

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

When calling please ask for:

Kimberly Soane, Democratic Services  
Officer

**Legal & Democratic Services**

E-mail: [kimberly.soane@waverley.gov.uk](mailto:kimberly.soane@waverley.gov.uk)

Direct line: 01483 523258

Calls may be recorded for training or monitoring

Date: 31 May 2024

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

Cllr Jacquie Keen  
Cllr Maxine Gale

Cllr Michael Goodridge

Dear Councillors

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

DATE: MONDAY, 10 JUNE 2024

TIME: 10.00 AM

PLACE: Council Chamber

The Agenda for the meeting is set out below.

Yours sincerely

**Susan Sale,**  
**Executive Head of Legal & Democratic Services & 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 Chair for the purposes of the meeting.

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 TO VARY A PREMISES LICENCE - DIEM, 24 LION AND LAMB YARD, FARNHAM, GU9 7LL (Pages 3 - 42)**

An application has been received to vary a premises licence from Fati London Ltd, in respect of a coffee shop that also sells food and alcohol, situated on the ground floor.

One relevant representation has been received in objection.

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 [kimberly.soane@waverley.gov.uk](mailto:kimberly.soane@waverley.gov.uk)**

## Waverley Borough Council

**Report to:** Licensing Sub-Committee A

**Date:** 10 June 2024

Ward(s) affected: All Farnham Wards

**Report of Director: Community Wellbeing/Place/Transformation & Governance**

**Author:** Paul Hughes

Licensing and Environmental Enforcement Manager

**Tel:** 01483 523189

**Email:** paul.hughes@waverley.gov.uk

**Executive Portfolio Holder/ Lead Councillor responsible:** Cllr Tony Fairclough  
Portfolio Holder for Enforcement and Regulatory Services

**Email:** tony.fairclough@waverley.gov.uk

**Report Status:** Open

# **Licensing Act 2003 – Application to vary a Premises Licence – Diem, 24 Lion and Lamb Yard, Farnham GU9 7LL.**



## **1. Executive Summary**

- 1.1 An application has been received to vary a premises licence from Fati London Ltd, in respect of a coffee shop that also sells food and alcohol, situated on the ground floor.
- 1.2 One relevant representation has been received in objection.

## **2. Recommendation to Council**

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

## **3. Reason(s) for Recommendation:**

- 3.1. To address the application to vary a Premises Licence following representations as required by the Licensing Act 2003. The general principle is that an application for a variation of a Premises Licence must be considered by a Licensing Sub-Committee if within the statutory 28 day period for determining an application relevant representations are received unless subsequently withdrawn. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

Relevant representations are those which:

- Are about the effect of the granting of the application on the promotion of the licensing objectives
  - Are made by a Responsible Authority or other persons
  - Have not been withdrawn
  - Are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.
- 3.2. 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.
- 3.3. 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.

- 3.4. 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.
- 3.5. Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act 2003 must prevail.

#### **4. Exemption from publication**

- 4.1. No

#### **5. Purpose of Report**

- 5.1. The purpose of the report is to enable the Sub-Committee to consider an application for Diem, 24 Lion & Lamb Yard, Farnham, Surrey GU9 7LL under section 34 of the Licensing Act 2003, where one relevant representation has been received, in objection.

#### **6. Strategic Priorities**

- 6.1. 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.

#### **7. Background**

- 7.1. An application has been received to vary a premises licence from Fati London Ltd, in respect of a coffee shop that also sells food and alcohol. situated on the ground floor.

7.2. 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 midnight on the 18<sup>th</sup> May 2024.

7.3. **Activities sought under this licence application**

In brief, the applicant seeks to extend the opening hours and the hours 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.

- **Sale of Alcohol (Consumption both On and Off the Premises)**

Monday to Saturday	0730 to 2230
Sunday	0900 to 2230

- **Opening hours**

Monday to Saturday	0730 to 2300
Sunday	0900 to 2300

7.4. Attached at Annexe 2 is a copy of the current premises licence.

7.5. Attached at Annexe 3 is a copy of the plans of the premises.

7.6. Attached at Annexe 4 is a plan showing the area of the premises and surrounding properties.

7.7. **Representations received**

Within the consultation period one relevant representation has been received.

7.8. **Responsible Authorities**

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

7.9. **Other Persons**

There has been one relevant representations from “other persons”, in opposition. A copy of the representation received is attached at Annexe 5.

**Statutory Guidance**

7.10. Statutory Guidance issued under Section 182 of the 2003 Act, published in December 2023,

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 2.1-2.37
- Hearings — paragraphs 9.31 to 9.44

The guidance can be found at:

Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK ([www.gov.uk](http://www.gov.uk))

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

7.12. 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.

7.13. When considering applications to vary an existing certificate, only the variation is subject to determination. No changes can be made to the certificate unless they are subject to the variation application.

7.14. The Sub-Committee must consider the application on its individual merits and take into account all relevant matters (and exclude non 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 modify the conditions of the certificate (conditions are deemed to be modified if they are altered, omitted or a new condition added); or
- To reject the whole or part of the application

If neither of these steps are taken, the application must be granted.

#### 7.15 **Conditions**

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 (Daniel Thwaites PLC v Wirral Borough Magistrates' Court [2008] EWHC 838 Admin).

7.16 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.

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

7.18 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.

7.19 **The Role of the Licensing Sub-Committee**

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.

7.20 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.

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

7.22 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.

- 7.23 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.

## **8. Consultation**

- 8.1. The application has been dealt with in accordance with the requirements of the Licensing Act 2003

## **9. Key Risks**

- 9.1. There are no specific implications arising from this report.

## **10. Financial Implications**

- 10.1. There are no immediate resource implications in this report; resources required to fulfil the Council's duties in respect of the licensing process are met from the existing budget.

## **11. Legal Implications**

- 11.1. The Council has a duty to determine the application under the Licensing Act 2003. A decision of this Committee can be subject to appeal in accordance with section 181 and schedule 5 of the Licensing Act 2003.

## **12. Human Resource Implications**

- 12.1. There are no additional human resource implications

### **13. Equality and Diversity Implications**

13.1 None

### **14. Climate Change/Sustainability Implications**

14.1. There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

### **15. Summary of Options**

15.1 The general principle is that an application must be considered once relevant representations have been received unless subsequently withdrawn. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

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 modify the conditions of the certificate (conditions are deemed to be modified if they are altered, omitted or a new condition added); or
- To reject the whole or part of the application

If neither of these steps are taken, the application must be granted.

### **16. Conclusion**

16.1 The Committee is asked to consider the report and determine the application.

## **17. Background Papers**

17.1 The Licensing Act 2003 (legislation.gov.uk)

Licensing Act 2003 Revised guidance (December 2023) issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk}

Waverley's Revised Statement of Licensing Policy 2023 (waverley.gov.uk)

## **18. Appendices**

18.1 Annexe 1 – An extract of the relevant pages from the new application form

18.2 Annexe 2 – A copy of the current premises licence.

18.3 Annexe 3 – A copy of the plans of the premises.

18.4 Annexe 4 – A plan showing the area of the premises and surrounding properties.

18.5 Annexe 5 – A copy of the representation in opposition received from 'Other Person'.

Please ensure the following service areas have signed off your report. Please complete this box, and do not delete.

<b>Service</b>	<b>Sign off date</b>
Finance / S.151 Officer	
Legal / Governance	300524
HR	
Equalities	
Lead Councillor	
CMB	
Executive Briefing/Liaison	

Committee Services	
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Waverley  
Application to vary a premises licence  
Licensing Act 2003

For help contact  
licensing.policy@waverley.gov.uk  
Telephone: 01483 523033

\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes       No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes       No

Registration number

Business name  If the applicant's business is registered, use its registered name.

VAT number   Put "none" if the applicant is not registered for VAT.

Legal status

Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status



Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

### Section 3 of 18

#### VARIATION

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

Yes

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

Yes

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

TO EXTEND THE OPENING HOURS  
TO EXTEND THE HOURS FOR THE RETAIL SALE OF ALCOHOL

### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

Yes

No

### Section 5 of 18

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to  
vary is successful?

Yes

No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Not in receipt of new Premises licence due to recent Transfer and Variation

**Section 16 of 18**

**LICENSING OBJECTIVES**

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

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

List here steps you will take to promote all four licensing objectives together.

Please see new Proposed operating schedule

b) The prevention of crime and disorder

Please see new Proposed operating schedule

c) Public safety

Please see new Proposed operating schedule

d) The prevention of public nuisance

Please see new Proposed operating schedule

e) The protection of children from harm

Please see new Proposed operating schedule

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

Continued from previous page...

\* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/waverley/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



# OPERATING SCHEDULE

FATI LONDON LTD t/a *Coffee Diem*  
*24 Lion and Lamb Yard,*  
*Farnham, Surrey*  
**GU9 7LL**

**THE RETAIL SALE OF ALCOHOL**  
**07:30 until 22:30 MONDAY to SATURDAY**  
**09:00 until 22:30 SUNDAY**

**OPENING HOURS TO THE PUBLIC**  
**07:30 until 23:00 MONDAY to SATURDAY**  
**09:00 until 23:00 SUNDAY**

## General outline of the application

This premises has operated without incident since 2019.

This is an application to permit the retail sale of alcohol, designed for a fully functioning Restaurant to operate from the premises with Robust Conditions to ensure there is no negative impact on the Licensing Objectives or the Local community.

To support this application, we have also devised the operating schedule to ensure that it is comprehensive and robust to ensure that the hours are supported, and the licencing objectives are upheld.

The premises are not in a special impact zone and the hours applied for are within the core hours as stated in the Licensing Policy of Waverley Borough Council.»

### GENERAL OUTLINE OF THE APPLICATION

This is an application is designed for a small Café/Restaurant for the sale and consumption of Alcohol ON and OFF the premises.

It is **NOT** an application for a Nightclub or vertical drinking establishment and will be conditioned accordingly under the Waverley Borough Council Licensing Policy

**There are no provisions for any Regulated Entertainment or Late - Night Refreshment**

**VERTICAL DRINKING IS NOT PERMITTED IN ANY PART OF THE PREMISES**

**ALCOHOL IS ONLY AVAILABLE TO PATRONS AS ANCILLARY TO A FULL TABLE MEAL**

**ALCOHOL WILL ONLY BE AVAILABLE BY WAITER/TRESS SERVICE ONLY**

## The Prevention of Crime and disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the **Waverley Borough Council** Police Licensing Team.
2. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
3. There is to be no vertical drinking permitted.
4. Alcohol will only be supplied to seated customers by waiter/tress service only.
5. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
6. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
7. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31day period.
8. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
9. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
10. The police (and, where appropriate, the Ambulance Service) are called without delay.
11. All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
12. The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
13. 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.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall always be available for inspection at the premises by the police or an authorised officer of the Council whilst the premises is open.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. 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

### **The Promotion of Public Safety**

16. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
17. The installed digital CCTV system will record for 31 days all public areas of the premises which will monitor all public safety issues. The DPS will be responsible to carry out a fire and health and safety risk assessments for licensed premises all notices in relation to public health and safety will be displayed.
18. The DPS will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.

### **The Prevention of public nuisance**

19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of Local Residents and businesses and leave the area quietly.
21. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
24. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
25. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
26. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

## The Protection of Children from Harm

27. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25. 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.
28. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.
29. A personal Licence holder will be on duty throughout the time of licensable activity is taking place to authorise any sale of Alcohol.
30. Strict Challenge 25 protocols are in place.

Licensing Act 2003  
 Premises Licence - Summary

<b>Coffee Diem</b> 24 Lion and Lamb Yard Farnham Surrey GU9 7LL	<b>Licence number:</b>	LN/000004502	
	<b>Valid from:</b>	16th April 2024	
	<b>Valid until</b>		
	<b>Telephone:</b>	01252 444330	
<b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>			
<b>Activity (and area if applicable)</b>	<b>Description</b>	<b>Time From:</b>	<b>Time To:</b>
<b>Provision of regulated entertainment:-</b>			
<b>Recorded Music</b>	<b>Monday - Saturday</b> <b>Sunday</b>	<b>07:30</b> <b>09:00</b>	<b>19:00</b> <b>18:00</b>
<b>Sale by Retail of Alcohol</b>	<b>Monday - Saturday</b> <b>Sunday</b>	<b>07:30</b> <b>09:00</b>	<b>19:00</b> <b>18:00</b>
<b>Non-standard Timings:</b>	N/A		

**The opening hours of the premises:** 07:30-19:00 Monday to Saturday  
09:00-18:00 Sunday

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

**Name & (registered) address of holder of premises licence:** Fati London Ltd T/A Pizzeria at Coffee Diem  
Coffee Diem  
24 Lion and Lamb Yard  
Farnham  
Surrey  
GU9 7LL

**Registered number of holder, for example company number, charity number (where applicable):** 15500759

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:** Mr Lulzim Regica

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

Licensing Act 2003  
Premises Licence - Detail

<b>Coffee Diem</b> 24 Lion and Lamb Yard Farnham Surrey GU9 7LL	<b>Licence number:</b>	LN/000004502	
	<b>Valid from:</b>	16th April 2024	
	<b>Valid until:</b>		
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<b>Non-standard Timings:</b>	N/A		

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Coffee Diem  
24 Lion and Lamb Yard  
Farnham  
Surrey  
GU9 7LL

**Registered number of holder, for example company number, charity number (where applicable):** 15500759

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:** Mr Lulzim Regica

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

# Annexe 1 – Mandatory Conditions

## Alcohol

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

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

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

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

- (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
6. For the purposes of the condition set out in paragraph 5—
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula—
 
$$P = D + (D \times V)$$
 where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
7. Where the permitted price given by Paragraph (b) of paragraph 6 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 6 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Annexe 2 – Conditions consistent with the operating schedule

<b>Recorded Music</b>	<b>Monday</b>	07:30 hours to 19:00 hours
	<b>Tuesday</b>	07:30 hours to 19:00 hours
	<b>Wednesday</b>	07:30 hours to 19:00 hours
	<b>Thursday</b>	07:30 hours to 19:00 hours
	<b>Friday</b>	07:30 hours to 19:00 hours
	<b>Saturday</b>	07:30 hours to 19:00 hours
	<b>Sunday</b>	09:00 hours to 18:00 hours

### Further Detail

Background music will be played by using an iPod with speakers



Non-Standard Timing

N/A

Location of activity : Indoors

<b>Alcohol BOTH ON/OFF premises</b>	<b>Monday</b>	07:30 hours to 19:00 hours
	<b>Tuesday</b>	07:30 hours to 19:00 hours
	<b>Wednesday</b>	07:30 hours to 19:00 hours
	<b>Thursday</b>	07:30 hours to 19:00 hours
	<b>Friday</b>	07:30 hours to 19:00 hours
	<b>Saturday</b>	07:30 hours to 19:00 hours
	<b>Sunday</b>	09:00 hours to 18:00 hours

Further Detail

N/A

Non-Standard Timing

N/A

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

**Designated Premises Supervisor**

**Name:** Mr Lulzim Regica

**Address:**

**Personal Licence Number (If known):** 050821

**Issuing Licence authority (If known):** London Borough of Richmond upon Thames

<b>Opening Hours</b>	<b>Monday</b>	07:30 hours to 19:00 hours
	<b>Tuesday</b>	07:30 hours to 19:00 hours
	<b>Wednesday</b>	07:30 hours to 19:00 hours
	<b>Thursday</b>	07:30 hours to 19:00 hours
	<b>Friday</b>	07:30 hours to 19:00 hours
	<b>Saturday</b>	07:30 hours to 19:00 hours
	<b>Sunday</b>	09:00 hours to 18:00 hours

Further Detail

N/A

Non-Standard Timing

N/A

**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 operate a high quality coffee shop and food store maintained to a very high standard and with prices set to attract top end clientele and accordingly discourage anti-social behaviour.

The supply of alcohol shall be a very secondary part of the premises licence holder's business.

Off sales shall comprise specialist wines and spirits, such as sloe gin, suitable as gifts.

The premises supervisor shall have a wealth of experience as a former general manager of Hotel du Vin.

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

The premises licence holder shall uphold and maintain any conditions attached to the licence and the responsibilities of a licensee.

The premises licence holder shall ensure training of staff at all times so as to maintain the highest standards.

The nature of the premises and the business carried on by the premises licence holder shall discourage minors and anti-social behaviour.

The premises shall be closed in the evenings.

#### Conditions agreed with Surrey Police

1. Staff engaged in the sale of alcohol shall be trained in the law relating to the sale/supply of alcohol and written records shall be kept for inspection. This shall include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There shall be an ongoing training regime with refresher/reinforcement training at intervals of no more than six months.
2. The premises shall operate a "Challenge 2"1 policy and shall only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Borough Council or the Police, which shall record the following:-
  - a. All alcohol related crimes reported to the venue;
  - b. All ejections of patrons;
  - c. Any incidents of disorder;
  - d. Any refusal of the sale of alcohol.

### **c) Public Safety**

The premises licence holder shall uphold and maintain any conditions attached to the licence.

The premises licence holder shall maintain full control of the licensed premises.

The premises licence holder shall have clearly marked emergency exits from the premises in the event of fire.

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

Any drinking on the premises shall be very limited.

The hours of operation of the premises shall be during the daytime only.

The adjoining premises shall be predominantly A1 retail.

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

The great majority of children attending the premises shall be infants accompanying their parent(s).

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

N/A

## **Annexe 4 – Plans**

Attached



DRAWING AMENDMENT NOTES

REV	DESCRIPTION	BY	DATE
A	Boundary added	DC	06/09/2013

**LICENCE TO ALTER**

**TOTAL DESIGN**  
SHOPFITTING SERVICES LTD

Unit 5, Woodside Industrial Estate  
Woodside Road, Eastleigh, Hampshire, SO50 4ET  
Telephone: 023 8062 9296  
E-mail: info@totaldesignshopfitting.com

PROJECT NAME: **CARACOLI**

SITE ADDRESS:  
9 Lion and Lamb Yard  
Farnham  
GU9 7LL

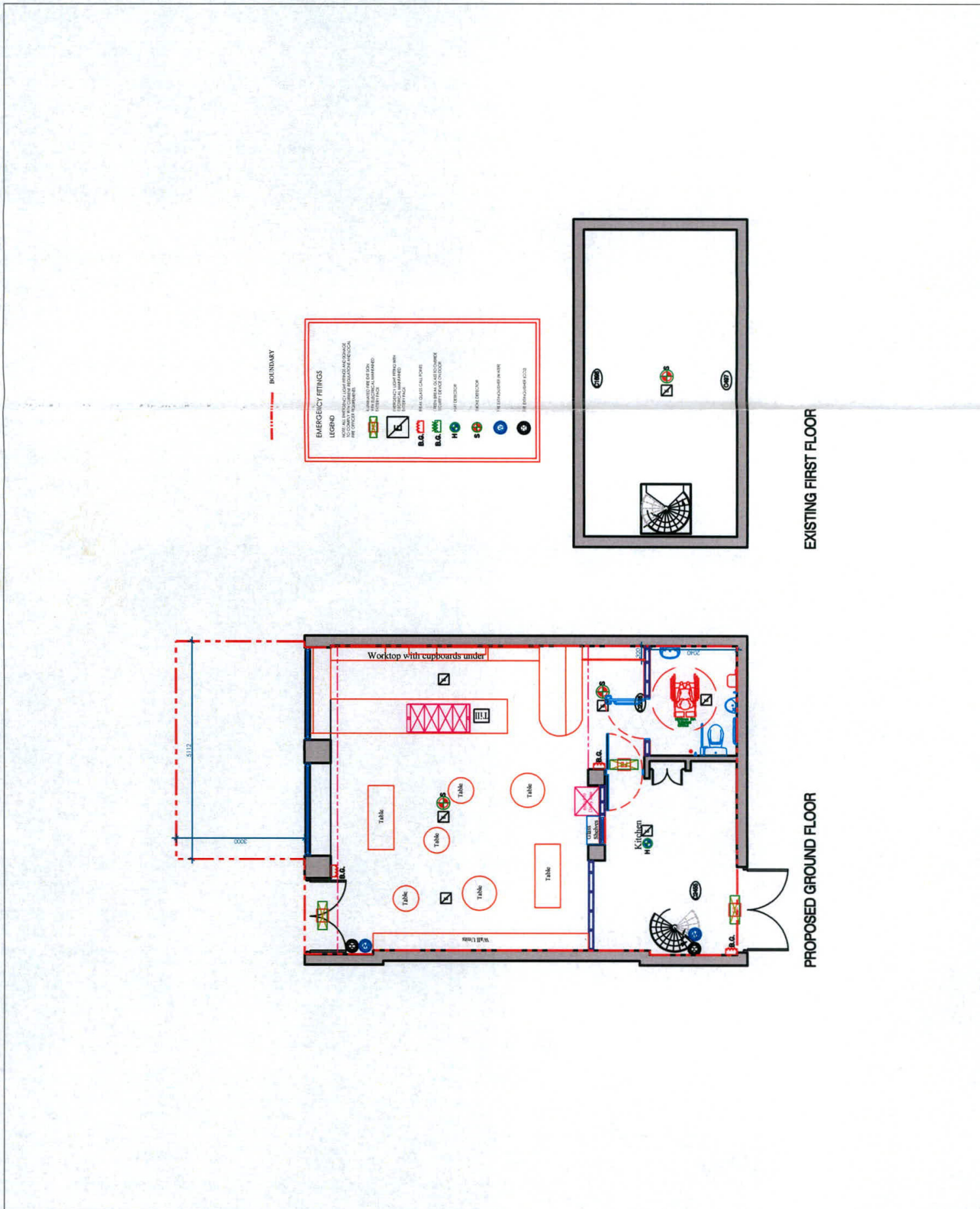
PROJECT MANAGER:  
DARREN HANSFORD

DRAWING NUMBER:  
**Caracoli-Farnham-02**

SCALE	DRAWING SIZE	REV
1:100	A3	<b>A</b>

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wk/201304769



CWM 12/8/2009



Under Construction  
To Be Cote  
Restaurant

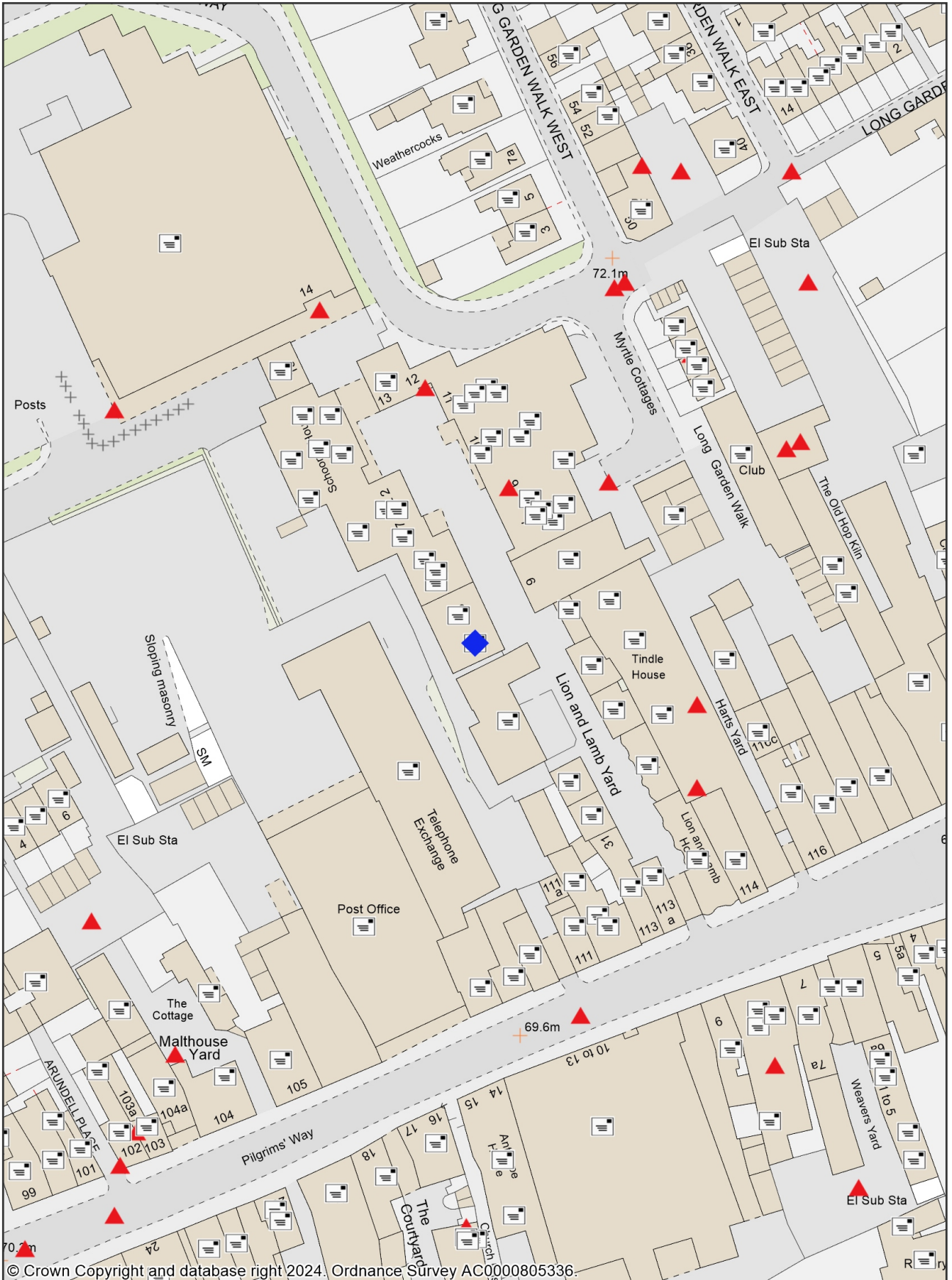
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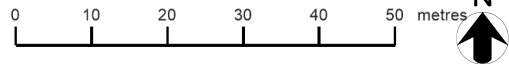
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**Application to vary a Premises Licence – Diem**



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

24 Lion and Lamb Yard, Farnham GU9 7LL. Printed: 31 May 2024

Scale at A4: 1:1000

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**From:** [Redacted]  
**Sent:** Monday 29 April 2024 14:45  
**To:** Licensing Policy  
**Cc:** [Redacted]  
**Subject:** Objection to Licensing Application at 24 Lion & Lamb Yard, Farnham.  
**Importance:** High

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

Hello Waverley Licensing,

I am writing to object to an application for a license variation:

Coffee Diem, 24 Lion And Lamb Yard, Farnham, Surrey, GU9 7LL

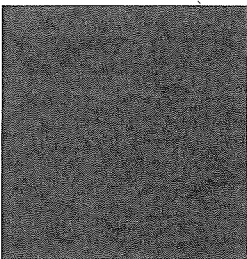
The section of your website that allows people to give representation does not work. Please can you acknowledge receipt. Below is my statement which I have not been able to submit on your website:

I'm objecting to this license application.

This is on the grounds of the business premises being in close proximity to long established residential buildings. I would like residents to be protected by an early evening cut off time clause for use of their outdoor space. In my opinion this should be included in the terms of their licence.

This is because of potential noise plus the risk of late night overspill from the bar / business directly opposite. If they use their outside space up until 11pm and beyond, especially on occasions when they apply for and are granted a TEN, then increased disturbance noise will not be fair on local residents.

Yours Sincerely



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