

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

When calling please ask for:

Kimberly Soane, Democratic Services Officer

Policy and Governance

E-mail: kimberl.soane@waverley.gov.uk

Direct line: 01483 523258

Calls may be recorded for training or monitoring

Date: 1 July 2022

Membership of the Licensing Sub-Committee A

Cllr Jerome Davidson
Cllr Patricia Ellis

Cllr John Ward

Dear Councillors

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

DATE: MONDAY, 11 JULY 2022

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**

2. **DISCLOSURE OF INTERESTS**

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

3. **LICENSING ACT 2003 - APPLICATION FOR A REVIEW OF PREMISES LICENCE [THE LEATHERN BOTTLE, 77 MEADOW, FARNCOMBE, GODALMING, GU7 3JG] (Pages 3 - 86)**

The purpose of the report is to enable the Sub-Committee to determine a request from Surrey Police for a review of the Premises Licence for the Leathern Bottle, 77 Meadow, Farncombe, Godalming, GU7 3JG under section 51 of the Licensing Act 2003. Twenty Eight relevant representations have been received from 'other persons', all in support of the premises.

Recommendation

It is recommended that the Sub-Committee determine the application.

4. **LEGAL ADVICE**

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

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

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE A

11 JULY 2022

Title:

**LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES
LICENCE- THE LEATHERN BOTTLE, 77 MEADOW, FARNCOMBE,
GODALMING, SURREY GU7 3JG**

[Wards Affected: All Godalming Wards]

Portfolio Holder: Cllr MacLeod Portfolio Holder for Enforcement, Operations and Brightwells

Head of Service: Richard Homewood Head of Environmental and Regulatory Services

Key decision: No

Access: Part Exempt

Annexes 3-7 are exempt on the basis of para 1,2 and 7 of Part I Schedule 12A Local Government Act 1972 (information relating to any individual; information which is likely to reveal the identity of an individual; and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime). The public interest has been considered and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1. Purpose and summary

- 1.1 *The purpose of the report is to enable the Sub-Committee to determine a request from Surrey Police for a review of the Premises Licence for the The Leathern Bottle, 77 Meadow, Farncombe, Godalming, GU7 3JG under section 51 of the Licensing Act 2003. Twenty Eight relevant representations have been received from 'other persons', all in support of the premises.*

2. Background

Grounds for review

The application to review the premises licence relates to the following licensing objectives;

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- protection of children from harm

A copy of the application for review is summarised as follows:

The application includes a series of incidents of anti-social behaviour in and around the area which are believed linked to the operation of the premises.

The applicants state that despite meetings held between the premises management, residents and responsible authorities and the efforts of the police, council officers and staff to address and alleviate the situation, the issues persist.

Details of premises licence

2.1. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, The Leathern Bottle was granted a Premises Licence.

2.2 A copy of the Premises Licence (current at the time of the Review submission) is attached (Annexe 1) and summarised below:

Provision of regulated entertainment:-

Live music:

Friday & Saturday 19.00 – 00.00
Sunday 12.00 – 23.00

Recorded Music:

Friday & Saturday 10.00 – 00.00
Sunday 12.00–

23.00

Sale by Retail of Alcohol

Monday - Saturday 10.00 - 00.00
Sunday 12.00 - 23.00

Hours of opening:

Monday - Saturday 07.00 - 00.30
Sunday 07.00 - 23.30

2.3 *In accordance with the legislation, the applicant has sent copies of the application to responsible authorities and was advertised in accordance with the requirements of the Licensing Act 2003 and notification was made to the licence holder and responsible authorities. The review documents were sent to the licence holders. The consultation period for the review ended on 20 June 2022.*

3. Application for a Review of the Licence

3.1 *An application for review of this premises licence has been made by Surrey Police as a responsible authority. The application has been advertised at the premises by the Licensing Authority, and elsewhere in accordance with the Licensing Act 2003. A copy of the review notice is attached at Annexe 2, giving a deadline date of 20th June 2022 for any representations to be submitted to the Licensing Authority. The application for a review is set out in full at Annexe 3.*

3.2 *The applicant for the review (Surrey Police) and the subject of the review, (The Leathern Bottle) may call witnesses in support of any evidence they may give, having first notified the Licensing Authority of their intention to do so.*

3.3 *Attached at Annexe 4 is a statement from Detective Constable Katz from Surrey Police regarding their investigation of an incident outside The Leathern Bottle on 09 September 2021. Surrey Police have also advised that at the review hearing they wish to show 'phone video footage of the motorcycle incident that took place on the 09 September 2021.*

3.4 *Attached at Annexe 5 are statements from Police Sergeant Ryan Edmonds and Police Constable Adam Larson from Surrey Police who were the officers that were in attendance to an incident outside The Leathern Bottle on Sunday 30 of April/01 May 2022. Surrey Police have also advised that at the review hearing they wish to show body worn video footage of PS Ryan Edmonds who was one of the attending officers at the premises on the 30 of April/01 May 2022.*

4. Other Responsible Authorities - Responses to the Notice Procedure

4.1. *No representations have been received from other responsible authorities in respect of the application.*

5. Interested Parties - Responses to the Notice Procedure

5.1 *Positive representations in support of the premises have been received from 'other persons', in the form of twenty-eight letters/emails which are attached at Annexe 6.*

6. **Action following submission of the application to Review.**

- 6.2 On the 10 June 2022 an email was received from the Leathern Bottle's representatives, 'The Licensing Guys', containing a Statement of Truth from the proprietor of the CCTV firm who have checked and improved on the CCTV system at the Leathern Bottle. A copy of the Statement of Truth is attached at Annexe 7.
- 6.3 On the 10 June 2022 the Leathern Bottle's representatives, 'The Licensing Guys', submitted a Minor Variation application proposing the addition of a number of conditions recommended previously by the Police Licensing Officer. Subsequently the application was considered, and the application was granted. The new additional conditions, a copy of which are attached at Annexe 8, have been added to the Premises Licence.
7. Annexe 9 to the agenda is an extract from the Statutory Guidance issued under Section 182 of the 2003 Act, published in April 2018, regarding determining a Review (Paragraphs 11.1 - 11.28).

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

8. **Policy and statutory considerations**

When determining the application, the committee must have regard to: the promotion of the licensing objectives which are

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

As well as:

- The Licensing Act 2003
- The adopted statement of licensing policy
- The current statutory guidance issued by the Home Officer in accordance with section 182 of the Act;
- The representations, including supporting information presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider the Equality Act 2010 public sector equality duty requiring public bodies to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

- *Foster good relations between people who share a protected characteristic and people who do not share it.*

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following advice:

Paragraph 11.1 - "The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."

Paragraph 11.2 - "At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."

Paragraph 11.10 - "Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."

Paragraph 11.16 - "The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - "The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."

Paragraph 11.18 - "However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."

Paragraph 11.19 - "Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence."*

Paragraph 11.20 - "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

Paragraph 11.21 - "For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."

Paragraph 11.22 - "Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."

Paragraph 11.23 - "Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

Paragraph 11.26 - "Where a licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder."

Paragraph 11.27- "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- for the sale and distribution of illegal firearms;*
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- for prostitution or the sale of unlawful pornography;*
- by organised groups of paedophiles to groom children;*
- as the base for the organisation of criminal activity, particularly by gangs;*
- for the organisation of racist activity or the promotion of racist attacks;*
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- for unlawful gambling; and*
- for the sale or storage of smuggled tobacco and alcohol.*

Paragraph 11.28 - "It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered".

A copy of the Statement of Licensing Policy, current statutory guidance and the Act will be made available for reference at the hearing.

9. **Recommendation**

- It is recommended that the Sub-Committee determine the application.

10. Reason for the recommendation

10.1 To address the application for review received as required by the Licensing Act 2003.

The general principle is that an application for a Review of a Premises Licence must be considered once received unless subsequently withdrawn. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

10.2 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. Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:

- 1. To modify or impose additional relevant conditions (ie to alter, omit or add any new condition) to such an extent as is considered necessary for the promotion of the licensing objectives (in relation to matters raised by this review);
- 2. To exclude one or more of the licensable activities from the scope of the Premises Licence
- 3. to remove the Designated Premises Supervisor;
- 4. to suspend the premises licence for not more than three months
- 5. to revoke the premises licence to continue in its present form, with or without a written warning

10.3 Members are also reminded of the option to issue a 'yellow card' i.e. a warning as to future conduct which may accompany options 1 to 4 above.

10.4 The Licensing Authority may decide that no action is appropriate if it finds that the Review does not require it to take any steps that are appropriate to promote the licensing objectives.

11. Relationship to the Corporate Strategy and Service Plan

11.1 Waverley promotes a strong, resilient local economy, supporting local businesses and employment and the health and wellbeing of our communities. Waverley's strategic priorities are supporting a strong, resilient local economy and improving the health and wellbeing of our residents and communities.

12. Implications of decision

12.1 Resource (Finance, procurement, staffing, IT)

There are no specific implications arising from this report.

12.2 Risk management

Members have received training on the Act and the Regulations governing the hearings. They are aware that any decision which is unreasonable or unlawful could be open to challenge. The report details the options available to the panel in determining the application and recommends that a decision be reached.

12.3 Legal

A decision of this Committee can be subject to appeal.

The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to cooperate in the reduction of crime and disorder in the Borough.

12.4 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.

12.5 Climate emergency declaration

There are no matters which directly impact upon the climate emergency declaration.

13. Consultation and engagement

13.1 The application has been dealt with in accordance with the requirements of the Licensing Act 2003

14. Other options considered

14.1 There is no provision for other options to be considered.

15. Governance journey

15.1 Not applicable

Annexes:

Annexe 1 - A copy of the current Premises Licence

Annexe 2 - A copy of the review notice

Annexe 3 - A copy of the application for a review

Annexe 4 - A copy of the Police statement re *09 September 2021 incident*

Annexe 5 - A copy of two Police statements re *30 of April/01 May 2022 incident*

Annexe 6 - A copy of the positive representations in support of the premises received from 'other persons'

Annexe 7 - A copy of a Statement of Truth regarding the CCTV

Annexe 8 - A copy of the new additional conditions that have been added to the Premises Licence following a Minor Variation..

Annexe 9 - Guidance under 182 Licensing Act 2003 (*Paragraphs 11.1 - 11.28*)

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

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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: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date



Licensing Act 2003
Premises Licence - Detail

The Leathern Bottle 77 Meadrow Godalming Surrey GU7 3JG	Licence number:	LN/000001983	
	Valid from:	8th April 2019	
	Valid until:		
	Telephone:	01483 497632	
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	Friday and Saturday Sunday	19:00 12:00	00:00 23:00
Recorded Music	Friday and Saturday Sunday	10:00 12:00	00:00 23:00
Sale by Retail of Alcohol	Monday - Saturday Sunday	10:00 12:00	00:00 23:00
Non-standard Timings:	Christmas Eve until 00:00 New Year's Eve - from the end of permitted hour on New Year's Eve to 01:00 the following day Good Friday 10:00-00:00		

The opening hours of the premises: 07:00-00:30 Monday to Saturday
07:00-23:30 Sunday

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises: On the premises

Name & (registered) address of holder of premises licence: Mr Peter Hirons
27 Long Gore
Farncombe
Godalming
Surrey
GU7 3TE

Mr Kevin Andrew Young
22 Liddington Hall Drive
Guildford
Surrey
GU3 3AE

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 Andrew Young

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

There shall be no children allowed in the bar area. Children shall only be permitted in the eating area and garden during opening hours.

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. (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	-
	Tuesday	-
	Wednesday	-
	Thursday	-
	Friday	19:00 hours to 00:00 hours
	Saturday	19:00 hours to 00:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

Amplified

Non-Standard Timing

Christmas Eve until 00:00
New Year's Eve until 00:30
Good Friday until 00:00

Location of activity : Indoors

Recorded Music	Monday	-
	Tuesday	-
	Wednesday	-
	Thursday	-
	Friday	10:00 hours to 00:00 hours
	Saturday	10:00 hours to 00:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

Christmas Eve until 00:00
New Year's Eve until 00:30
Good Friday until 00:00

Location of activity : Indoors

Alcohol ON sale only	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 00:00 hours
	Saturday	10:00 hours to 00:00 hours
	Sunday	12:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

Christmas Eve until 00:00

New Year's Eve - from the end of permitted hour on New Year's Eve to 01:00 the following day

Good Friday 10:00-00:00

Sale of alcohol to be for consumption : On the premises

Designated Premises Supervisor

Name: Mr Kevin Andrew Young
Address: 22 Liddington Hall Drive
Guildford
Surrey
GU3 3AE
Personal Licence Number (If known): GUPA1752
Issuing Licence authority (If known): Guildford Borough Council

Opening Hours	Monday	07:00 hours to 00:30 hours
	Tuesday	07:00 hours to 00:30 hours
	Wednesday	07:00 hours to 00:30 hours
	Thursday	07:00 hours to 00:30 hours
	Friday	07:00 hours to 00:30 hours
	Saturday	07:00 hours to 00:30 hours
	Sunday	07:00 hours to 23:30 hours

Further Detail

N/A

Non-Standard Timing

Christmas Eve until 00:30

New Year's Eve until 01:30 on New Year's Day

Good Friday 10:00- 00:00

Any adult entertainment or services, activities, other entertainments or matters ancillary to the use of premises that may give rise to concern in respect of children:-

None.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

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

The Premises Licence Holder shall conform to all four of the Licensing Objectives, as described in (b), (c), (d) and (e) below.

b) The prevention of crime and disorder

There shall be liaison with the Police and the Premises Licence Holder shall attend Pubwatch. All bar staff shall be trained to ask for proof of age where required.

There shall be zero tolerance to taking and supplying of drugs.
There shall be a refusal to serve anyone drunk.

Conditions agreed with Surrey Police

1. The Licence Holder shall ensure that the premises benefit from a CCTV system that operates at all times when the premises is open for licensable activities.
2. The CCTV system shall incorporate a camera covering the main entrance door and shall be capable of providing an image which is regarded as identification standard. The precise position of the cameras may be agreed, subject to compliance with data protection legislation, with the Police from time to time.
3. The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with data protection legislation, to the Police for inspection on request.
4. The CCTV system must be able to export recorded images to a removable means, e.g. CD/DVD, and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The CCTV system shall display, on any recording, the correct time and date of the recording.

c) Public Safety

Checks shall be carried out on fire risk assessments and extinguishers.

d) The prevention of public nuisance

Regular noise checks shall be undertaken during performances and opening hours.
Bins shall be regularly emptied and the premises kept tidy.
No drinks shall be taken off the premises.

Conditions agreed with Environmental Health

1. The garden area to the rear of the premises (excluding the paved smoking area) shall be closed to customers at 23:00 hours.
2. All doors and windows to be kept shut between 23:00 hours and 07:00 hours (except for normal access and egress).
3. Customers shall not be permitted to take drinks outside after 23:00 hours.
4. Signage shall be displayed at the exits requesting customers respect the needs of the local residents by quietly leaving the premises.
5. The pool room (shown as 'Store' on the Annexed Plan) shall not be used by customers for any purpose after 21:30 hours.

e) The protection of children from harm

A "Think 25" and "Challenge 25" proof of age scheme shall be in operation.
There shall be no children allowed in the bar area.
Children shall only be permitted in the eating area and garden during opening hours.

Embedded Restrictions : On Licence

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means those hours stated above.

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.

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

N/A

Annexe 4 – Plans

Attached

WAVERLEY BOROUGH COUNCIL

LICENSING ACT 2003

**NOTICE OF APPLICATION TO REVIEW A PREMISES
LICENCE**

**THE LEATHERN BOTTLE, 77 MEADROW, GODALMING,
SURREY, GU7 3JG**

NOTICE IS HEREBY GIVEN that an application has been made to the Licensing Authority of WAVERLEY BOROUGH COUNCIL for review of a premises licence under Section 51 of the Licensing Act 2003. Details of the grounds of the application for review of the licence are as follows:

The grounds for the review are two of the Licensing Objectives (Prevention of Crime and Disorder and Public Safety) and that there is non-compliance with the premises licence conditions.

Any responsible authority or interested party wishing to make representations on this matter must submit those representations in writing to Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR by not later than **Monday, 20th June 2022** stating the grounds on which the representation is made. Written representations may also be made by e-mail to: licensing@waverley.gov.uk.

Please note that it is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application for review and any person making such a statement shall be liable, on summary conviction, to a fine not exceeding £5,000.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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THE LEATHERN BOTTLE, 77 MEADOW, GODALMING, SURREY, GU7 3JG

1. Age verification:

A "Challenge 25" proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

2. Incident log:

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. The incident log must be bound numbered book. It must be completed within 24 hours of the incident and will record the following:-

- (a) all crimes reported to the venue;
- (b) all ejections of patrons;
- (c) any complaints received concerning crime and disorder;
- (d) any incidents of disorder;
- (e) all seizures of drugs or offensive weapons;
- (f) any faults in the CCTV system, searching equipment or scanning equipment;
- (g) any refusal of the sale of alcohol;
- (h) any visit by a relevant authority or emergency service.

3. Incident management:

In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:-

- (a) the Police (and, where appropriate, the ambulance service) are called without delay;
- (b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
- (c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police;
- (d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises; and
- (e) in the event of a serious incident the suspect(s) details must be shared with the Chair of the Pubwatch at the earliest opportunity. this is for consideration from introducing an immediate ban of the suspect(s).

4. CCTV:

- (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the police licensing team.
- (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

- (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
- (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- (f) The CCTV system must record at the front of the premises curtilage.
- (g) The CCTV system will be checked by the DPS or his named delegate on a weekly basis to ensure full functionality. a record will be kept of such checks, including the person making them, which will be made available upon the request of Police or authorised officer.
- (h) In the event of any system failure, the Police Licensing Department and Licensing Authority will be made aware as soon as reasonably possible, and an entry made in the incident book detailing the defect and all activity undertaken to effect repair to and resumption of the CCTV system.

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.