 hours to 00:00 hours
	<b>Thursday</b>	12:00 hours to 00:00 hours
	<b>Friday</b>	12:00 hours to 00:00 hours
	<b>Saturday</b>	12:00 hours to 00:00 hours
	<b>Sunday</b>	-

Further Detail

N/A

Non-Standard Timing

The premises must not be used for any of the above activities on Good Friday. Christmas Day 1200-2330.

Location of activity : Indoors

<b>Regulated - anything similar</b>	<b>Monday</b>	12:00 hours to 00:00 hours
	<b>Tuesday</b>	12:00 hours to 00:00 hours
	<b>Wednesday</b>	12:00 hours to 00:00 hours
	<b>Thursday</b>	12:00 hours to 00:00 hours
	<b>Friday</b>	12:00 hours to 00:00 hours
	<b>Saturday</b>	12:00 hours to 00:00 hours
	<b>Sunday</b>	-

Further Detail

N/A

Non-Standard Timing

The premises must not be used for any of the above activities on Good Friday. Christmas Day 1200-2330.

Location of activity : Indoors

<b>Making music</b>	<b>Monday</b>	12:00 hours to 00:00 hours
	<b>Tuesday</b>	12:00 hours to 00:00 hours
	<b>Wednesday</b>	12:00 hours to 00:00 hours
	<b>Thursday</b>	12:00 hours to 00:00 hours
	<b>Friday</b>	12:00 hours to 00:00 hours
	<b>Saturday</b>	12:00 hours to 00:00 hours
	<b>Sunday</b>	-

Further Detail

N/A

Non-Standard Timing

The premises must not be used for any of the above activities on Good Friday. Christmas Day 1200-2330.

Location of activity : Indoors

<b>Facilities for dancing</b>	<b>Monday</b>	12:00 hours to 00:00 hours
	<b>Tuesday</b>	12:00 hours to 00:00 hours
	<b>Wednesday</b>	12:00 hours to 00:00 hours
	<b>Thursday</b>	12:00 hours to 00:00 hours
	<b>Friday</b>	12:00 hours to 00:00 hours
	<b>Saturday</b>	12:00 hours to 00:00 hours
	<b>Sunday</b>	-

Further Detail

N/A

Non-Standard Timing

The premises must not be used for any of the above activities on Good Friday.  
Christmas Day 1200-2330.

Location of activity : Indoors

<b>Facilities - anything similar</b>	<b>Monday</b>	12:00 hours to 00:00 hours
	<b>Tuesday</b>	12:00 hours to 00:00 hours
	<b>Wednesday</b>	12:00 hours to 00:00 hours
	<b>Thursday</b>	12:00 hours to 00:00 hours
	<b>Friday</b>	12:00 hours to 00:00 hours
	<b>Saturday</b>	12:00 hours to 00:00 hours
	<b>Sunday</b>	-

Further Detail

N/A

Non-Standard Timing

The premises must not be used for any of the above activities on Good Friday.  
Christmas Day 1200-2330.

Location of activity : Indoors

<b>Alcohol Sale or Supply</b>	<b>Monday</b>	10:00 hours to 23:00 hours
	<b>Tuesday</b>	10:00 hours to 23:00 hours
	<b>Wednesday</b>	10:00 hours to 23:00 hours
	<b>Thursday</b>	10:00 hours to 23:00 hours
	<b>Friday</b>	10:00 hours to 23:00 hours
	<b>Saturday</b>	10:00 hours to 23:00 hours
	<b>Sunday</b>	12:00 hours to 22:30 hours

Further Detail

N/A

## Non-Standard Timing

Good Friday 1200-2230.

Christmas Day 1200- 1500 and 1900-2230.

From the close 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 Kevin Nicholas Lewis Halstead

**Address:** Management Flat, Room 202  
Frensham Pond Hotel  
Bacon Lane  
Churt Farnham  
Surrey  
GU10 2QB

**Personal Licence Number (If known):** WAV2005PER/0007

**Issuing Licence authority (If known):** Waverley Borough Council

**Expiry date:** 12/06/2015

## **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, 1000-2300
- b) On Sundays, other than Christmas Day or New Year's Eve, 1200-2230
- c) On Good Friday, 1200-2230
- d) On Christmas Day, 1200-1500 and 1900-2230
- e) On New Year's Eve, except on a Sunday, 1000-2300
- f) On New Year's Eve on a Sunday, 1200-2230
- 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.

**The licensee may also provide and permit:**

- **Entertainment by way of music and singing but only by the reproduction of recorded sound (this does not permit the use of karaoke, disk jockeys, comperes etc).**
- **The consumption of late night refreshment for a period of 30 minutes after the permitted hours set out below.**

## **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.

## **Public Entertainment Licence 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 **200** (two 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 son controlled by the licensee as to prevent a disturbance.

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

N/A

## **Annexe 4 – Plans**

Attached

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**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 that 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 KEVIN HALSTEAD**

*(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

<b>Premises licence number</b> WAV2005PREM/0345
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description FRENHAM POND HOTEL BACON LANE CHURT			
Post town	FARNHAM	Postcode	GU10 2QD

Telephone number at premises (if any)	01252795161
Non-domestic rateable value of premises	£117,500

**Part 2 – Applicant details**

Daytime contact telephone number	01252 795161		
E-mail address (optional)	kevin@frenshampondhotel.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)  
Frensham Pond Hotel is a 53 bedroom hotel with extensive function facilities and for marketing purposes is part of Best Western Hotels.

It has been in our company ownership since 1987. For further details of the hotel facilities please visit [www.bw-frenshampondhotel.co.uk](http://www.bw-frenshampondhotel.co.uk)

At present the hotel is having a major refurbishment to bring the hotel and facilities up to a 4 star standard and this is the ideal opportunity for us to review and vary our licence which has not been changed since issue in 2005.

Frensham Pond Hotel continues to run as a hotel business but with the facilities available and with the refurbishment taking place the company is now looking to maximise all aspects of the licensing act. Procedures and policies will be amended to reflect the responsible control of any event.

We are looking to retain embedded restrictions of the 1964 act, this should include deregulation from end of licensed hours on New Year's Eve through to commencement of permitted hours on New Year's Day (regardless of day of the week)

Alcohol sales to hotel residents and their bona fide guests 24 hrs (although included within embedded restrictions we would ask that it be shown on the front of the Premises Licence under authorised hours).

Vary supply of alcohol to the public to purchase alcohol in licensed bar/s and other function suites and also for all pre-booked events Monday to Sunday 10.00hrs to 01.30hrs.

**LIVE MUSIC**

Although live music act exemption applies 08.00 – 23.00 hrs to extend the existing terminal hour to 01.30hrs Monday to Sunday.

**RECORDED MUSIC**

To extend recorded music 00.00hrs to 01.30hrs Monday to Sunday

All other currently authorised regulated entertainment to extend Monday to Sunday from 00.00 hrs (midnight to 01.30hrs).

**Licence Conditions**

Remove reference to PEL Embedded restrictions as these are now covered by new policies and procedures.

Remove capacity limit as now subject of Fire Risk assessment.

Remove reference to candles and naked flames as now covered in Fire Safety Risk Assessment.

Remove current restrictions on hours for authorised regulated entertainment and supply of alcohol on Christmas Day, Good Friday to standard basis for these days regardless of day of the week to hours requested within this variation.

The restrictions above were subject to the previous justices' licence and the conversion into the premises licence were not varied at that time.

The restrictions of the embedded restrictions to be amended accordingly to remove those now changed on grant on the varied hours.

The hotel has a large lawn area which is currently under refurbishment. Once completed it will be available for marquee weddings and pre booked events to extend authorised regulated entertainment and licensable activities to the marquee to 23.00 hrs (May to September weather dependent) and probably not likely to exceed two a month.

No regulated entertainment ie live music, recorded music and performances of dance in any outside area after 23.00 hrs

If your proposed variation would mean that 5,000 or more people are expected to 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 this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- |   |    |
|---|----|
| 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)   | No |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | No |
| 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	<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) Role play events such as Murder Mystery's etc and small theatrical productions		
Mon	10.00	00.00			
Tue	10.00	00.00	State any seasonal variations for performing plays (please read guidance note 4)		
Wed	10.00	00.00			
Thur	10.00	00.00	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)		
Fri	10.00	00.00			
Sat	10.00	00.00			
Sun	10.00	00.00			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> Small film showings that would be for a pre-organised event and includes horse racing type charity events etc								
Mon	10.00	00.00									
Tue	10.00	00.00	<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>								
Wed	10.00	00.00									
Thur	10.00	00.00	<u>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)</u>								
Fri	10.00	00.00									
Sat	10.00	00.00									
Sun	10.00	00.00									

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			



D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> Live music exemption		
Mon	23.00	01.30			
Tue	23.00	01.30	<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Wed	23.00	01.30			
Thur	23.00	01.30	<u>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)</u>  From terminal hour on New Year's eve to opening hours on New Year's day  Terminal hours indoors 01.30 and outdoors 23.00		
Fri	23.00	01.30			
Sat	23.00	01.30			
Sun	23.00	01.30			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	00.00	01.30	<u>Please give further details here (please read guidance note 3)</u> Generally piped music for public areas of the hotel. Recorded music or disco etc played for functions		
Tue	00.00	01.30			
Wed	00.00	01.30	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur	00.00	01.30			
Fri	00.00	01.30	<u>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)</u>		
Sat	00.00	01.30			
Sun	00.00	01.30	From terminal hour on New Year's eve to opening hours on New Year's day  Terminal hours indoors 01.30 and outdoors 23.00		

G

Performances of dance Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	00.00	01.30	<b><u>Please give further details here</u></b> (please read guidance note 3) As in conjunction with F page. This is for entertainers coming into the hotel for the entertainment of patrons, for example Strictly Ballroom/celebrities performing their dances.		
Tue	00.00	01.30			
Wed	00.00	01.30	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur	00.00	01.30			
Fri	00.00	01.30	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)  From terminal hour on New Year's eve to opening hours on New Year's day  Terminal hours indoors 01.30 and outdoors 23.00		
Sat	00.00	01.30			
Sun	00.00	01.30			

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Live entertainers which may be magician, fun casino and comedy event.		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	00.00	01.30		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	00.00	01.30	<b>Please give further details here</b> (please read guidance note 3) <b>As in conjunction with F &amp; G</b>		
Wed	00.00	01.30			
Thur	00.00	01.30	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	00.00	01.30			
Sat	00.00	01.30	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	00.00	01.30	From terminal hour on New Year's eve to opening hours on New Year's day Terminal hours indoors 01.30 and outdoors 23.00		

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23.00	01.30	<u>Please give further details here</u> (please read guidance note 3)  No take away will be offered. This would be in the main tea/coffee served to guests, residents and pre-booked functions		
Tue	23.00	01.30			
Wed	23.00	01.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	01.30			
Fri	23.00	01.30	<u>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</u> (please read guidance note 5)  From terminal hour on New Year's eve to opening hours on New Year's day		
Sat	23.00	01.30			
Sun	23.00	01.30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10.00	01.30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	10.00	01.30			
Wed	10.00	01.30			
Thur	10.00	01.30	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Alcohol sales to hotel residents and their bona fide guests 24 hrs  From terminal hour on New Year's eve to opening hours on New Year's day		
Fri	10.00	01.30			
Sat	10.00	01.30			
Sun	10.00	01.30			

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).**

We do not propose to offer any adult entertainment

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	00.00	00.00	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)</p> <p>New Year's Eve deregulation Open 24 hours as a hotel to residents and bona fide guests only. Public in licensed bar and pre-booked events from 10.00hrs to 01.30 hrs</p>
Tue	00.00	00.00	
Wed	00.00	00.00	
Thur	00.00	00.00	
Fri	00.00	00.00	
Sat	00.00	00.00	
Sun	00.00	00.00	

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.

Remove restrictions re operation on Good Friday and Christmas day for all licensable activities.  
Remove PEL conditions and restrictions as stated previously

Remove restrictions of Embedded Restrictions that are not relevant to the varied / extended hours as appropriate.



		Please tick as appropriate
<input checked="" type="checkbox"/>	I have enclosed the premises licence	√
<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 not enclosed the premises licence or relevant part of 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 and e) (please read guidance note 9)**

SEE BELOW, ALL COVERED IN B / C / D / E

### **b) The prevention of crime and disorder**

The hotel has CCTV throughout the majority of the hotel including reception, lounges, bar, all entrances and car parks. This will be updated further with the current refurbishment. CCTV is recorded to a hard drive and available for 28 days.

At all times a member of management will be on duty and that person will be a Personal Licence Holder.

### **c) Public safety**

We have a Fire Risk assessment that is reviewed as required.

The hotel has regular service on boilers.

The hotel grounds are regularly inspected by the hotel duty manager, details recorded on the Duty manager's report.

Health & Safety. Risk Assessments are revisited as and when required.

We will comply with all statutory requirements

### **d) The prevention of public nuisance**

Management/staff are always at the exits at the end of an event asking guests to leave quietly. Where appropriate prominent, clear and legible signs shall be displayed encouraging guests to leave in an orderly and quiet manner. Further there will be an announcement at the end of every function/event stressing the importance of leaving the hotel and car park's quietly.

The Duty Manager has the authority to stop the music if it deemed to be excessive. All pre booked events receive notification of the importance of maintaining noise levels.

All external doors and windows will be kept closed other than for access and egress, in all rooms where amplified music is taking place.

**e) The protection of children from harm**

The hotel operates a Challenge 25 policy and all staff who are expected to serve drinks will have received training in this matter and sign to confirm this.  
 Suitable id required will be passport, driving licence or PASS ID cards.  
 All refusals will be noted in a refusal log and this will be made available to the licensing office and police.  
 Any children attending the bar/pre booked event or private function must be under parental supervision.


Checklist:

		Please tick to indicate agreement
•	I have made or enclosed payment of the fee.	<input checked="" type="checkbox"/>
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input checked="" type="checkbox"/>
•	I understand that I must now advertise my application.	<input checked="" type="checkbox"/>
•	I have enclosed the premises licence or relevant part of it or explanation.	<input checked="" type="checkbox"/>
•	I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	9/2/2015
Capacity	APPLICANT & AUTHORISED SIGNATORY.

**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.**

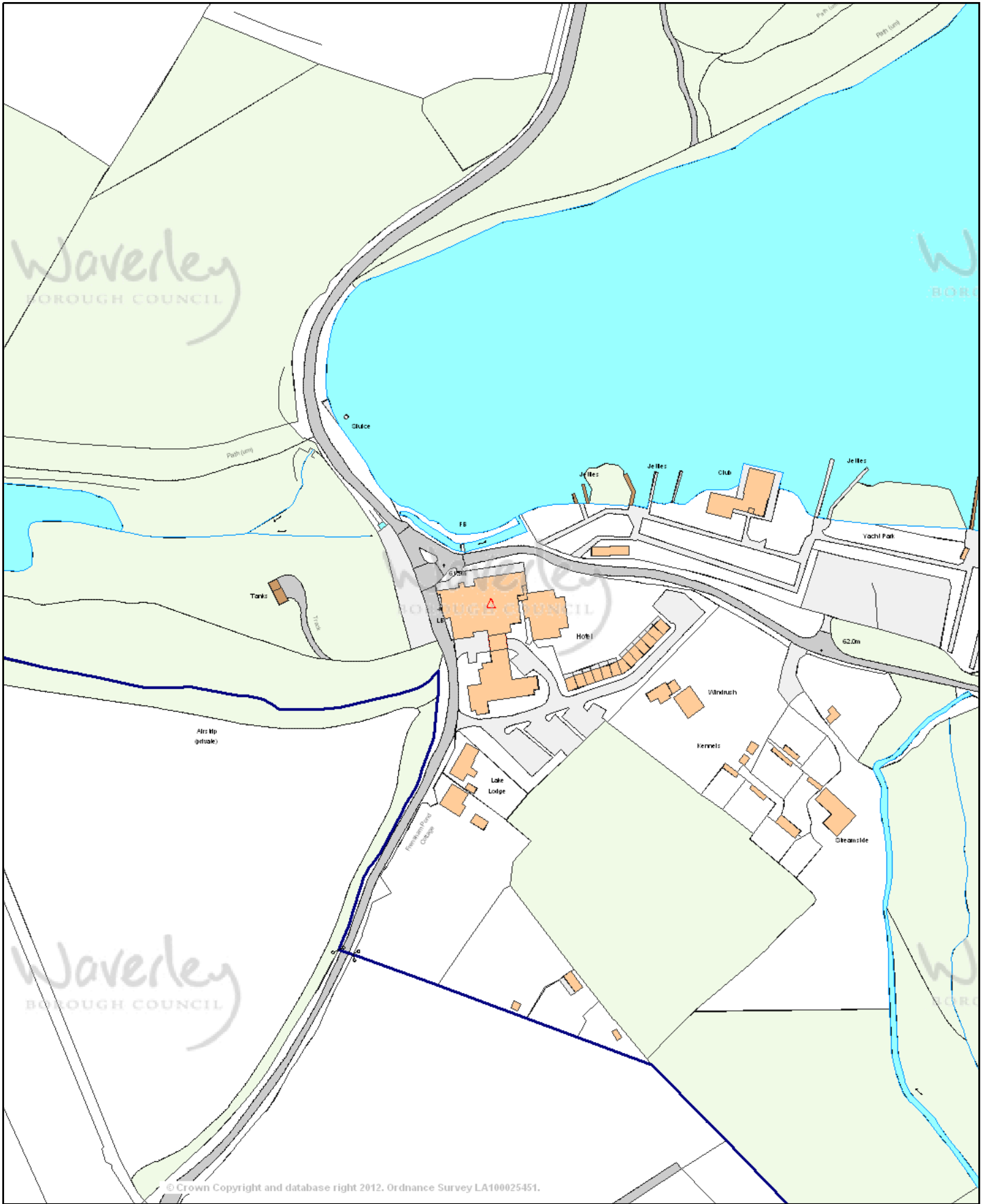
Signature	
Date	
Capacity	

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

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.




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



**Frensham Pond Hotel**

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**Kate Halsall**

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**From:** Kevin Halstead <kevinhalstead@frenshampondhotel.co.uk>  
**Sent:** Friday 20 February 2015 15:24  
**To:** Kate Halsall  
**Cc:** Julie Gregory  
**Subject:** PUBLIC NUISANCE  
**Attachments:** Agreed Control Measures Public Nuisance.pdf

Hi Kate

Following Julie's visit this morning and paperwork I can confirm we are in agreement with the conditions attached.

Please find our confirmation of that attached.

Kind regards

Kevin Halstead  
General Manager  
BEST WESTERN Frensham Pond Hotel  
Tel: 01252 795161 Fax: 01252 792631  
E Mail: [kevin@frenshampondhotel.co.uk](mailto:kevin@frenshampondhotel.co.uk)  
Web: [www.bw-frenshampondhotel.co.uk](http://www.bw-frenshampondhotel.co.uk)

Please consider the environment and only print if absolutely necessary

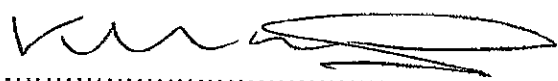
Other Aristel Hotels  
Double Tree by Hilton London Marble Arch  
BEST WESTERN Donnington Manor Hotel - Sevenoaks  
Chatsworth Hotel - Hastings



Agreed Control Measures for the Prevention of Public Nuisance

Premises: Frensham Pond Hotel, GU10 2QD

1. Marquees will have acoustic qualities and all Marquee events will be monitored using Sound Level Monitors supplied by you. There will be a designated person at each function who will take responsibility of the event. They will be on site to check that the equipment used to amplify music is appropriate and to ensure that nuisance is minimised. They will ensure that the level of noise generated by amplified music is monitored at the perimeter of the property by an appropriate member of staff. They will also be on hand to deal with any complaints, should they arise. Readings taken at the source and the nearest noise sensitive properties to be recorded and kept for inspection if required.
2. Speakers will be orientated so as to minimise disturbance, and wind strength and direction will be taken into account at events to ensure minimal noise disturbance to local residents.
3. There will be, where appropriate, liaison with local residents regarding events, which may cause them a noise nuisance.

Signed:  .....

Designation: GENERAL MANAGER .....

Date: 20/02/2015 .....

Signed: .....Julie Gregory.....

Designation: Environmental Health Technical Officer

Date: 20<sup>th</sup> February 2015



**Kate Halsall**

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**From:** licensing@waverley.gov.uk  
**Sent:** Saturday 28 February 2015 10:59  
**To:** Licensing Policy  
**Subject:** WK/201410301 : Representation received

①

Address: Frensham Pond Hotel, Bacon Lane, Churt, Farnham, Surrey, GU10 2QD

Please check above worksheet for representation received online

I would like to object to the extension to 1.30am of the existing licence arrangements to the Frensham Pond Hotel, and the use of a marquee in the garden. Reasons for this are as follows: 1. Noise levels in this rural area carry for miles, particularly at night. 2. Music inside the building is muffled while the doors and windows are shut, however, during summer months when doors and windows are open, causes the noise levels to be increased. This is particularly noticeable at the end of the event ie midnight. 3. Having music in a marquee in the grounds will elevate the noise levels for the entire licence period. 4. Current arrangements for music until midnight inside the hotel are bearable, however an extension of this period would be intolerable not only in the hotel, but especially if they are proposing to have events in a marquee which cannot be soundproofed. Additional e-mail sent to cover other points.

P.T.O

## Kate Halsall

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**From:**  
**Sent:** Saturday 28 February 2015 11:10  
**To:** Licensing Policy  
**Subject:** Frensham Pond Hotel Licence - Marquee & 1.30am Extension

Hi there,

I made a representation through the online system about the above licence however, there were only so many characters and not sure if it all came through to you so, have copied this into an e-mail.

I would like to object to the extension to 1.30am of the existing licence arrangements to the Frensham Pond Hotel, and the use of a marquee in the garden.

Reasons for this are as follows:

1. Noise levels in this rural area carry for miles, particularly at night.
2. Music inside the building is muffled while the doors and windows are shut, however, during summer months when doors and windows are open, causes the noise levels to be increased. This is particularly noticeable at the end of the event ie midnight.
3. Having music in a marquee in the grounds will elevate the noise levels for the entire licence period.
4. Current arrangements for music until midnight inside the hotel are bearable, however an extension of this period would be intolerable not only in the hotel, but especially if they are proposing to have events in a marquee which cannot be soundproofed.
5. The marquee is really not an acceptable proposal for this quiet rural area as it will affect all the houses surrounding the hotel as the noise carries for miles.

From:

## Kate Halsall

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**From:**  
**Sent:** Sunday 01 March 2015 23:10  
**To:** Licensing Policy  
**Subject:** Objection to Variation of a Premises Licence

2

reference: VARIATION OF A PREMISES LICENCE RELATING TO DEMIBOURNE LTD T/A  
FRENHAM POND HOTEL, BACON LANE, CHURT, FARNHAM, SURREY, GU10 2QD

We are writing to raise an objection the application for a variation of a premises licence of the above premises.

We are neighbours of the premises, at

We object on the grounds of inevitable disturbance to a residential area from extended public licensing hours and activities. Frensham Great Pond is also a rare location for its habitat value to bats and other protected wildlife species which breed within its surrounding area. Increased human activity, with increased late night traffic within rural roads, will necessarily pose unacceptable disturbances to this delicate habitat.

We object in particular to the to the following:

- adding plays and films Monday to Sunday 10:00 to 00:00 is turning the location into a theatre and cinema. Such activities are well provided for within the town of Farnham, and a little further within Guildford. There are many locations already available for such activities serving the locality.
- extending terminal hour for currently authorised regulated entertainment Monday to Sunday until 01:30 will create unacceptable disturbance to the residents of the neighbourhood. The roads around the premises, either along Pond Lane or along Bacon Lane, are unlit single track rural roads along which the residents have a right to undisrupted nights either from car headlights or from the noise of any leaving traffic at such hours. Extending the hours of activity to 01:30 will necessary create lead to flashing head lights and traffic which is unacceptable.
- to vary lterminal hour for live music Monday to Sunday until 01:30 will in addition create noise from the music which travels to the neighbourhodd, and creates unacceptable disruptions. This will especially be the case in summer evenings when on hot days there may be a necessity for the residents to maintain open windows. There are again, many live music venues in and around the Farnham area which serves the locality well, and there is no local need for the addition of such a venue at the side of Frensham Great Pond.
- to vary supply of alcohol Monday to Sunday for public use of function suites and bar until 01:30 will create similarly noise and traffic hazzard to the local residents and wildlife. There should be a need to consider the consequences of drinking till 01:30 and driving. Taxi drivers do not in general know the roads around the area. Around Frensham Great Pond also mobile and GPS reception is very poor, and navigation devices often fail. It is a considerable danger to the local residents to have people who have been drinking either to be driving themselves or nusiance to the residents to have drivers unfamiliar to the area searching in the dark. There is also the danger to nocturnal wildlife in the area.
- to add late night refreshments in conjunction with pre booked functions/events Mon to Sun 23:00 until 01:30. The noise from continued party functions until 01:30 is particularly disruptive especially in the summer when outdoor events may be held, and residents may keep some windows open.

We note finally that the hours of darkness are also very important for wildlife. In the summer, when such hours are shortened, extending human activity into 01:30 can lead to disastrous consequences on the natural habitat.

As Frensham Great Pond and Common is in a Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI), Local Nature Reserve (LNR), Area of Outstanding Natural Beauty (AONB), activities which may create potential adverse impact should be as much as possible avoided.

The hotel should at the very least pay for an extensive analysis of the potential habitat impact, carried out by independent scientific and environmental groups and including whether such activities may violate international conservation agreements such as EUROBATS, before any variation be allowed.

The variations seek to extend the range of activities of the current premises, and is not required for the continual functioning of the premises. We therefore object to the variations.

Yours sincerely,

**Kate Halsall**

---

**From:**  
**Sent:** Monday 02 March 2015 13:32  
**To:** Licensing Policy  
**Subject:** Frensham Pond Hotel

3

Dear Sirs

I refer to the current application to extend the licensing hours until 1.30 am for playing/performing music and holding events in an external marquee.

I object to this license being granted in that:

The additional noise until late at night in a poorly soundproofed marquee will amount to a public nuisance in what is (apart from the hotel itself) an exclusively residential area.

Consumption of alcohol late at night in an "open" environment close to Frensham Pond itself is a genuine public safety issue, particularly in that there is no effective barrier to prevent pedestrian access to the pond itself, and there is no street lighting in any of the surrounding lanes.

Yours faithfully

**Kate Halsall**

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**From:** |  
**Sent:** Monday 02 March 2015 15:54  
**To:** Licensing Policy  
**Subject:** Application to vary existing licence by Frensham Ponds Hotel

Dear Sirs

(4)

The above hotel has applied to vary its entertainment licence to enable it to host indoor and outdoor events with music and alcohol up to 1.30am for seven days a week.

I object to this application on the grounds of public nuisance. This is a quiet country area which is designated a SSSI which is not suitable for such activities. In the past when such activities have occurred the Hotel has received many complaints in respect of excessive noise, from surrounding residents. Also there is always a great deal of rubbish generated by these events which the Hotel do not regard as their issue in that they rarely deal with it.

Yours sincerely

Sent from Windows Mail

**Kate Halsall**

**From:**  
**Sent:** Tuesday 03 March 2015 11:11  
**To:** Licensing Policy  
**Subject:** Objection - Licence application - Frensham Pond Hotel, Bacon Lane, Churt, Farnham, Surrey, GU10 2QD - 9th February 2015

5

Dear Sir/Madam,

I wish to strongly object to the above application for a licence extension at Frensham Pond Hotel for the following reasons:

- 1). Due to the rural bowl-like terrain in the area noise at night has the potential to affect significant areas, particularly Pond Lane, Bacon Lane, Wishanger Lane, Frensham Lane, Symondstone, Star Hill, Churt, Tilford, Frensham Village, and houses on the Ridgeway and King's Ridge overlooking Frensham/Frensham Pond. This is particularly the case on still nights where noise can carry significant distances and this effect applies throughout the year.
- 2). A noise "cut-off" at 1-30pm is extremely inconsiderate to local residents and far beyond what I, as a resident who will be directly affected, consider acceptable as a reasonable request.
- 3). Noise (including traffic departing) will likely to exceed the proposed 1-30am noise cut-off by some period. We are already troubled by "exuberant" driving from residents leaving the hotel after events and there have been a number of accidents on the predominantly single track roads nearby. A number of these have included excessive consumption of alcohol.
- 4). There has been a history of thefts at the hotel of personal belongings during events - we have found purses/wallets/clothing a number of times in local hedgerows where they have been discarded after theft.
- 5). We have found, sadly from previous experience in the area, that regulating music volume in the presence of large numbers of persons who have been consuming alcohol is beyond the abilities of both the local Police and Environmental Health Officers. Incidents at Wishanger (Kingsmead) and the Headley Park Hotel (where an extended licence was in place) spring to mind.
- 6). We have found the management at the hotel to be of poor standard and do not have faith in their abilities to control/regulate events as they claim.
- 7). There are a large number of horses in the area and also a farm airstrip. The possibility of tress-passing in these areas, which are directly adjacent to the hotel, by guests at events cannot be excluded/controlled.
- 8). The noise-insulation properties of "accoustic marquees" are lacking and will have little effect on reducing noise pollution. Furthermore, from experience, we have found that even existing indoor events at the hotel generate significant amounts of external noise, with revellers frequently congregating outside with shouting and car noise (music/exuberant driving). With a significant increase in number of proposed outdoor/indoor events this situation will only deteriorate for local residents.
- 9). With adults drinking to 1-30am what facilities are being put in place for monitoring children where the parents/guardians may be under the influence of alcohol? This is particularly of concern considering that the pond is only a short walk across the road. Parental supervision has the potential to be poor or totally lacking, especially where long-time drinking is involved. As drafted the application shifts the onus onto the parents with the hotel absolving themselves of any responsibility.

10). We have no desire to hear piped/recorded/live music outside the hotel until 1-30am - this is inconsiderate in the extreme.

11). "Live music exemption from terminal hour on New Year's Eve to opening hours on New Year's day. Terminal hours indoors 01:30 and outdoors 23:00." - my interpretation of this wording, which may be incorrect, is that they wish to be able to play music non-stop New Years Eve until close of business New Years Day? If correct, this far beyond what I, as a resident who will be directly affected, consider acceptable.

12). A 24 hr drink licence on New Years Eve is not likely to encourage public order, just excessive drinking and likelihood of public disorder/crime, drunk-driving, accidents.

13). "d) The prevention of public nuisance Management/staff shall always be at the exits at the end of an event, asking guests to leave quietly. Where appropriate, prominent, clear and legible signs shall be displayed encouraging guests to leave in an orderly and quiet manner. There shall also be an announcement at the end of every function/event stressing the importance of leaving the hotel and car parks quietly."

While the intention is good this totally relies on the good-will of the attendees and cannot be enforced - it is, therefore, effectively meaningless.

14). "The duty manager shall have the authority to stop the music if it is deemed to be excessive. All pre-booked events shall receive notification of the importance of maintaining noise levels."

By what (mechanical/electrical?) measures will the Duty Manager consider if the music is excessive or not - this, as drafted, is a purely subjective measure on his part and reliant of input from Environmental Health who are unlikely to be present throughout an event. What the Duty Manager considers acceptable may not co-incide with that of local residents. A precise, mechanically/electronically measured noise limit should be imposed. Council/EH approved measures should be put in place to monitor and record noise levels throughout any event - this data should be made openly available to both the general public and Environmental Health. Noise mitigation measures, for example speaker orientation, are unlikely to protect all residents during events. As such, for any event, some residents will get the short end of the stick.

15). Local residents should be provided with a means of directly contacting the hotel/event manager to express any concerns at the time they occur. All calls should be logged and the substance of the call noted and logs made available to Environmental Health or any other interested party.

16). Being situated adjacent to the Hants/Surrey border what consultations have been made with both Waverley and EHDC? Has feedback/input been received from both Council's?

17). What residential areas/properties do the hotel propose to contact to prior to any events which, in their own word, may cause "disturbance" or "noise nuisance."

While understanding that the Hotel, as a business, needs to examine activities to encourage trade, the proposed licence is far in excess of what most fair-minded persons would consider a reasonable request. As proposed, this application will almost certainly lead to increased noise disturbance to local residents, increased criminality, public order offences, child security issues, and incidences of drink driving. As such I strongly object to the application as currently drafted - the applicants themselves acknowledge that this will cause both "disturbance" or "noise nuisance."

Yours sincerely,



**Kate Halsall**

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**From:**  
**Sent:** Tuesday 03 March 2015 11:26  
**To:** Licensing Policy  
**Subject:** Objection - Licence application - Frensham Pond Hotel, Bacon Lane, Churt, Farnham, Surrey, GU10 2QD - 9th February 2015

6

Dear Sir/Madam,

I wish to strongly object to the above application for a licence extension at Frensham Pond Hotel for the following reasons:

- 1). Due to the rural bowl-like terrain in the area noise at night has the potential to affect significant areas, particularly Pond Lane, Bacon Lane, Wishanger Lane, Frensham Lane, Symondstone, Star Hill, Churt, Tilford, Frensham Village, and houses on the Ridgeway and King's Ridge overlooking Frensham/Frensham Pond. This is particularly the case on still nights where noise can carry significant distances and this effect applies throughout the year.
- 2). A noise "cut-off" at 1-30pm is extremely inconsiderate to local residents and far beyond what I, as a resident who will be directly affected, consider acceptable as a reasonable request.
- 3). Noise (including traffic departing) will likely to exceed the proposed 1-30am noise cut-off by some period. We are already troubled by "exuberant" driving from residents leaving the hotel after events and there have been a number of accidents on the predominantly single track roads nearby. A number of these have included excessive consumption of alcohol.
- 4). There has been a history of thefts at the hotel of personal belongings during events - we have found purses/wallets/clothing a number of times in local hedgerows where they have been discarded after theft.
- 5). We have found, sadly from previous experience in the area, that regulating music volume in the presence of large numbers of persons who have been consuming alcohol is beyond the abilities of both the local Police and Environmental Health Officers. Incidents at Wishanger (Kingsmead) and the Headley Park Hotel (where an extended licence was in place) spring to mind.
- 6). We have found the management at the hotel to be of poor standard and do not have faith in their abilities to control/regulate events as they claim.
- 7). There are a large number of horses in the area and also a farm airstrip. The possibility of tress-passing in these areas, which are directly adjacent to the hotel, by guests at events cannot be excluded/controled.
- 8). The noise-insulation properties of "accoustic marquees" are lacking and will have little effect on reducing noise pollution. Furthermore, from experience, we have found that even existing indoor events at the hotel generate significant amounts of external noise, with revellers frequently congregating outside with shouting and car noise (music/exuberant driving). With a significant increase in number of proposed outdoor/indoor events this situation will only deteriorate for local residents.
- 9). With adults drinking to 1-30am what facilities are being put in place for monitoring children where the parents/guardians may be under the influence of alcohol? This is particulary of concern considering that the pond is only a short walk across the road. Parental supervision has the potential to be poor or totally lacking, especially where long-time drinking is involved. As drafted the application shifts the onus onto the parents with the hotel absolving themselves of any responsibility.

10). We have no desire to hear piped/recorded/live music outside the hotel until 1-30am - this is inconsiderate in the extreme.

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15). Local residents should be provided with a means of directly contacting the hotel/event manager to express any concerns at the time they occur. All calls should be logged and the substance of the call noted and logs made available to Environmental Health or any other interested party.

16). Being situated adjacent to the Hants/Surrey border what consultations have been made with both Waverley and EHDC? Has feedback/input been received from both Council's?

17). What residential areas/properties do the hotel propose to contact to prior to any events which, in their own word, may cause "disturbance" or "noise nuisance."

While understanding that the Hotel, as a business, needs to examine activities to encourage trade, the proposed licence is far in excess of what most fair-minded persons would consider a reasonable request. As proposed, this application will almost certainly lead to increased noise disturbance to local residents, increased criminality, public order offences, child security issues, and incidences of drink driving. As such I strongly object to the application as currently drafted - the applicants themselves acknowledge that this will cause both "disturbance" or "noise nuisance."

Yours sincerely,

## Kate Halsall

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**From:** Steve Webster  
**Sent:** Tuesday 03 March 2015 15:18  
**To:** Licensing Policy  
**Subject:** Ref current variation application for Frensham pond Hotel, Bacon Lane, Churt, GU10 2QB



Dear colleague,

It has been brought to my attention that the Frensham Pond Hotel has applied for a variation to its licensing and entertainment hours. As the WBC Countryside Ranger responsible for the 833 acres of the adjacent Frensham Common and Great Pond I would like to make some comments in relation to this variation application.

In general terms, the current operational activities of the hotel do not cause me a huge concern. However, saying that, I am aware that parties, weddings, school/college proms do occasionally "spill over" onto the adjacent nature reserve. Below is a short list of the kind of activities I can relate directly back to activities run at the hotel.

- Litter – sometimes after large wedding receptions that go on into the night, there is an increase in litter in that area of the Common, namely wine/champagne/pint glasses, which could only have realistically come from the hotel. The glasses end up on the bank, putting the wildlife and dogs of many walkers at risk. Plus they end up in the water where anglers wade whilst fishing and where myself and volunteers work to keep the sluices free of reeds – putting us at risk from cuts etc.
- Illegal camping – on more than one occasion, guests at events at the hotel have pitched tents illegally on the Common, mostly just across the pond from the hotel. These are particularly of concern as quite often they have included small fires, putting the whole of the heathland environment at risk. A fire in 2010 that started in just such a fashion destroyed 148 acres of the Common, prompted a COBRA meeting at No 10 Downing Street and cost approximately £2.5m to extinguish over 10 days.
- The close proximity of open water – Frensham Great Pond is inviting to guests who want to cool off, however the area in front of the hotel is wholly unsuitable as it is shallow and filled with very deep silt. One couple who had pitched a tent across the pond from the event they were attending at the hotel had even brought a small inflatable boat to row their way back from the hotel in an inebriated state. It took me many minutes to rouse them next morning and the tent stank of alcohol. It is not only their safety they put at risk but those of anyone else, including the emergency services, who would be called upon to retrieve them.

These are just some of the observations I have made during my 11 years as Ranger here at Frensham. My concerns are that extended events/drinking time may only increase these problems which I classify as mainly anti-social behaviour/public nuisance (littering), criminal behaviour (camping and fire lighting), and safety (the use of the open water). Therefore I would object to the extension of the current licence on these grounds.

Kind regards

Steve Webster  
Countryside Ranger, Frensham Common

Office & 24hr answerphone: 01252 792416  
Out of hours (emergencies only): 02392242161  
Email: [steve.webster@waverley.gov.uk](mailto:steve.webster@waverley.gov.uk)

Follow Frensham Great Pond and Common on Facebook  
<https://www.facebook.com/frenshamgreatpond>

Or look up the webpages at  
<http://www.waverley.gov.uk/countryside>

**Kate Halsall**

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**From:**  
**Sent:** Wednesday 04 March 2015 10:56  
**To:** Licensing Policy  
**Subject:** License extension, Frensham Pod Hotel

8

Dear Sir/Madam,

I write in connection with the recent application by the Frensham Pond hotel to extend their licence to include activities between the hours of 2300 and 01:30 hours. We are neighbours to the hotel being adjacent to the car park and as such will be directly affected by any increase in noise that extent extension of licensing hours would produce.

Unfortunately, the Frensham Pond hotel is sited in a residential area and the hotel grounds are minimal and abutt residential neighbours. Currently the hotel produces very little noise and none of the neighbours in this area regard it as a public nuisance. However their application to extend their licence brings with it the prospect of activities extending to 01:30 hours seven days a week. This is totally unacceptable as not only will it mean increased traffic movements late at night when most people are trying to sleep but the noise pollution from outdoor events is just not tenable in close proximity to its residential neighbours.

On occasions when the hotel has had late-night events one of the things that has been notable is the increase in people wandering down both Bacon Lane and Pond Lane, often worse for wear with raised voices and little care for the local residents. Should this become a regular occurrence not only will this be a public nuisance but an issue for road safety.

The hotel does not have a good record of policing its environs during these events with very few staff evident and I have little faith that they will be able to manage the inevitable increased load on staff time that these changes will bring.

In conclusion I object strongly to the increase of licensing hours particularly for outdoor events on the grounds that it would increase public nuisance and potentially create a safety issue for road users in their interaction with the attendees of these events.

**Kate Halsall**

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**From:**  
**Sent:** Wednesday 04 March 2015 11:35  
**To:** Licensing Policy  
**Subject:** Extension of Licence for Frensham Pond Hotel he early hours

9

I wish to strongly object to the above application for the following reasons:-

1 - I understand the application is to allow live outside music to 1.30.am. This will be intolerable for neighbours. I live in [redacted] and consider my location will be affected. There is a animal boarding establishment right next door to the hotel so load music in the early hours will be a really bad problem for their boarders. I used to own a kennels so I do know something of this.

2 - I hope fireworks will not be part of the evenings entertainment. They will be really terrible for near neighbours - especially any horses.

3 - The road widths in the hotels location are very narrow and increased late night useage will increase the risk of accidents.

Please bear these comments in mind.

Yours sincerely

**Kate Halsall**

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**From:**  
**Sent:** Wednesday 04 March 2015 15:35  
**To:** Licensing Policy  
**Subject:** Frensham Pond Hotel

10

Dear Sir/Madam,

I write with reference to the outstanding application for a licensing hours extension to 1.30 am by The Frensham Pond Hotel.

I wish to express my objections to this extension on the grounds of potential noise pollution, safety and security concerns and the potential for public nuisance.

I would request a formal hearing be put in place and be informed when that hearing is set to occur.

I am a very local resident living near the hotel so would be directly affected should the licence be granted.

Yours sincerely,

## Kate Halsall

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**From:** Churt Parish Council <churt\_pc@btinternet.com>  
**Sent:** Wednesday 04 March 2015 19:19  
**To:** Kate Halsall  
**Cc:** Licensing Policy  
**Subject:** Licencing Act 2003 - Application for extended licencing hours at Frensham Pond Hotel



Dear Kate,

I refer to the recent application to revise and extend the licencing hours, submitted by the Frensham Pond Hotel.

This was discussed at the Churt Parish Council meeting recently and we do not feel it is appropriate and wish to object to the application.

This is a quiet area in the AONB and Green Belt and we are concerned about the level of disturbance to neighbouring properties.

Vehicular access to the hotel is past a goodly number of residential homes.

We do not believe a blanket extension to the hours is appropriate as surely the hotel could apply for temporary extensions as and when.

Kind regards,

**Paul Hughes**

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**From:**  
**Sent:** Thursday 05 March 2015 21:48  
**To:** Licensing Policy  
**Subject:** Extension of licensing hours at Frensham Pond Hotel

12

I wish to object to the application for a license extension at Frensham Pond Hotel for the following reasons:

1. Playing loud music until 1.30 am will cause public nuisance and disturbance to local residents in the vicinity of the hotel as well as the surrounding rural community of Wishanger, Churt and Frensham. I am especially concerned about the impact of noise pollution across this area continuing into the early hours of the morning on warm summer evenings from the proposed hotel marquee. Music and alcohol licensing should be limited at the hotel to a set number of days/nights and limited to 11.30 pm which then means guests are likely to leave at around midnight. Wishanger and the surrounding area is a rural community in The Surrey Hills and an AONB and the quality and character of the countryside should be protected. The hotel is located next to Frensham Great Pond which is designated an SAC and an SPA and extended noise pollution late at night could disturb nesting birds, bats and nightjars.
2. This is a rural area on the boarder of two counties and as a consequence police presence and availability is limited. The extension in licence for alcohol until 1.30 am will encourage excessive drinking which will encourage antisocial behaviour and it may also lead to an increase in crime around the hotel and its surrounds.
3. I strongly object to the clause referring to a licence for music to be played from New Years Eve through until New Years Day. This is totally unacceptable as regards disturbance to the local rural community.

Yours sincerely



**Paul Hughes**

**From:**  
**Sent:** Saturday 07 March 2015 08:31  
**To:** Licensing Policy  
**Subject:** Application for variation of premises licence at Frensham Pond Hotel

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

13

Dear Sirs

I wish to object most strongly to the above application for a licence extension At Frensham Pond Hotel GU10 2QD on the grounds that it will not comply with any of the 4 Licensing Objectives as follows:

1. The hotel have applied for a licence to hold events and serve alcohol until 1.30am for 7 days a week. This cut off is extremely inconsiderate to local residents - none of whom have been canvassed by the hotel to ascertain their views, and goes far beyond what I, as a local resident who will be directly affected, consider acceptable or reasonable.
2. Our experience of previous functions run by the hotel show that the management of the hotel are unable to control noise levels or regulate their guests who spill out onto the roads and adjoining areas and create noise and litter. In respect of the latter the hotel seem unable to clean up after events and it is generally left to residents to either clean up or complain to the hotel.
3. Holding events in a marquee will exacerbate the noise issue for residents and is in an area of SSSI and in which there are a number of equine estates the horses in which will be significantly affected.
4. Given the lack of public transport to the hotel, attendees at events who do not stay at the hotel will leave the area sometime after 1.30am by motor vehicle. This will add to the overall disturbance level and will undoubtedly lead to incidents of "drunk driving".
5. Given the proximity of the pond to the hotel and the fact that guests congregate in the road and by the pond to smoke, drink and talk (shout), the likelihood of a road accident or drowning is heightened. This is particularly so when children are among the guests and supervision recedes as the amount of alcohol consumed goes up.

Yours sincerely

**Paul Hughes**

**From:**  
**Sent:** Monday 09 March 2015 07:01  
**To:** Licensing Policy  
**Cc:** [REDACTED]  
**Subject:** Free sham Pond Hotel. Bacon Lane, Churt . Gu10 2QD. Extension of licensing - objection

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

14

Dear Sir/Madam

We register our strong objection to this extension of licensing hours for the following reasons

1. Prevention of crime and disorder

We think that having large numbers of people, likely to have been drinking, will lead to an increase in crime, disorder and burglary. The police presence in this area is minimal, and there is very little street lighting.

2. Public safety

This is a rural area. There are narrow unlit lanes. Access to the hotel is along these lanes, and the increased volume of traffic is entirely inappropriate, and will likely lead to a higher level of accidents, especially if alcohol is involved. The lake is unfenced along these lanes and will be a hazard at night.

There is not public transport in the immediate area, and therefore people will walk, and there will be extra taxi traffic late at night.

3. Prevention of a public nuisance

This is a rural area with many houses within a 1 kilometre distance from the hotel. The location of the hotel is at the bottom of a geographic bowl and this leads to noise being trapped and amplified. Having music being played until 1.30 am is going to be disruptive to the residents and will reduce enjoyment of this area of outstanding natural beauty.

The traffic noise will continue much later than 1.30, and party goers are likely to be revving their cars and driving along the narrow lanes for about an hour after the close of the bar/facility. This noise will be extremely disruptive to local residents and will destroy sleep patterns.

The reason we came to live here is because it is quiet. Why should this business be allowed to take that away from us?

This license, if granted, will reduce our quiet enjoyment of this beautiful place.

Thank you.

Regards

**Paul Hughes**

**From:**  
**Sent:** Monday 09 March 2015 14:40  
**To:** Licensing Policy  
**Subject:** OBJECTION TO THE EXTENSION OF LICENSING HOURS AT FRENHAM POND HOTEL

(15)

## **OBJECTION TO THE EXTENSION OF LICENSING HOURS AT FRENHAM POND HOTEL**

We are writing to strongly object to the application by the Frensham Pond Hotel to extend (vary) its licensing hours. It is unreasonable for local residents in this rural Area of Outstanding Natural Beauty to have suffer the inevitable consequences of granting this request which will encourage greater numbers of people to the hotel. The reasons for the objection are as follows:

1. **Public Nuisance:** the hotel is located in a rural ANOB location where noise is not absorbed. Under the existing arrangements the noise pollution particularly from music and from loud party-goers can often be heard a significant distance away from the hotel. The extension of licensing hours will encourage this problem especially if events are held in a marquee which will inevitably have poor acoustic insulation. I question why the hotel would be allowed to erect a marquee in their grounds – which are not extensive.

There would also be the consequent noise and disruption from traffic from the guests, staff and others servicing the events at or after 1.30 in the morning which is not acceptable for local residents.

2. **Public Safety:** there are serious public safety issues as the roads around the hotel are narrow rural lanes and they cannot cope with large amounts of traffic. Pond Lane is particularly hazardous where it runs in front of the hotel as it is narrow and difficult to see. Any increase in the numbers of people visiting the hotel for functions extending into the early hours of the morning should not be encouraged. The roads are also used by a large number of horses and walkers. During the summer months there has been a one way system in operation to cope with traffic problems caused by visitors to Frensham Pond.

3. **Crime and Disorder:** extending the period of licensing is intended to encourage the consumption of alcohol into the early hours of the morning with all the attendant problems associated with drunken behaviour which in our view the hotel management will not be able to control.

We consider the request from the hotel to extend its licensing hours to be totally unreasonable and inappropriate. It disregards the disturbance to local residents and is totally at odds with the local rural environment. The application will inevitably lead to increased public nuisance, public safety issues and incidents of crime and disorder. We strongly object to the application.

Yours sincerely

**Paul Hughes**

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**From:** licensing@waverley.gov.uk  
**Sent:** Monday 09 March 2015 15:37  
**To:** Licensing Policy  
**Subject:** WK/201410301 : Representation received

16

Address: Frensham Pond Hotel, Bacon Lane, Churt, Farnham, Surrey, GU10 2QD

Please check above worksheet for representation received online

Dear Sir/madam, I currently object and have reservations to this proposal as I am concerned about the travelling noise, at night, general disorder and alcohol fuelled activities, resulting in speeding down Wishanger lane and the surrounding area. Kind regards,

**Paul Hughes**

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**From:**  
**Sent:** Sunday 08 March 2015 16:19  
**To:** Licensing Policy  
**Subject:** Frensham Pond Hotel Licence Extension

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

(17)

Dear Sir/Madam,

I am writing to object in the strongest possible terms to the application to extend the licensing hours at Frensham Pond Hotel, for the following reasons:

1. The nature of the terrain in the area will ensure that the noise generated will affect a significant area around the hotel. This is particularly true on many still nights during the summer season when there is little background noise.
2. The noise cut-off of 1.30pm is unreasonably late and is unlikely to be enforced effectively by either the police or Environmental Health officers in any event. I see no reason for the license to extend beyond midnight for any of the activities, but certainly not for recorded or live music.
3. The use of acoustic marquees will have minimal impact on the level of noise.
4. The extension of the licence to include the whole of New Year's Day is completely unwarranted and unreasonable as it will ensure noise throughout the night of Dec 31st/Jan 1st.
5. The provision of additional alcohol will guarantee an increase in accidents or deaths by guest departing the events on the narrow and unlit roads leading away from the hotel. The situation of the hotel next to the water hazard of Frensham Pond will also lead to further water-related accidents or deaths.

While I am certainly sympathetic to the intention of the hotel management to increase their trade at the hotel, the requests made are completely unreasonable and will lead to a significant increase in noise pollution, accidents and disorder in the surrounding area.

Yours faithfully,

## Paul Hughes

**From:**  
**Sent:** Monday 09 March 2015 17:08  
**To:** Licensing Policy  
**Subject:** FW: Extension of licensing hours at Frensham Pond Hotel

(18)

to whom it may concern:

I note the application of the owner of the Frensham Pond hotel to extend licensing hours. I object strongly to the application on the following grounds.:

The applicant has applied for an 01.30 extension seven days a week for live music, recorded music, dance and late night refreshment- presumably this means alcohol-? indoors and outdoors. Monday -Friday are working days for most local adult residents and school days for local children. Late night events with live/ recorded music and dance during normal hours of rest will cause undue harm to local residents thanks to noise pollution causing restriction of sleep and interruption of normal sleeping patterns. Traffic noise from departing guests will overrun the 01.30 licence deadline and exacerbate the public nuisance caused by noise from the venue. Local resident children will be at harm thanks to the sleep disruption and noise pollution caused by the late night events. There will likely be a negative impact on those children's ability to function normally in school due to the noise pollution and sleep disturbance caused by late night events.

I do not know what "regulated-anything similar" means and would welcome clarity from both Waverley Borough Council and the applicant on this issue.

Traffic leaving the venue late at night will cause public nuisance from engines running, particularly late night taxis, and incidental noise from car door slamming, departing guests etc. The applicant has described his intention to add signage requesting departing guests to leave quietly; the inference is clear. If there is no risk of noisy departures, there is no need to warn guest to leave quietly; the applicant is admitting that late night noise will be a problem. Furthermore, this signage has no force in law and is therefore pointless. It provides no assurance to local residents that they will be able to enjoy undisturbed rest during night hours.

Pond Lane and Bacon Lane are the only access routes to the hotel. Both lanes are narrow, unlit, and largely or entirely single carriageway. Visibility is very poor on Pond Lane in particular. Late night traffic accidents are likely given a combination of increased traffic flowing to and from the venue and drunken guests choosing to drive home. Furthermore, Pond Lane is often parked up overnight on both sides by fishermen accessing Frensham Pond, thus narrowing an already narrow access road and increasing the risk of accident. The junction of Bacon Lane and Pond Lane is a blind corner. Traffic leaving the hotel late at night and/ or taxis arriving to pick up late night guests are likely to cause accident risk from too many vehicles trying to access the hotel on this corner.

Frequent disturbances have occurred at the Frensham Pond Hotel under the current licensing arrangements. Recently the police and local ambulance services were called to an afternoon wedding due to a brawl. Given that disturbances to the peace happen under the current licensing regime and in broad daylight, what assurances can be provided to local residents that their safety will not be at risk from late night revellers fuelled by alcohol causing a public disturbance?

Litter is also a problem. Guests often leave glassware on the tables, walls, and ground in front of the hotel. Broken glass is a serious safety hazard for people, animals and people with animals, notably the many local children who ride independently or with local riding schools and those who walk family dogs.

Smoking outside the venue is likely to cause a public nuisance from littering and noise from guests whilst smoking. Lit cigarettes also pose a health and safety risk. The local landscape is heathland and/or woodland. Heathland is very

dry and the potential for fire risk cannot be underestimated. One cigarette is all that it takes to cause a serious fire. A serious fire occurred on Frensham Common recently. Fortunately it happened in an area where there are no houses; this is not the case for the area around the Frensham Pond Hotel. Furthermore given the increase in vehicular traffic that can be expected from increased licensing hours, there is serious concern about the ability of emergency vehicles to have 24/7/365 access to local residents homes in the event of a medical, fire, or other emergency.

I note that the application makes reference to an 'events' marquee. A marquee is by definition not a permanent structure and is therefore not subject to building regulations, including proper insulation. Noise levels that might be acceptable within a closed permanent structure that meets current building regulations will create a public nuisance through excessive noise pollution in a non-permanent, uninsulated structure. Furthermore a marquee as a non-permanent structure does not have fixed ingress and egress points. The suggestion of controlling excessive noise by means of fixed ingress and egress points is therefore meaningless.

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## Hearings

- 9.30 Regulations governing hearings may be found on the [www.legislation.gov.uk](http://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.
- 9.31 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.
- 9.32 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.
- 9.33 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.
- 9.34 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.

- 9.35 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.
- 9.36 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.
- 9.37 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.
- 9.38 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.
- 9.39 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.

- 9.40 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**

- 9.41 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.
- 9.42 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.
- 9.43 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.

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# 10. Conditions attached to premises licences and club premises certificates

## General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 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. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 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

- 10.4 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.
- 10.5 It is 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.

## **Consistency with steps described in operating schedule**

- 10.6 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.
- 10.7 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**

- 10.8 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.
- 10.9 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**

- 10.10 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. 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.

## Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

## Hours of trading

- 10.13 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.
- 10.14 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.

- 10.15 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.

## **The performance of plays**

- 10.16 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**

- 10.17 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.

## **Major art and pop festivals, carnivals, fairs and circuses**

- 10.18 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.
- 10.19 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.
- 10.20 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.

- 10.21 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**

- 10.22 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; the mandatory conditions also prohibit the sales of alcohol below the permitted price, as defined in paragraph 10.58.
- 10.23 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)**

- 10.24 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.
- 10.25 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.

## **Sale and use of new psychoactive substances (NPS) at alcohol licensed premises such as off- licences**

- 10.26 New psychoactive substances (NPS) mimic the effects of illegal drugs (like cocaine, cannabis and ecstasy) while being designed to evade controls. The sale of new psychoactive substances (NPS) – so called “legal highs” – is not regulated under the 2003 Act. However, licensing authorities may wish to consider whether conditions are appropriate to prevent the sale of such products alongside the sale of alcohol at a licensed premises, including at off-licences, or, for example, for on-trade premises to impose a door policy. Some NPS products may contain controlled drugs, and therefore be illegal, in which case the licensing authority should involve the police and consider applying for a review of the premises licence on crime and disorder grounds. But some NPS are not illegal. There is evidence that such NPS products can cause harms, particularly if taken in combination with alcohol. Further information about NPS is on the Government’s “FRANK” website: <http://www.talktofrank.com/>.
- 10.27 Licensing authorities will need to consider whether there is evidence that it would be appropriate to impose a condition of this kind specifically in order to promote one or more of the statutory licensing objectives, including public safety and protecting children from harm. Hospital admissions data or public order or nuisance data may assist or evidence

that NPS are being purchased at a premises used by those under 18. Conditions must of course be tailored to the individual type, location and characteristics of the premises and events concerned and should be proportionate, justifiable and be capable of being met. As explained, in Chapter 2 (paragraph 2.8), public safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective or nuisance objective. There will be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition.

## **Mandatory conditions in relation to the supply of alcohol**

10.28 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**

- 10.29 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.
- 10.30 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).
- 10.31 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

- 10.32 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.
- 10.33 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.
- 10.34 "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.
- 10.35 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.
- 10.36 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.

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

10.38 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

10.39 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, small measures and the prohibition on sales of alcohol below the permitted price) 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 DPS 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 aspirational licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.

10.40 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.

10.41 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 that the introduction of the mandatory conditions has had on pre-existing conditions.

## Irresponsible promotions

10.42 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 ensured 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. 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 undermines the licensing objectives.

## Drinking games

10.43 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

10.44 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. 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”. 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

10.45 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, where there is a significant risk that such a promotion would

undermine one or more of the licensing objectives. 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.

## Posters and flyers

10.46 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

10.47 The responsible person (see paragraph 10.42) must ensure that no alcohol is dispensed directly into the mouth of a customer. 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 potable water

10.48 The responsible person (see paragraph 10.42) must ensure that free potable 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. However, it may be reasonable to expect bottled water to be provided in such circumstances.

## Age verification

10.49 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 10.42) 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 either a holographic mark or ultraviolet feature.

- 10.50 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 which applies by the premises.
- 10.51 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.52 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.
- 10.53 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.

### Smaller measures

- 10.54 The responsible person (see paragraph 10.42) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
  - Gin, rum, vodka or whisky: 25ml or 35ml
  - Still wine in a glass: 125ml



- 10.55 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 by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.
- 10.56 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.
- 10.57 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

### Ban on sales of alcohol below the permitted price

- 10.58 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) 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.
- 10.59 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.
- 10.60 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.61 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Home Office website.

## Exhibition of films

- 10.62 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.
- 10.63 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not 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

- 10.64 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.
- 10.65 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 ground (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).
- 10.66 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.

10.67 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 in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
- 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.

10.68 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.

10.69 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.)

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