

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

When calling please ask for:

Kimberly Soane, Democratic Services officer
Legal & Democratic Services

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

Direct line: 01483 523258

Calls may be recorded for training or monitoring

Date: 17 February 2023

Membership of the Licensing Sub-Committee B

Cllr Michael Goodridge
Cllr Anna James

Cllr Jacquie Keen

Dear Councillors

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

DATE: MONDAY, 27 FEBRUARY 2023

TIME: 11.00 AM (or at the conclusion of the Licensing and Regulatory meeting whichever is the later)

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

The Agenda for the meeting is set out below.

Yours sincerely

Stephen Rix,
Executive Head of Legal & Democratic Services (Interim) & Monitoring Officer

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NOTE FOR MEMBERS

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

AGENDA

1. **ELECTION OF CHAIRMAN**

To elect a Chairman for the Sub-Committee B meeting.

2. **LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE- HUSKINS, 10 QUEENS STREET, GODALMING GU7 1BD** (Pages 3 - 38)

The purpose of the report is to enable the Sub-Committee to consider an application for a new Premises Licence for Huskins, 10 Queens Street, Godalming GU7 1BD under section 17 of the Licensing Act 2003. One relevant representation has been received from 'other persons', in opposition.

Recommendation

- It is recommended that the Sub-Committee considers the application and evidence of all parties involved at the hearing and then determine 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 8.11 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.

3. **LEGAL ADVICE**

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

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

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

Waverley Borough Council

LICENSING SUB-COMMITTEE B

27TH FEBRUARY 2023

Title:

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE-
HUSKINS, 10 QUEENS STREET, GODALMING GU7 1BD.**

Affected: Godalming Wards

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

Head of Service: Richard Homewood Executive Head of Regulatory Services

Key decision: No

Access: Public

1. **Purpose and summary**

- 1.1 The purpose of the report is to enable the Sub-Committee to consider an application for a new Premises Licence for Huskins, 10 Queens Street, Godalming GU7 1BD under section 17 of the Licensing Act 2003. One relevant representation has been received from 'other persons', in opposition.

2. **Background**

- 2.1. An application has been received for a new premises licence from Waffles and Stuff, in respect of the ground floor retail unit of a two-storey building, with the first floor being residential.



2.2 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. The expiry date for making representations was 08 February 2023.

3. Activities sought under this licence application

3.1 In brief, following an amendment, the applicant seeks to licence the premises for the sale or supply of alcohol as shown below. An extract of the relevant pages from the new application form is attached at Annexe 1. Attached at Annexe 2 is a copy of the email amending the opening hours. Attached at Annexe 3 is a copy of the email confirming the removal of 'Late Night Refreshment', from the application.

- **Sale of Alcohol (Consumption On the Premises)**

Monday to Saturday	1100 to 2300
Sunday	1100 to 2200

Opening hours (following an amendment)

Monday to Saturday	0800 to 2300
Sunday	0800 to 2200

3.2 Attached at Annexe 4 is a copy of the plans of the premises.

3.3 Attached at Annexe 5 is a plan showing the area of the premises and surrounding properties.

4. Representations received

4.1. Within the consultation period, one relevant representation has been received from 'other persons'.

5. Responsible Authorities

5.1 There have been no representation(s) received from Responsible Authorities. However, both the Planning and Environmental Protection teams in their individual roles as Responsible Authorities have emailed the applicant and officers giving advice regarding their application. Copies of the emails are attached respectively at Annexe 6 & 7.

6. Other Persons

- 6.1 There has been one (1) relevant representation from “other persons”, in opposition. A copy of the representations is attached at Annexe 8.

7. Recommendation

- It is recommended that the Sub-Committee considers the application and evidence of all parties involved at the hearing and then determine 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 8.11 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.

8. Reason for the recommendation

- 8.1 The general principle is that an application for a new 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.
- 8.2 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.
- 8.3 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.

8.4 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.

8.5 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.

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

8.7 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

8.8 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://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

8.9 When relevant representations are received then the Sub-Committee must have regard to them.

8.10 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.

8.11 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:

- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
- To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
- To exclude any of the licensable activities to which the application relates
- To amend the times for all or some of the licensable activities;
- To refuse to specify a person on the licence as the designated premises supervisor
- To reject the application

9. Conditions

9.1 Conditions will not be necessary if they duplicate a current statutory requirement and there is no duty to impose conditions consistent with the operating schedule – rather it is a power.

Conditions must relate to the representation(s) and any conditions imposed must be proportionate, clear, achievable and enforceable. Evidence is required before conditions, restrictions or refusals can be imposed following representations – speculation is not sufficient but this does not prevent conditions being attached to a new premises on the basis of the history of the premises or the applicant (*Daniel Thwaites PLC v Wirral Borough Magistrates’ Court* [2008] EWHC 838 Admin).

9.2 Members are also referred to the Home Office guidance on conditions, specifically section 10 (para 10.10) 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.

9.3 Licensing authorities should therefore ensure that any conditions they impose, are only those which are appropriate for the promotion of the licensing objectives.

9.4 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.

10. **The Role of the Licensing Sub-Committee**

10.1 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.

10.2 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.

10.3 The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

10.4 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.

10.5 The Sub-Committee can only consider matters within the application that have been raised through representations from Responsible Authorities (none in this case) and other persons. This will be decided on a case-to-case basis.

11. **Relationship to the Corporate Strategy and Service Plan**

11.1 Waverley promotes and sustains a thriving local economy.

12. **Implications of decision**

12.1 Resource (Finance, procurement, staffing, IT)

12. Implications of decision

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.

12.2 Risk management

Not applicable

12.3 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.

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. 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.

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 advertised at the premises and in a local paper in accordance with the requirements of the Licensing Act 2003

14. Other options considered

14.1 Not applicable

15. Governance journey

15.1 Not applicable

Annexes:

- Annexe 1 – An extract of the relevant pages from the new application form
- Annexe 2 – A copy of the email amending the opening hours
- Annexe 3 – A copy of the email confirming the removal of Late Night Refreshment
- Annexe 4 – A copy of the plans of the premises
- Annexe 5 – A plan showing the area of the premises and surrounding properties
- Annexe 6 – Email advice from the Planning Team
- Annexe 7 – Email advice from the Environmental Protection Team
- Annexe 8 – A copy of the representation 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: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

Hearing 27/2/23

wk/202206536

8/2/23



Draft -
revised
amendments

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ~~Waverley Borough Council~~ Huskins - see
(Insert name(s) of applicant)

next page

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description 10 Queen Street Ground floor premises			
Post town	GODALMING	Postcode	GU7 1BD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 23 750.

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	WAFFLES AND STUFF
Address	14 WEST DENE SUMMERHOUSE ROAD GODALMING BU7 1QL
Registered number (where applicable)	12554796
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited company

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
04	10	2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises. (please read guidance note 1)

CAFE BAR, OPEN ALL DAY SERVING HOT AND COLD DRINKS AND FOOD. LATE NIGHT REFRESHMENT ON FRIDAY AND SATURDAY.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

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)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	8 ⁰⁰	22 ⁰⁰	Please give further details here (please read guidance note 4) UNAMPLIFIED BACKGROUND RECORDED MUSIC.	Both	<input type="checkbox"/>
Tue	8 ⁰⁰	22 ⁰⁰			
Wed	8 ⁰⁰	22 ⁰⁰	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	8 ⁰⁰	22 ⁰⁰			
Fri	8 ⁰⁰	24 ⁰⁰	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 6)		
Sat	8 ⁰⁰	24 ⁰⁰			
Sun	9 ⁰⁰	17 ⁰⁰			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri	23:00	24:00			
Sat	23:00	24:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" 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 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	22:00			
			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 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name
Date of birth
Address
Postcode
Personal licence number (if known) LM/00000
Issuing licensing authority (if known) Waverley Borough Council

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6).</p> <p>BANK HOLIDAYS</p>
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	24:00	
Sat	08:00	24:00	
Sun	08:00	22:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

We'll provide good training for staff on the Licensing Act, with training records kept, to enable them to make or authorise each alcohol sale.
Clear Challenge 25 policy will be provided to prevent the supply of alcohol to underage drinkers.
Any person who appears to be drunk or aggressive will not be allowed on the premises.

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

A notice will be displayed outside the premises indicating normal hours under the terms of the premises licence during which licensable activities are permitted. Staff will be aware of licensing laws. Any person who appears to be drunk will not be permitted on the premises.
No bottles or glasses shall be taken off the premises.

I will register with crime prevention initiatives run by Surrey Police.

c) **Public safety**

Staff will be trained in the licensing laws.
We will fully support any directives received from the Authorities.
There will be prompt clearing of glasses throughout the operating hours.
The premises Licence Holder will maintain full risk assessment appropriate for the premises operation.

d) **The prevention of public nuisance**

Deliveries will be carried out of such a time or in such a manner as to prevent nuisance to nearby residents.
All customers shall be reminded of consideration to the public and noise levels when entering and leaving the premises.
Doors and windows will be kept closed.
CCTV will be recorded and retained for 30 days with access to responsible authorities.

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

There will be a staff training to ensure compliance with the laws in relation to the consumption of alcohol by person under 18, including prevention of an adult buying alcohol for children.
Under 18s shall only be permitted on the premises with a responsible adult. Proof of ID will be asked for if someone appears under age using photo driving licence, passport or Home Office approved ID cards displaying the national proof of age scheme with the PASS hologram.

The premises will operate a "NO ID, no sale" policy at all times.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises;
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> ◦ [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). ◦ The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
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Signature	
Date	01/11/2022
Capacity	SUPERVISOR AND COMPANY DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14).

1.
2.

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

From:
Sent: Sunday 29 January 2023 23:12
To: Licensing Policy
Subject: Fwd: \advertisement confirmation '

Follow Up Flag: Follow up
Flag Status: Flagged

[** This email originates from an external source **]

Good morning !

My name is asked me to send you a copy of our advert. As well we received a copy of objection to our alcohol licence. I spoke with from Environmental Protection and I informed her we are happy to reduce our opening hours till 23 00 on Friday and Saturday. I hope it will make everyone happy and we can avoid hearing to start licence on the 9th of February because we really need it.

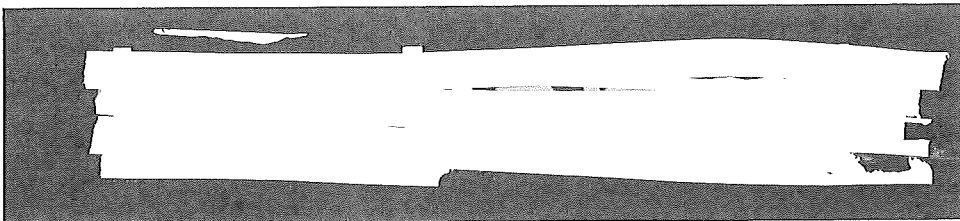
Kind regards

----- Forwarded message -----

Date: Sun, 29 Jan 2023 at 22:46

----- Forwarded message -----

From:
Date: Mon, 16 Jan 2023 at 09:00



This page is intentionally left blank

From:
Sent: Thursday 09 February 2023 17:26
To: Licensing Policy
Subject:

[** This email originates from an external source **]

Hello
Yes it can be removed.
Thank you

Kind regards .

On Thu, 9 Feb 2023 at 16:42, Licensing Policy <Licensing.Policy@waverley.gov.uk> wrote:

Good afternoon

The Licensing Manager has asked for clarification regarding the Late Night Refreshment. Can this be removed as you are now not opening after 23:00 hours on the Friday and Saturday? Many thanks.

Regards

Licensing Administrator, Regulatory Services

Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR

01483 523219 (ext 3219)

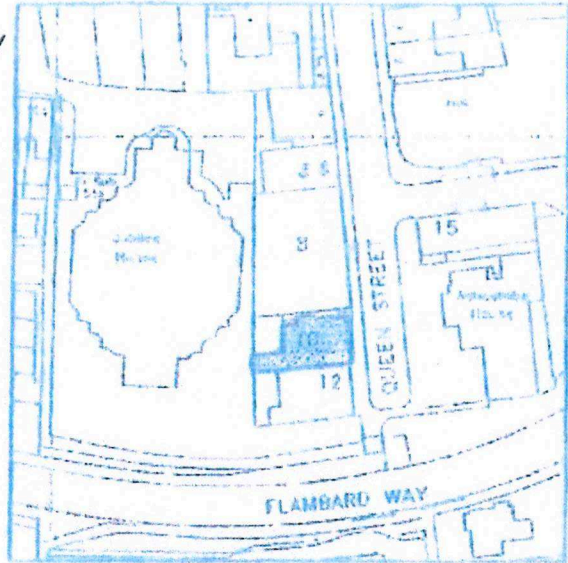
www.waverley.gov.uk/licensing

www.businesswaverley.co.uk

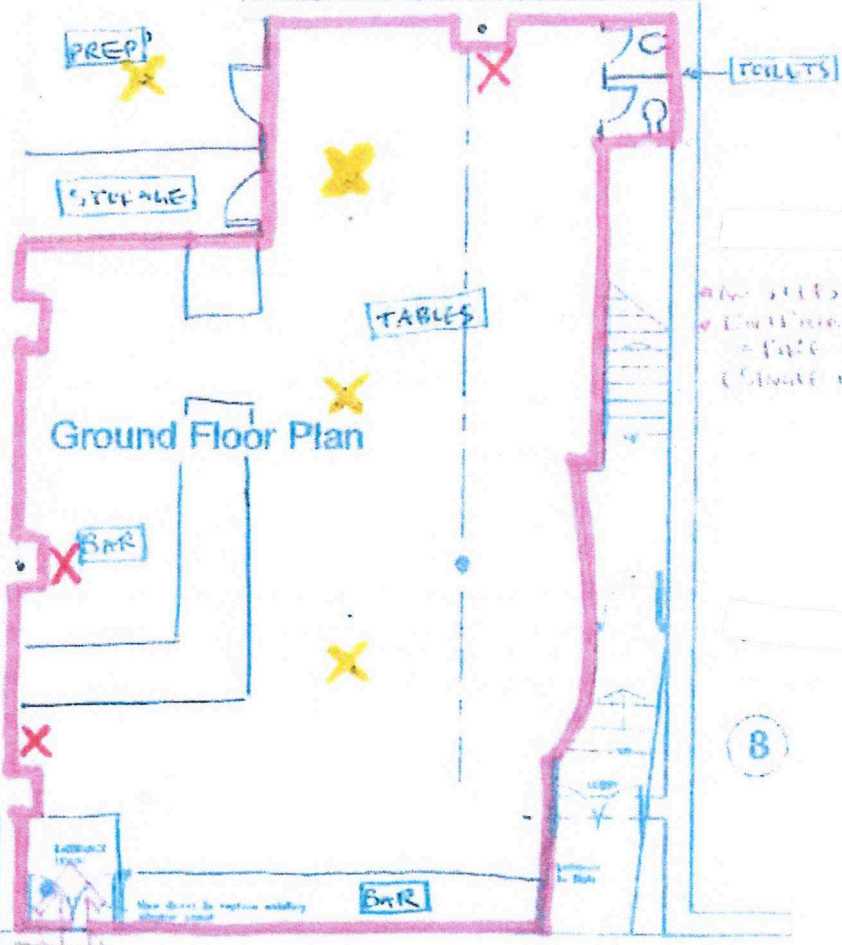
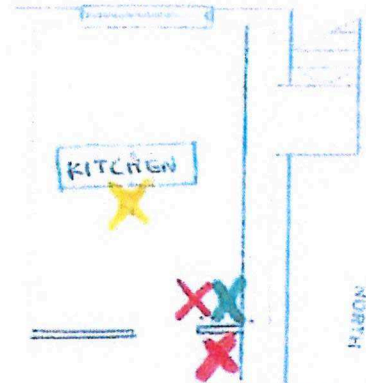
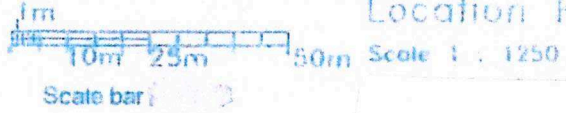
Sent: 29 January 2023 23:12
To: Licensing Policy <Licensing.Policy@waverley.gov.uk>

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- X - Fire extinguisher
- X - Smoke detector
- X - Fire blanket

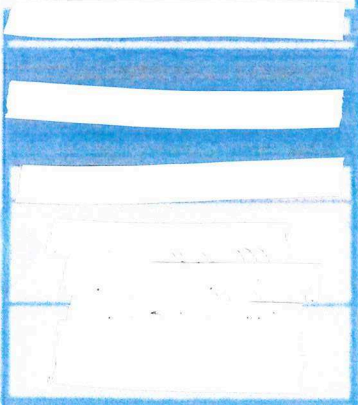


Location Plan



Fire extinguishers
 Fire blanket
 Smoke detector
 (Ground floor)

8



DUNN

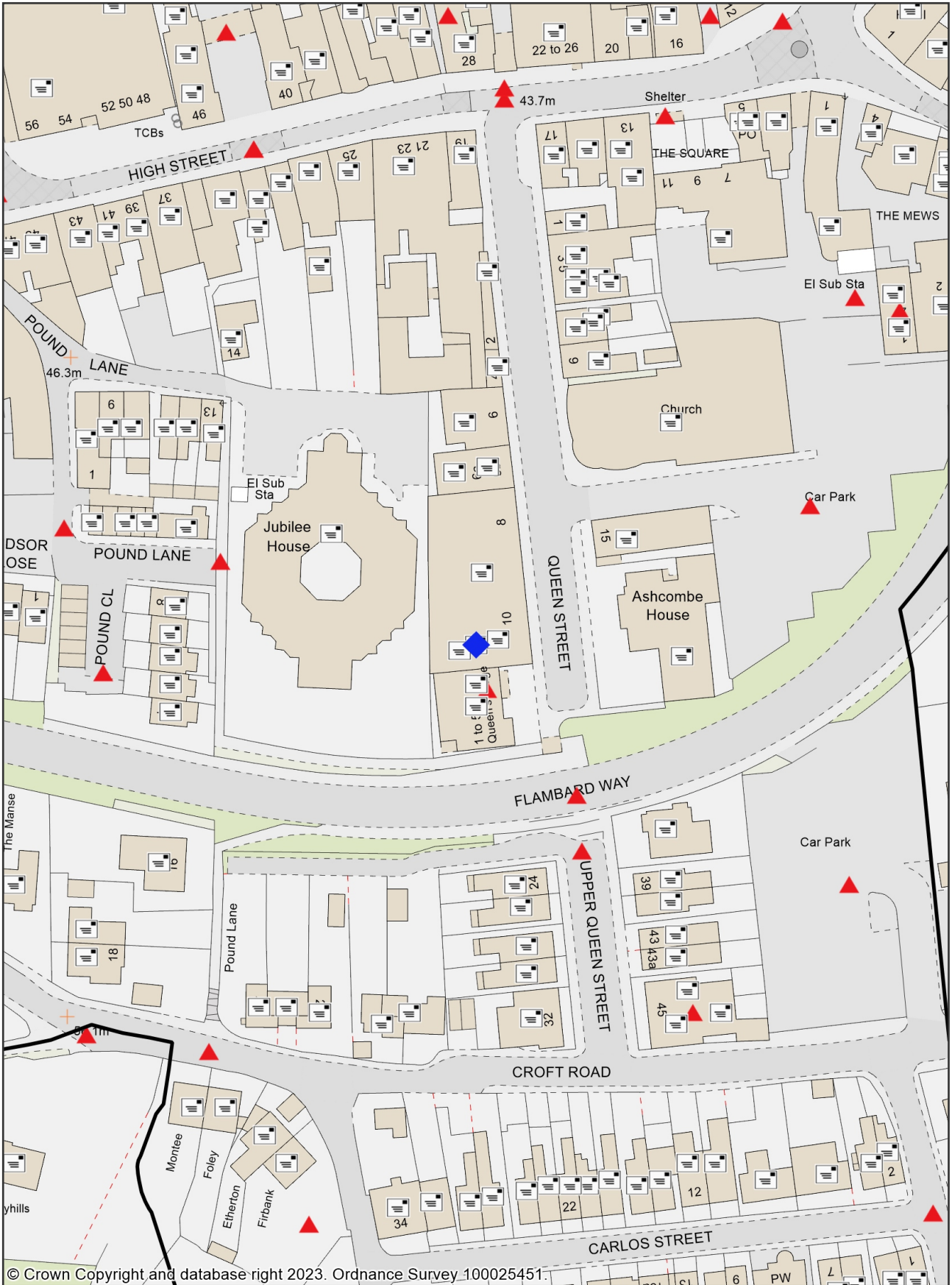
PROPERTY TITLE:
 Ground Floor Shop
 10, Queen Street,
 Godalming, Surrey GU71BD



Lease Plan

LP 1170 08

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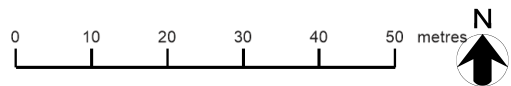


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HUSKINS, 10 QUEENS STREET, GODALMING GU7 1BD

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



Printed: 10 February 2023 Scale at A4: 1:1000

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From: Planning Enforcement
Sent: 16 January 2023 12:32
To:
Cc: Licensing Policy
Subject: Licensing Act 2003 - Application: Huskins, 10 Queen St Godalming
Attachments: Decision notice.pdf

Dear Mr

Thank you for your premises licence application for the above business.

Planning permission WA/2018/1520 was approved on 31/10/2018 for Change of use from mixed use D1 (non-residential institution) and A3 (restaurant) to A3 (restaurant) together with installation of extractor unit and alterations. The use of this building as a café/restaurant is lawful (use class has changed from A3 to E). It should be noted that pubs/drinking establishments have a sui-generis use, however, providing the primary use is as a café I believe the lawful use would be class E. You may wish to seek independent advice from a planning agent on this matter though.

Notwithstanding this, I would advise you to review the decision notice for this application, which I have attached for information.

You will see that condition 2 states that the premises **shall not be open for business outside the hours of 11.00 to 23.00 Monday to Thursday, 11.00 to 00.00 Friday and Saturday and at no times on Sunday.**

Your licence application suggests that you intend to open at 8am and also on Sundays from 11.00 to 10.00.

These opening hours would constitute a breach of condition and could result in enforcement action being taken. I would therefore recommend that you either revise your licence application to ensure that the opening hours align with condition 2 of WA/2018/1520, or you apply to vary condition 2 of WA/2018/1520 to regularise this activity.

Details of how to apply for planning permission can be found on our [website](#). If you have any queries about the application process, please call our Planning Information team on 01483 523593.

Kind regards

Planning Enforcement Technician
Waverley Borough Council
Tel: 01483 523035

If you need assistance before I return please contact the Planning Enforcement Team on 01483 523035 or at planning.enforcement@waverley.gov.uk www.waverley.gov.uk/planning

Please note that the opinions expressed in this email are those of a planning officer and given without prejudice to any future decisions made by the Local Planning Authority.

Privacy notice:

We will use the information you provide to process any complaint and keep you informed of the investigation. The information will be kept on a planning database which is only accessed by Planning staff. Please also note that we may share your information as the law allows, and with other departments within Waverley Borough Council and other local authorities such as Surrey County Council if the matter you

Head of Planning Services

When calling please ask for: Planning Enquiry Team
Telephone: 01483 523583

Calls may be recorded for training or monitoring

Date: 31 October 2018

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) – WA/2018/1520

Waverley Borough Council acting as Local Planning Authority under the provisions of Part III of the Town and Country Planning Act, 1990 (as amended), **DO HEREBY GRANT** planning permission for the development specified in the form of application for such permission, deposited by you with the Council on 6 September 2018 and described in the First Schedule, subject to the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended), and the conditions and reasons specified in the Second Schedule.

NOTE: The effect of the Section 91 of the Town and Country Planning Act 1990 (as amended) is that the development for which permission is hereby granted shall be begun not later than the expiration of three years beginning with the date of this permission.

FIRST SCHEDULE

Change of use from mixed use D1 (non-residential institution) and A3 (restaurant) to A3 (restaurant) together with installation of extractor unit and alterations.
10 Queen Street, Godalming.

SECOND SCHEDULE

1. Condition
The plan numbers to which this permission relates are 04, 10, 03, 09, 05, 08, 06, 07 and 11. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1

of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

2. Condition

The premises shall not be open for business outside the hours of 11:00-23:00 Monday to Thursday, 11:00-00:00 Friday and Saturday and at no times on Sunday.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

3. Condition

The kitchen extraction unit shall not be operated between the hours of 23:00 and 07:00.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

4. Condition

Prior to first use of the extractor unit, details, including acoustic specifications, of the kitchen extraction system, shall be submitted to and approved, in writing, by the Local Planning Authority. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises. Once approved the extraction system shall be maintained at all times in accordance with the approved details.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

Head of Planning Services

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INTERNAL MEMORANDUM

To: Licensing Section

Your
Ref

From: ...

My Ref: WK/202206548

Senior Environmental Health Officer-
Environmental Protection

Date: 8th February 2023

Licensing Act 2003 – New premises license

Site Address: Huskins, 10 Queen Street, Godalming, Surrey, GU7 1BD

I have discussed the application with the relevant interested parties and although I am not objecting, I have some concerns regarding noise nuisance.

During conversations with the applicant about the business and how it will affect those living nearby, I have taken into account that it is the town centre and the business is providing a public service. However, a balance needs to be found for the business to operate but without excessive nuisance to the occupants living nearby.

In November 2022 I had discussions with the applicant and was advised that sound insulation would be installed due to the noise issues from the past businesses in the premises causing noise nuisance to nearby occupants. It appears now that the insulation was not installed. Only time will tell how the noise from the business, particularly the customers, will affect the neighbouring properties.

The applicant has written and submitted a Noise Management Plan which can be adjusted as time goes on where required.

They have also agreed to reduce their hours from midnight to 23:00 on Friday and Saturday.

There will be no live music or any other amplified music, singing or speaking other than low level background music. This should not be audible in any living accommodation.

The applicants have been made aware of the enforcement powers available to Environmental Health should there be any issues with noise.

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[REDACTED]

From: [REDACTED]
Sent: Tuesday 24 January 2023 17:54
To: Licensing Policy
Cc: [REDACTED]
Subject: 10 Queen Street, Godalming GU7 1BD

[** This email originates from an external source **]

For the attention of the Licensing officer

I am writing to you to register my concerns at the application for a New Premises Licence at 10 Queen Street Godalming GU7 1BD. I believe this is for a new cafe bar called "Huskins".

I live [REDACTED], and have endured very bad experiences in the past with noise from the commercial premises downstairs. I have cc'd [REDACTED] who I believe is well aware of these historic issues.

I am particularly concerned the licence would extend to midnight on Friday/Saturday which could mean potential increase from customers joining after closing times at the local pubs. This would inevitably result in further noise both inside and outside the establishment. Why do they need a later closing time on Fri/Sat?

Having spoken a few times to [REDACTED] (Huskins owner/manager) it was my understanding that they would be serving breakfast/lunch/dinner but that it would mainly be a food establishment not a bar. He told me they would be serving alcohol (wine/beer), but not spirits I understood. Please could you offer reassurances that this is a case and that it is not a bar? For example will there be a requirement to order food with alcohol?

I am very worried that in the evening it will become and a "drinking" venue (BAR) as opposed to food venue.

I have appreciated [REDACTED] making contact directly with myself and have made it very clear there is inadequate sound insulation between downstairs and the residential flats upstairs (our floors have thick sound insulation panels, there is no more we can do), and we have had many issues in the past. However I do want my concerns officially registered with the council in case of any future issues.

I cannot overemphasize how much noise transference there has been to [REDACTED] from the commercial establishment [REDACTED]. This is from music, noise of customers, staff clearing up after closing time, people standing outside smoking and chatting loudly. Previous commercial occupiers "Corretto" were a nightmare and we had to fill in endless noise diaries and had many visits from the environmental health. The following occupiers "Bada" were much better, partly due to us contacting the licensing department and having a meeting prior to them opening. They were also never very busy and never stayed open very late (normally closing around 22:00). I still had to call environmental health when they decided to host a silent disco (anything but silent). In addition to the noise I also have to keep my windows closed if people were standing outside the premises smoking, as my bedroom and living room are [REDACTED].

Please take my comments into consideration and I would be grateful for any updates, further information you are able to give me to assuage my concerns.

Kind regards

1a

[REDACTED]

From: [REDACTED]
Sent: 25 January 2023 17:17
To: Licensing Policy
Cc: [REDACTED]
Subject: 10 Queen Street, Godalming GU7 1BD

[** This email originates from an external source **]

Dear [REDACTED]

thank you for your prompt reply and for passing on my concerns and email to the Environmental Health team. I am somewhat relieved to hear that they are already working with the applicants on a noise management plan.

I hope they may be able to clarify exactly what type of business is planned as in restaurant as opposed to "BAR" particularly in the evening.

With regards to the license I would like to officially object on the grounds of Public Nuisance - which I interpret as noise to the residential properties above and surrounding street, including increase in late night footfall and taxi/cars. Out of the four possible licensing objectives you highlighted, this seems the most aligned. I really wish the landlord would rent it out as an office or a daytime based business (I know this is out of your purview).

It is with no malice towards any individual that I raise this objection, but rather a sincere concern that my day to day living will be negatively impacted by the granting of this license.

Kind reagrds

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]