

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

When calling please ask for:

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Policy and Governance

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Calls may be recorded for training or monitoring

Date: 31 August 2021

Membership of the Licensing Sub-Committee C

Cllr Robert Knowles
Cllr Ruth Reed

Cllr Martin D'Arcy

Dear Councillors

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

DATE: MONDAY, 13 SEPTEMBER 2021

TIME: 12.00 PM

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 purposes of this meeting.

2. LICENSING ACT 2003 - APPLICATION FOR A VARIATION OF PREMISES LICENCE - THE HOP BLOSSOM, LONG GARDEN WALK, FARNHAM, SURREY GU9 7HX (Pages 5 - 44)

The purpose of the report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Hop Blossom, Long Garden Walk, Farnham, Surrey GU9 7HX under section 34 of the Licensing Act 2003, made by Poppleston Allen Solicitors on behalf of Fullers, Smith and Turner Plc, the current Premises Licence Holder. A number of representations have been received by the Licensing Authority and therefore the application must be determined by the Sub-Committee.

Recommendation

- It is recommended that the Sub-Committee considers the application and evidence of all parties involved at the hearing then determines the application.
- Members must determine the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- The Sub-Committee should take such steps (as described at paragraph 13.10 below) as it considers appropriate for the purpose of the licensing objectives.

Once determined, the licensing authority must provide notification of the decision, including its reasons to the applicant, any person who has made relevant representations and the Chief Officer of Police for the area in which the premises are situated.

3. LEGAL ADVICE

**For further information or assistance, please telephone
Kimberly Soane, Democratic Services Officer, on 01483 523258 or by
email at kimberly.soane@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE C – 17 AUGUST 2021

Title:

LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE– THE HOP BLOSSOM, LONG GARDEN WALK, FARNHAM, SURREY GU9 7HX
[Wards Affected: All Farnham Wards]

Summary and Purpose

The purpose of the report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Hop Blossom, Long Garden Walk, Farnham, Surrey GU9 7HX under section 34 of the Licensing Act 2003, made by Poppleston Allen Solicitors on behalf of Fullers, Smith and Turner Plc, the current Premises Licence Holder. A number of representations have been received by the Licensing Authority and therefore the application must be determined by the Sub-Committee.

Background

1. The Premises was the subject of conversion and variation when the Licensing Act 2003 came into force. The Hop Blossom was first granted a Premises Licence on the 24th November 2005.
2. A copy of the current Premises Licence is attached at Annexe 1 and summarised below:

- **Regulated Entertainment** (Live music)

Monday to Thursday	1000 to 2300
Friday & Saturday	1000 to 0000
Sunday	1100 to 2200

- **Regulated Entertainment** (Recorded music)

Monday to Sunday	0000 to 2359
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- **Late Night Refreshment**

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

- **Sale of Alcohol** (on & off the premises)

Monday to Thursday	1000 to 0000
Friday to Saturday	1000 to 0030
Sunday	1100 to 2300

- **Opening hours – premises are open to the public**

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, the applicant now seeks to amend the licence to vary condition 1 under annex 3. **The current condition states:**

No glasses or bottles shall be taken outside the premises after 21:00 and the Designated Premises Supervisor or a suitably trained member of staff shall ensure no-one is drinking outside after that time.

The proposed amended condition states:

No glasses or bottles shall be taken outside the premises after 21:00 and the Designated Premises Supervisor or a suitably trained member of staff shall ensure no-one is drinking outside after 22.00.

5. The applicant is not seeking any variation in respect of the licensable activities, and hours and days of operation are to remain the same. A copy of the relevant parts of the application form is attached at Annexe 2.
6. Attached at Annexe 3 is a copy of some photos of the outside area of the premises.
7. Attached at Annexe 4 is a plan showing the location of the premises and surrounding properties.

Representations received

8. Representations can be made in opposition to, or in support of, an application. A representation is 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Responsible Authorities

9. There have been no objections received from Responsible Authorities.

Other Persons

10. The Licensing Authority has received seven (7) relevant representation from "other persons". 3 in support of the application and 4 in opposition. Copies of the representations are attached at Annexe 5 and Annexe 6 respectively.

Recommendation

11.

- It is recommended that the Sub-Committee considers the application and evidence of all parties involved at the hearing and then determines the application.
- Members must determine the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- The Sub-Committee should take such steps (as described at paragraph 13.10 below) as it considers appropriate for the promotion of the licensing objectives.

Once determined, the licensing authority must provide notification of the decision including its reasons to the applicant, any person who has made relevant representations and the Chief Officer of Police for the area in which the premises is situated.

Reason for the recommendation

12. The general principle is that an application for a variation of a Premises Licence must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

Relevant representations are those which:

- Are about the effect of the granting of the application on the promotion of the licensing objectives
- Are made by a Responsible Authority or other persons
- Have not been withdrawn
- Are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

13. Licensing authorities are required to carry out licensing functions under the Licensing Act 2003 with a view to promoting the four licensing objectives of:-

- Prevention of crime and disorder;
- Public safety;
- Prevention of nuisance; and
- Protection of children from harm.

- 13.1 Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

- 13.2 The Licensing Sub-Committee must also consider Waverley Borough

Council's Statement of Licensing Policy when deciding whether or not to grant the application. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

13.3 Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act 2003 must prevail.

13.4 Members are required to have regard to the Home Office Guidance issued under section 182 of the Licensing Act 2003 in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

13.5 The guidance will be available for reference purposes at the meeting.* Particular attention is drawn to:

- Conditions – paragraphs 1.16-1.17 and 10.1 to 10.66
- The Licensing Objectives – paragraphs 2.1–2.32
- Hearings - paragraphs 9.31 to 9.44

The guidance can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf

13.6 When relevant representations are received then the Sub-Committee must have regard to them. Representations based on commercial reasons or need are not in themselves relevant representations. For example, a representation from a bar owner, that the grant of a premises licence to another bar, will take customers away from his/her premises, is not a relevant representation, nor is a representation from other persons that another off licence in the parade of local shops is not needed.

13.7 The Licensing Sub-Committee can attach a “weight” to any relevant representations, such factors that could influence the “weight” to be placed on a representation could include:

- Whether the representation can be clearly related to any one of the four licensing objectives;
- Whether the representation concerns matters over which the applicant is able to exercise control;
- Whether the representation is based on “hearsay” evidence;
- Whether the representation is supported by firm evidence;
- Whether the person making the representation has attended the hearing in person (Zoom).

- 13.8 When considering applications to vary an existing certificate, only the variation is subject to determination. No changes can be made to the certificate unless they are subject to the variation application.
- 13.9 The Sub-Committee must consider the application on its individual merits and take into account all relevant matters then determine the application by taking the steps it considers appropriate and necessary / proportionate to promote the licensing objectives.
- 13.10 Members are advised that when considering applications to vary an existing premises certificate, the following options are available to them by virtue of Part 3 Section 35(3) and (4) Licensing Act 2003. This provides that the Sub-Committee, having regard to the relevant representations made, must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- a. modify the conditions of the certificate (conditions are deemed to be modified if they are altered, omitted or a new condition added); or
 - b. reject the whole or part of the application.
- If neither of these steps are taken, the application must be granted.

Conditions

- 14 Conditions will not be necessary if they duplicate a current statutory requirement.
- 14.1 Members are also referred to the Home Office guidance on conditions, specifically section 10 which states that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises. 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.
- 14.2 Licensing authorities should therefore ensure that any conditions they impose, are only those which are appropriate for the promotion of the licensing objectives.
- 14.3 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the variation of the Premises Licence application, it must give reasons for its decision.

The Role of the Licensing Sub-Committee

- 15 Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard

the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

- 15.1 As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on material evidence, which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.
- 15.2 The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.
- 15.3 The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
- 15.4 The Sub-Committee can only consider matters within the application that have been raised through representations from Responsible Authorities and other persons. This will be decided on a case to case basis.

Relationship to the Corporate Strategy and Service Plan

16 Not applicable

Implications of decision

17.1 Resource (Finance, procurement, staffing, IT)

Members should be aware that Environmental and Regulatory Services does not have a direct budget provision for costs, should the applicant be successful in appealing to the Magistrates Court against a decision of the Council.

17.2 Risk management

Not applicable

17.3 Legal

An appeal against the determination of this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision. The applicant or any party making representation may

make an appeal.

17.4 **Equality, diversity and inclusion**

Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the licensee and those making representations when making their decision. The Sub-Committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Waverley area.

17.5 **Climate emergency declaration**

There are no relevant matters to consider.

Consultation and engagement

- 18 Application advertised at the premises and in a local paper in accordance with the Licensing Act 2003

Other options considered

- 19 Not applicable

Governance journey

- 20 Not applicable

Annexes:

- Annexe 1 – A copy of the current/existing Premises Licence.
Annexe 2 – An extract of the relevant pages from the new application form
Annexe 3 – Photos of the outside area of the premises.
Annexe 4 – A plan showing the area of the premises and surrounding properties
Annexe 5 – Copies of the representations in support received from 'Other Persons'
Annexe 6 – Copies of the representations against - received from 'Other Persons'

Background Papers

Background papers, as defined by Section 100D(5) of the Local Government Act 1972) are

The Licensing Act 2003
Guidance under 182 Licensing Act 2003
Waverley's Statement of Licensing Policy

CONTACT OFFICER:

Name: Paul Hughes
Position: Licensing & Environmental Enforcement Manager

Telephone: 0148 3523189
Email: paul.hughes@waverley.gov.uk

Agreed and signed off by:
Legal Services:
Head of Finance: date
Strategic Director: date
Portfolio Holder: date

Licensing Act 2003
 Premises Licence - Summary

The Hop Blossom 50 Long Garden Walk Farnham Surrey GU9 7HX	Licence number:	LN/000000319	
	Valid from:	12th August 2020	
	Valid until:		
	Telephone:	01252 710770	
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music (subject to limits)	Monday - Thursday Friday and Saturday Sunday	10:00 10:00 11:00	23:00 00:00 22:00
Recorded Music	Monday - Sunday	00:00	23:59
Provision of Late Night Refreshment	Monday - Thursday Friday and Saturday	23:00 23:00	00:00 00:30
Sale by Retail of Alcohol	Monday - Thursday Friday and Saturday Sunday	10:00 10:00 11:00	00:00 00:30 23:00
Non-standard Timings:	Christmas Eve 11:00-0:100 On the day of the annual Farnham Carnival 10:00-01:00.		

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:

 Fullers, Smith and Turner Plc
 Pier House
 86-93 Strand on the Green
 Chiswick
 London
 W4 3NN

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

241882

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

Mr Martin Paul Groves

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

No restrictions

Licensing Act 2003
Premises Licence - Detail

The Hop Blossom 50 Long Garden Walk Farnham Surrey GU9 7HX	Licence number:	LN/000000319	
	Valid from:	12th August 2020	
	Valid until:		
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Registered number of holder, for example company number, charity number (where applicable):

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

Mr Martin Paul Groves

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

No restrictions

Annexe 1 – Mandatory Conditions

Alcohol

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

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

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

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
6. For the purposes of the condition set out in paragraph 5—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
7. Where the permitted price given by Paragraph (b) of paragraph 6 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 6 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annexe 2 – Conditions consistent with the operating schedule

Live Music	Monday	10:00 hours to 23:00 hours
	Tuesday	10:00 hours to 23:00 hours
	Wednesday	10:00 hours to 23:00 hours
	Thursday	10:00 hours to 23:00 hours
	Friday	10:00 hours to 00:00 hours
	Saturday	10:00 hours to 00:00 hours
	Sunday	11:00 hours to 22:00 hours

Further Detail

Duos and larger bands.

On not more than 120 occasions per annum and of those 120 occasions, not more than three in any week and monthly lists of such events to be submitted to the Licensing Authority.

Non-Standard Timing

Christmas Eve 11:00-01:00

On the day of the annual Farnham Carnival 10:00-01:00

Location of activity : Indoors

Recorded Music	Monday	00:00 hours to 23:59 hours
	Tuesday	00:00 hours to 23:59 hours
	Wednesday	00:00 hours to 23:59 hours
	Thursday	00:00 hours to 23:59 hours
	Friday	00:00 hours to 23:59 hours
	Saturday	00:00 hours to 23:59 hours
	Sunday	00:00 hours to 23:59 hours

Further Detail

N/A

Non-Standard Timing

N/A

Location of activity : Indoors

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

Further Detail

Full menu available during the day and on other occasions as required.

Non-Standard Timing

Christmas Eve 11:00-01:00

On the day of the annual Farnham Carnival 10:00-01:00

Location of activity : Indoors

Alcohol BOTH ON/OFF premises	Monday	10:00 hours to 00:00 hours
	Tuesday	10:00 hours to 00:00 hours
	Wednesday	10:00 hours to 00:00 hours
	Thursday	10:00 hours to 00:00 hours
	Friday	10:00 hours to 00:30 hours
	Saturday	10:00 hours to 00:30 hours
	Sunday	11:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

Christmas Eve 11:00-0:100

On the day of the annual Farnham Carnival 10:00-01:00.

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

Designated Premises Supervisor

Name: Mr Martin Paul Groves

Address: The Hop Blossom
50 Long Garden Walk
Farnham
Surrey
GU9 7HX

Personal Licence Number (If known): LN/000006647

Issuing Licence authority (If known): Waverley Borough Council

Opening Hours	Monday	10:00 hours to 00:30 hours
	Tuesday	10:00 hours to 00:30 hours
	Wednesday	10:00 hours to 00:30 hours
	Thursday	10:00 hours to 00:30 hours
	Friday	10:00 hours to 01:00 hours
	Saturday	10:00 hours to 01:00 hours
	Sunday	11:00 hours to 23:30 hours

Further Detail

N/A

Non-Standard Timing

Christmas Eve 11:00-01:30

Annual Farnham Carnival 10:00-01:30

An extra hour on the day British summer time commences.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

a) General - all four licensing objectives (b,c,d,e)

Staff shall be trained to the standards required by the legislation.

There shall be no deviation from the extended hours of operation.

The additional hours shall themselves promote the licensing objectives, particularly in relation to crime and disorder and public nuisance, allowing customers to emerge from the premises at a more gradual rate.

The outside areas of the premises shall only be used during the opening hours of the premises.

Bottles and glasses shall not be permitted to be removed from the premises outside of these times.

b) The prevention of crime and disorder

The licensees shall be members of Pubwatch and shall regularly attend meetings.

The CCTV system inside the premises shall continue to operate for the additional hours sought and be maintained in good working order.

The outside areas of the premises shall only be used during the opening hours of the premises. Bottles and glasses shall not be permitted to be removed from the premises outside of these times.

c) Public Safety

Staff shall be full trained on all safety issues, including fire safety.

Regular inspections of the premises shall be undertaken by the management.

The outside areas of the premises shall only be used during the opening hours of the premises.

Bottles and glasses shall not be permitted to be removed from the premises outside of these times.

d) The prevention of public nuisance

Risks and benefits have been considered, no additional measures are thought necessary.

The outside areas of the premises shall only be used during the opening hours of the premises.

Bottles and glasses shall not be permitted to be removed from the premises outside of these times.

e)The protection of children from harm

The risk assessment for this objective shall be regularly assessed and staff shall be trained in the legislation.

The outside areas of the premises shall only be used during the opening hours of the premises.

Bottles and glasses shall not be permitted to be removed from the premises outside of these times.

1. The licensee shall make no use of the land owned by the Surrey County Council and previously known as the beer garden and that the owners of the premises do not acquire any interest in that land.
2. There shall be no juke box on the premises.

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

1. No glasses or bottles shall be taken outside the premises after 21:00 and the Designated Premises Supervisor or a suitably trained member of staff shall ensure no-one is drinking outside after that time.
2. Live music: an upper limit of 120 occasions a year with a maximum of three occasions in any week and monthly lists of events to be supplied to Waverley Licensing Department.
3. All external doors and windows shall be closed, other than for access and egress, by 23:00 hours.
4. All external doors and windows shall be kept closed when live music is taking place.
5. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties shall not occur between 23:00 hours and 07:00 hours.
6. The licensee or a nominated representative shall receive and respond to complaints throughout the duration of opening hours.
7. The management of the premises shall take all reasonable measures to ensure that patrons respect the needs of the local residents and leave the premises quietly.

Annexe 4 – Plans

Attached

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Waverley Borough Council

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.

We Fuller, Smith & Turner Plc

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/000000319
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Hop Blossom Long Garden Walk			
Post town	Farnham	Post code	GU9 7HX

Telephone number at premises (if any)	01252 701 770
Non-domestic rateable value of premises	£22,800

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current residential address if different from premises address	Pier House 86-93 Strand-on-the-Green		
Post Town	London	Postcode	W4 3NN

Part 3 - Variation

Please tick yes

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

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

Day		Month		Year	

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To vary a condition on the premises licence, number 1 under Annex 3 to read "No glasses or bottles shall be taken outside the premises after 21:00 hours and the Designated Premises Supervisor or a suitably trained member of staff shall ensure on-one is drinking outside after 22:00".

All licensable activities, permitted hours, opening hours and other conditions to remain as existing.

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

N/A

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 read guidance note 3)

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)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<p><u>Please give further details</u> (please read guidance note 5)</p> <hr/> <p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)</p> <hr/> <p><u>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</u> (please read guidance note 7)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<p><u>Please give further details here</u> (please read guidance note 5)</p>	
Thur			<p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)</p>	
Fri			<p><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</u> (please read guidance note 7)</p>	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	No Change		Please give further details here (please read guidance note 5) No Change		
Tue	No Change				
Wed	No Change		State any seasonal variations for the performance of live music (please read guidance note 6) No Change		
Thur	No Change				
Fri	No Change		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 7) No Change		
Sat	No Change				
Sun	No Change				

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	No Change		Please give further details here (please read guidance note 5) No Change		
Tue	No Change				
Wed	No Change		State any seasonal variations for the playing of recorded music (please read guidance note 6) No Change		
Thur	No Change				
Fri	No Change		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 7) No Change		
Sat	No Change				
Sun	No Change				

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 5)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)			
Thur						
Fri			<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> (please read guidance note 7)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)			
Wed						
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)			
Fri						
Sat			<u>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</u> (please read guidance note 7)			
Sun						

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5) No Change					
Mon	No Change							
Tue	No Change							
Wed	No Change					State any seasonal variations for the provision of late night refreshment (please read guidance note 6) No Change		
Thur	No Change							
Fri	No Change					Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) No Change		
Sat	No Change							
Sun	No Change							

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) No Change					
Mon	No Change							
Tue	No Change							
Wed	No Change					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 (please read guidance note 7) No Change		
Thur	No Change							
Fri	No Change							
Sat	No Change							
Sun	No Change							

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) None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) No Change
Day	Start	Finish	
Mon	No Change		
Tue	No Change		
Wed	No Change		
Thur	No Change		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 (please read guidance note 7) No Change
Fri	No Change		
Sat	No Change		
Sun	No Change		

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
None removed, condition 1 under Annex 3 to be amended.

Please tick yes

- I have enclosed the premises licence ✓
- I have enclosed the relevant part of the premises licence ✓

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
n/a

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

The purpose of the application is to allow customers an extra hour to consume food and drink outside.

This will be especially welcome during the summer but also because of the health crisis external areas have become safer places to meet.

The tenant is mindful of the presence of local residents but will exercise through his staff

monitoring and vigilance of the external area particularly in the extra hours trading.

At the moment because 9pm is a relatively restrictive cut off time it can be challenging to ensure all customers are inside by 9pm and this process has to start at 8.30pm at the latest and so with the extra hour there is likely to be a more gradual and smoother movement of customers inside the building.

b) The prevention of crime and disorder

See box a) above

c) Public safety

See box a) above

d) The prevention of public nuisance

See box a) above

e) The protection of children from harm

See box a) above

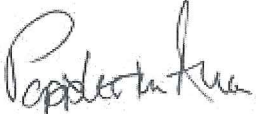
Please tick yes

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	17 June 2021
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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 14). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Vicki Caress Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 934 9176		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) v.caress@popall.co.uk			

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.

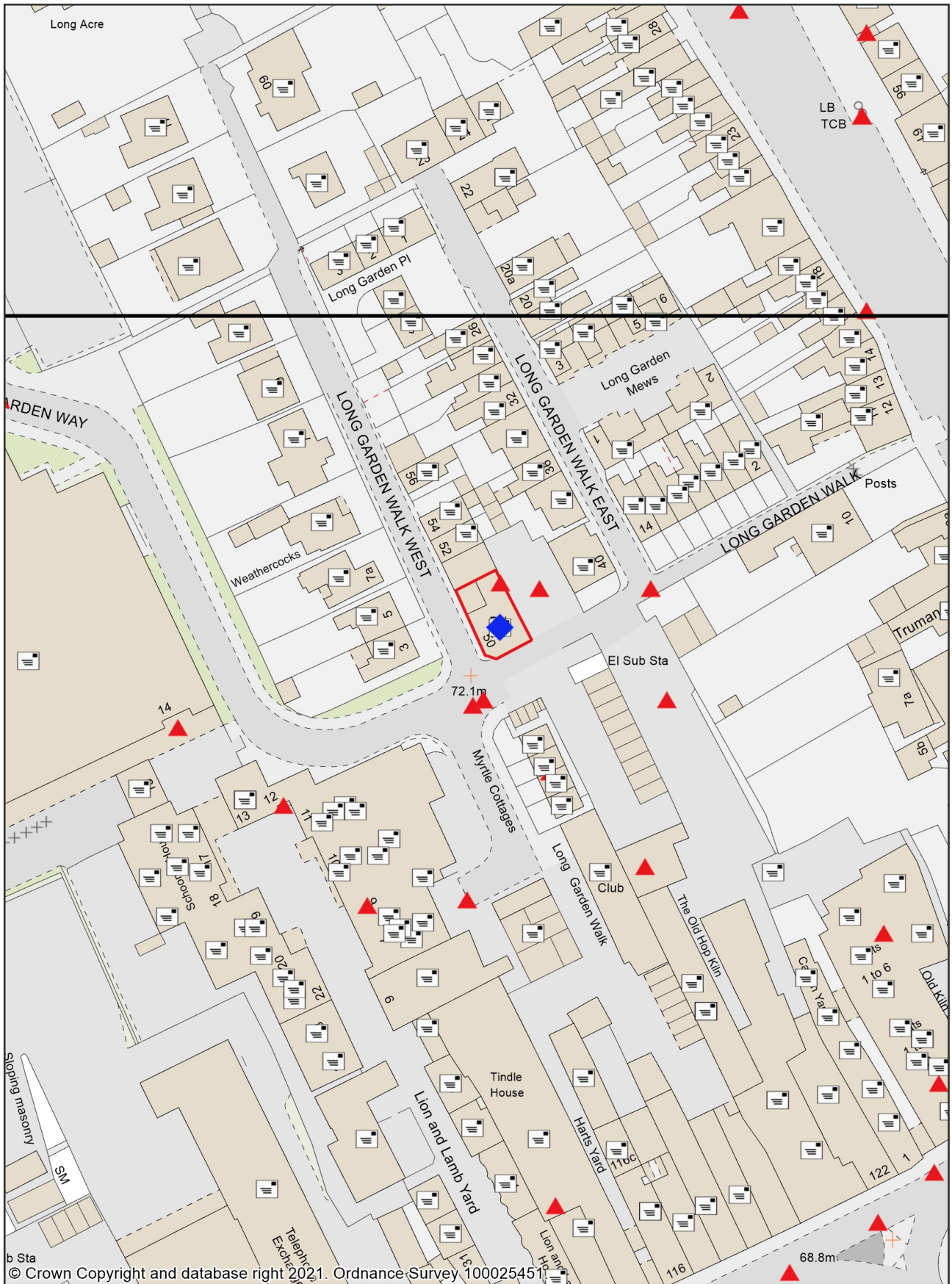
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing 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.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not







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Hop Blossom

Waverley Borough Council
 The Bursys, Godalming
 Surrey, GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 426337



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Annexe 5– SUPPORT

1.

From: Sally Dickson

Sent: Monday 21 June 2021 19:16

To: George Hesse; Ruth Reed

Cc: Penny Marriott; Licensing Policy; All Councillors Email Group; Planning

Subject: Re: Licensing Act 2003 - Application

I just wanted to add to this discussion.

When we had the application for the outside benches last year, the occupier of the house across the road

from the Hops Blossom was in favour of the benches. He said he had been in the house for many years,

had bought it in the knowledge the pub was there, and never found the noise a problem.

The Hops Blossom Pub dates back to 1871, so it is far older than any of the current residents.

This is a fun pub and very much part of Farnham's night-time economy, I think drinking up time at 22.00 is

perfectly fine. It means the pub will be closing as the BBC News at Ten finishes, which is hardly late in the

evening.

Cllr Sally Dickson

2.

From: Peter Isherwood

Sent: Monday 21 June 2021 19:20

To: Sally Dickson; George Hesse; Ruth Reed

Cc: Penny Marriott; Licensing Policy; All Councillors Email Group; Planning

Subject: Re: Licensing Act 2003 - Application

I totally agree with Sally Dickson, the local residents, who are few in number, supported the application for the

outside benches last year.

Peter Isherwood

3.

From: Jerry Hyman

Sent: Thursday 24 June 2021 13:49

To: Peter Isherwood; Sally Dickson; George Hesse; Ruth Reed

Cc: Penny Marriott; Licensing Policy; Planning

Subject: Re: Licensing Act 2003 - Application - Hop Blossom

If we're judging this on an assumption that it will apply in 'normal times' then I don't really see the need

for an outdoor drinking-up time, because any remaining drinks can be taken indoors. Is that a valid consideration?

I doubt it's important so I'm happy to remain confused, but If Sally and Peter are sure that a 10pm outdoor

curfew "... means the pub will be closing as the BBC News at Ten finishes, which is hardly late in the evening" then I ought to make some effort to understand what that means!

Is it true that the proposed change to Condition 1 would mean that the pub will close at 10pm (Coronavirus restrictions aside)?

I thought it meant that the Condition would require that outdoor drinking ends at 10pm. I'd be happy with

that.

Jerry

Annexe 6 - OBJECTIONS

1.

Sent: Friday 18 June 2021 12:05

To: Licensing Policy; All Councillors Email Group

Cc: Planning

Subject: Re: Licensing Act 2003 - Application

Follow Up Flag: Follow up

Flag Status: Flagged

Hi Kate

I would not object to a 'drinking up' time for those already outside but the Hop Blossom is right in the middle of a

residential area and in the summer months, when everyone has open windows, noise carrying on until 10.00 pm

might be too late. It is problematic and I have sympathy with the publican as the limited space in the premises itself

combined with Covid restrictions have meant that outside eating and drinking have been the preferred options but

the proximity of the housing does make a difference. I would object to this as it stands.

Penny Marriott

2.

Sent: Friday 18 June 2021 12:10

To: Licensing Policy

Subject: Hop blossom application

Follow Up Flag: Follow up

Flag Status: Flagged

I do not support this application, the Hop Blossom is close to residential housing and on a well-used pathway

between the Waitrose car park and Castle Street. Outside space is limited, so likely that drinkers will spill over onto

the public highway and pathways.

Cllr Peter Marriott

3.

From: Ruth Reed

Sent: Friday 18 June 2021 12:13

To: Penny Marriott; Licensing Policy; All Councillors Email Group

Cc: Planning

Subject: Re: Licensing Act 2003 - Application

Follow Up Flag: Follow up

Flag Status: Flagged

Thank you for this Penny. I had a thought that this might be the case and was waiting for a Farnham member to confirm.

It is so sad that Covid restrictions are having such a long reaching effect upon all our lives; I have every sympathy too with our businesses in the Borough.

I confirm that I too have concerns if this is, as Penny says, is in the middle of a residential area.

Ruth

Ruth Reed

Waverley Borough Councillor

Cranleigh East Ward

4.

From: George Hesse

Sent: Monday 21 June 2021 00:17

To: Ruth Reed

Cc: Penny Marriott; Licensing Policy; All Councillors Email Group; Planning

Subject: Re: Licensing Act 2003 - Application

Dear Kate,

Reading other members observations which are well made, I would add that realistically the Hop Blossom, being

located at the bottom end corner of Long Garden Walk, any noise generated by customers will be limited to the

bottom one or two houses - so I wouldn't describe it as being in the middle of a residential area but on the edge.

The applicant is asking for drinking-up time to be till 22.00 hrs which a local colleague considers too late.

May I suggest a compromise of no glasses or bottles to be taken outside after 21.00 hrs and finishing time for

outside drinking being 21.30 pm.

As Castle Ward member and resident, I am acutely aware the licensed premises in question only has the very limited

outside space on the street side and this space is important to the economic survival of the Public House. The aspect

of the continuing economic success of our public houses and the important role they play in the economy of the

town cannot be underestimated, and so I would ask for some flexibility with this application.

Regards,

Cllr George Hesse

Farnham Castle Ward

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