



**Waverley Borough Council**  
Council Offices, The Burys,  
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To: All Members of the LICENSING AND  
REGULATORY COMMITTEE  
(Other Members for Information)

When calling please ask for:  
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Date: 13 November 2015

**Membership of the Licensing and Regulatory Committee**

Cllr Simon Inchbald (Chairman)	Cllr Mike Hodge
Cllr Patricia Ellis (Vice Chairman)	Cllr Peter Isherwood
Cllr Maurice Byham	Cllr Anna James
Cllr Kevin Deanus	Cllr Carole King
Cllr John Fraser	Cllr Libby Piper
Cllr Tony Gordon-Smith	Cllr Bob Upton

**Substitutes**

Cllr Chris Storey	Cllr John Williamson
Cllr Nick Williams	

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: THURSDAY, 26 NOVEMBER 2015  
TIME: 10.00 AM  
PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

*[In the event of adverse weather conditions preventing this meeting from proceeding, the meeting will be held instead at 10am on Monday 30 November 2015]*

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

Agendas are available to download from Waverley's website ([www.waverley.gov.uk/committees](http://www.waverley.gov.uk/committees)), where you can also subscribe to updates to receive information via email regarding arrangements for particular committee meetings. Alternatively, agendas may be downloaded to a mobile device via the free Modern.Gov app, available for iPad, Android, Windows and Kindle Fire.

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**This meeting will be webcast from the conclusion of Informal Question Time and can be viewed by visiting [www.waverley.gov.uk](http://www.waverley.gov.uk)**

## **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.

**The meeting will be preceded by informal public questions from 10 a.m. (for a maximum of 15 minutes). If no members of the public are present to ask questions then the committee meeting will start immediately.**

## **AGENDA**

1. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

2. **MINUTES**

To receive the minutes of the meeting held on 24 September 2015 (to be laid on the table half an hour before the meeting).

3. **DECLARATIONS OF INTEREST**

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

4. **QUESTIONS**

The Chairman to respond to any questions received from members of the public in accordance with Procedure Rule 10.

5. **ACTION AUTHORISED**

To receive any action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting.

## **LICENSING ACT 2003 ITEMS**

There are no items for discussion under this heading.

## **OTHER LICENSING ITEMS**

6. **GAMBLING ACT 2005 - PUBLIC CONSULTATION ON REVIEW OF THE COUNCIL'S STATEMENT OF GAMBLING POLICY**  
(Pages 5 - 30)

The purpose of this report is to enable the Council to consider comments (IF ANY) on the three-year review of the Statement of Gambling for Waverley, against which applications for licences under the 2005 Gambling Act (the Act) are considered.

### Recommendation

**It is recommended that the Licensing and Regulatory Committee considers any representations received and makes recommendations to the Executive so that the final revised version of the Statement of Gambling Policy for Waverley can be recommended to and approved by the Council and be formally adopted in order for the new Policy to be published on 3 January 2016 and in place by 31 January 2016.**

7. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Pages 31 - 40)

To note the Minutes of the Meetings of the Licensing (General Purposes) Sub-Committee held on 7 and 24 September 2015 and 12 October 2015.

8. MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES (Pages 41 - 50)

To note the Minutes of the Meetings of the Licensing Act 2003 Sub-Committees held on 21 and 28 September 2015 and 26 October 2015.

9. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

### Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

10. LEGAL ADVICE

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

**For further information or assistance, please telephone  
Maureen Brown, Democratic Services Officer, on 01483 523225 or by  
email at [maureen.brown@waverley.gov.uk](mailto:maureen.brown@waverley.gov.uk)**

**WAVERLEY BOROUGH COUNCIL**

**LICENSING AND REGULATORY COMMITTEE – 26 NOVEMBER 2015**

**EXECUTIVE – 1 DECEMBER 2015**

**COUNCIL – 15 DECEMBER 2015**

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**Title:**

**GAMBLING ACT 2005 - PUBLIC CONSULTATION ON REVIEW OF THE  
COUNCIL'S STATEMENT OF GAMBLING POLICY**

**[Wards Affected: All]**

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**Summary and purpose:**

The purpose of this report is to enable the Council to consider comments (IF ANY) on the three-year review of the Statement of Gambling for Waverley, against which applications for licences under the 2005 Gambling Act (the Act) are considered.

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**How this report relates to the Council's Corporate Priorities:**

Licensing contributes to improving lives and protecting the environment in Waverley.

**Financial Implications:**

There are no immediate resource implications in this report.

**Legal Implications:**

There are legal implications for the Council in that it will need to be prepared to defend the revised Policy, if challenged. Members will note that the existing policy has worked well for the past three years. The Human Rights implications are set out later in the report.

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**Background**

1. The Gambling Act 2005 requires the Council to have a Statement of Gambling Policy that it keeps under review, and that it must completely review and republish the Policy every three years. The Policy must include information stipulated within the Gambling Commission's statutory Guidance to Licensing Authorities in England and Wales.
2. The Council's current Policy has been in place since 31 January 2013 and in accordance with legislation must this year undergo a full review and public consultation.

3. The policy has been reviewed by officers and was sent to external Counsel for consideration before being published for a six-week public consultation, which commenced 9 October and ended 20 November 2015.

### **Statement of Gambling Policy - public consultation**

4. The Council's Statement of Gambling Policy was first adopted by the Council in December 2006, published on 3 January 2007 and came into effect on 31 January 2007. It has been reviewed and updated several times with the last updated policy coming into effect on 31 January 2013. The draft revised Statement of Gambling Policy must be published at least 28 days before it comes into effect in January 2016.
5. A draft revised Statement of Gambling Policy, incorporating the changes/amendments from the existing Statement of Gambling Policy and reflecting revised Government Guidance issued in October 2015, is attached at Annexe 1. The tracked changes are shown in red type.
6. The consultation has been conducted through a written process to all Responsible Authorities, bodies representing existing licence holders, representatives of registered clubs, Citizens Advice Centres, Chambers of Commerce, Town and Parish Councils and via the Council's website.
7. The timetable for the review of the current policy and implementation of the new policy is as follows:
  - Commence review, write to consultees and place consultation information on the website on 9 October 2015
  - Consultation period ends 20 November 2015 (6 weeks) - followed by:
    - Licensing and Regulatory Committee 26 November 2015
    - Executive 1 December 2015
    - Council 15 December 2015
    - Published on Council's website 3 January 2016
    - Policy comes into effect 31 January 2016
8. The Policy has worked well for Council (the Licensing Authority) and no adverse comments have been made by the Responsible Authorities designated under the legislation.
9. There have been no responses at the time of writing the report, and any that do arrive before the closing date of 20 November 2015 will be tabled at the meeting.

### **The Statement of Gambling Policy**

10. The Council's Statement of Gambling Policy must promote the three licensing objectives of the Gambling Act 2005, which are:

- Preventing gambling from being a source of crime and disorder
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and vulnerable persons from being harmed or exploited by gambling.

11. Since the introduction of the Gambling Act 2005, Waverley Borough Council has experienced no issues with any of its licensed gambling premises. Waverley has nine betting premises and one regular yearly Occasional Use Notice for a point to point race at Peperharow.

### **Human Rights Implications**

12. The Human Rights Act 1998 incorporated into English law the protection of human rights enshrined in the European Convention on Human Rights (ECHR). The Council must have regard to the human rights of individuals affected by its decisions. Although there are no direct implications in this report, the Council will have regard to the following matters in considering applications for licences under the Gambling Act 2005.

13. Article 1 of the First Protocol of the ECHR provides for the protection of private property and possessions. In addition to Article 1 of the First Protocol, the Council must comply with the principles of Article 6, which provides for the right to a fair hearing in determining civil rights and obligations. This necessitates a fair and public hearing undertaken within a reasonable time by an independent and impartial tribunal established by law. In providing for determination of licensing matters by a local authority the legislation also provides for appeal to the magistrates' court, so that there is access to an independent and impartial tribunal and a public hearing.

14. Article 8 of the Convention says that everyone has the right to respect for his private and family life, his home and his correspondence. Accordingly, when making decisions on the grant of licences, the Council (the Committee) will consider representations on the effect of businesses on the amenities of residents living in the vicinity of premises which benefit from the licences.

### **Conclusion**

15. The Committee is asked to consider the comments on the Statement of Gambling Policy and make its recommendations for amending the Policy to the Executive. The Policy is ultimately set by the Council as part of the Policy Framework, on the recommendation of the Executive, and the activity under the Policy is the remit of this Committee and its Licensing Act Sub-Committees.

### **Recommendation**

It is recommended that the Licensing and Regulatory Committee considers any representations received and makes recommendations to the Executive so that the final revised version of the Statement of Gambling Policy for Waverley can be

recommended to and approved by the Council and be formally adopted in order for the new Policy to be published on 3 January 2016 and in place by 31 January 2016.

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Background Papers

Gambling Act 2005, Licensing Conditions & Codes of Practice (LCCP) and revised Gambling Guidance September 2015

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# WAVERLEY BOROUGH COUNCIL

## GAMBLING ACT 2005 STATEMENT OF POLICY

JANUARY 2016

Approved by the Waverley Borough Council on (draft consultation to be approved)

All references to the guidance of the Gambling Commission to licensing authorities refer to the guidance published in September 2015.

**WAVERLEY BOROUGH COUNCIL**  
**GAMBLING ACT 2005**  
**STATEMENT OF GAMBLING POLICY**  
**IN FORCE FROM 31ST JANUARY 2016**

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## 1. Introduction

### 1.1 The Licensing Objectives

The Gambling Act 2005 (“the Act”) gives licensing authorities various regulatory functions in relation to gambling.

The Gambling Commission will have responsibility for dealing with personal licences and operating licences.

Waverley Borough Council (“the Council”) is the Licensing Authority for the purposes of the Act.

The main functions of licensing authorities are:-

- Licensing premises for gambling activities;
- Considering notices given for the temporary use of premises for gambling;
- Granting permits for gaming and gaming machines in clubs;
- Regulating gaming and gaming machines in alcohol licensed premises;
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines;
- Granting permits for prize gaming;
- Considering occasional use notices for betting at tracks;
- Registering small societies’ lotteries below prescribed thresholds.

In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Certain activities such as bingo, raffles, some types of lotteries may be exempt from licensing, depending on the scale and frequency of the activity. In referring to “disorder” the Council will take account of activity and behaviour which is excessively aggressive and/or abusive to an extent beyond what might be regarded as nuisance.

### 1.2 The Waverley Borough Area

Waverley Borough covers an area of 345 square kilometres in south-west Surrey and is the largest district by geographic area in Surrey. The Borough is predominantly rural; three-quarters of the area is agricultural land and woodland, 61 per cent is Green Belt and 80 per cent is covered by environmental protection policies including the Surrey Hills Area of Outstanding Natural Beauty. Waverley is 35 miles from central London and is served by good strategic road and rail links but has a predominantly rural road network and limited public transport.

Waverley has a population of 121,600 (2011 census), of whom three-quarters live in the Borough's four main settlements; Farnham, Godalming, Haslemere and Cranleigh. The proportion of young people (0-14 years) is 20 per cent and is close to the regional and national averages. The district has 19 per cent of the population above pension age. The proportion of people from ethnic groups other than “white

British” is 9.4 per cent; this compares with 14.8 per cent for the South East and 20 per cent for England.

The Council’s Vision is “to enhance the quality of life in Waverley, now and for the future, through strong local leadership and customer focused service”.

The Council recognises that the entertainment and leisure industry, and shopping, contribute to Waverley’s urban and rural economies. These have a part to play in attracting tourists and visitors and are major employers.

This policy statement will both guide the Council in exercising its licensing functions under the Gambling Act 2005 and provide clarity for applicants for licensing and for residents and others, including interested parties.

Applicants are required when submitting their licensing applications to show how their proposals will meet the Council’s Policy, as shown in this Statement, and the Government’s stated Licensing Objectives for gambling.

The Council is the Licensing Authority for the purposes of the Gambling Act 2005 (“the Act”) and is responsible for granting licences, permits and registration in the Borough of Waverley for the activities described by the Act.

A map of Waverley Borough is attached as Annexe 1.

### **1.3 Consultation**

This statement of policy has been prepared in consultation with the following persons/bodies:-

- The Chief Officer of Police;
- One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the Council’s area;
- One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council’s functions under the Gambling Act 2005.

A full list of consultees is attached as Annexe 3.

This Statement of Gambling Policy was published on, 07 January 2016 and comes into effect on 31st January 2016. It will remain in force for no more than 3 years, but may be reviewed at any time.

### **1.4 Declaration**

This statement of policy has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued in October 2015 by the Gambling Commission, and with due weight attached to any responses received from those consulted.

This statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

## 1.5 Responsible Authorities

The contact details of all the Responsible Authorities under the Act are available via the Council's website at [www.waverley.gov.uk](http://www.waverley.gov.uk) , and also listed at Annexe 2 to this document

In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group, etc.

Having regard to the above principles, the Council designates the Surrey Children's Service for this purpose.

## 1.6 Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons who, in the opinion of the Licensing Authority;

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph (a) or (b)

Whether or not a person is an interested party is a decision that will be taken by the Council on a case-by-case basis. However, the following factors will be taken into account:-

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from their premises. For example, it could be reasonable for the Council to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults;
- the "catchment" area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Council considers the following bodies/associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- town and parish councils
- trade associations;
- trade unions;
- residents' and tenants' associations;
- ward/county/parish councillors;
- MPs.

This list is not exhaustive and the Council may consider other bodies/associations and persons to fall within the category in the circumstances of an individual case.

The Council may require written evidence that the person/association/body represents an interested party.

## 1.7 Exchange of Information

The Council regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Council's functions, and to maintaining confidence between the people/bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

The Council may share information in accordance with the following provisions of the Act and other Government legislation which may require the sharing of information: -

- Sections 29 and 30 (with respect to information shared between the Council and the Gambling Commission);
- Section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6 to the Act).

In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the Council's policies in relation to data protection and freedom of information.

The Council adopts the principles of better regulation, that is:-

Proportionality: The Council will seek policy solutions appropriate for the perceived problem or risk.

Accountability: The Council will ensure that its decisions may be justified and are open to public scrutiny.

Consistency: The Council will refer to policies, rules and standards that are consistent with its other functional responsibilities and are fairly implemented.

Transparency: The Council's policy objectives will be clearly defined and effectively communicated to all stakeholders.

Targeting: The Council will focus its policies on relevant problems, seeking to minimise side effects and avoid unintended consequences.

Any information shared between the Council and Surrey Police must also be carried out in accordance with the Surrey Information Sharing Protocol produced by the Surrey Community Safety Unit.

Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the Council's policies at <http://www.waverley.gov.uk/foi/> or alternatively contact the Information Rights Officer on (01483) 444053 or Email; [iro@guildford.gov.uk](mailto:iro@guildford.gov.uk)

## **1.8 Enforcement**

The Council adopts a risk-based approach to the inspection of gambling premises. This will allow for the targeting of high-risk premises, or those where a breach would have serious consequences. Premises that are low risk and/or well run will be subject to a less frequent inspection regime.

Where necessary, appropriate enforcement (including prosecution under section 346 of the Act) will be carried out in a fair and consistent manner in accordance with:-

- The Enforcement Concordat;
- The Better Regulation and Hampton Principles;
- Waverley Borough Council enforcement policies.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

The Council recognises that certain bookmakers have a number of premises in its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Council a single named point of contact, who should be a senior individual, and whom the Council will contact first should any compliance queries or issues arise.

## **2. Premises Licences**

### **2.1 Decision Making - General**

In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it thinks it:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's Statement of Gambling Policy.

The Council will not have regard to the expected demand for the facilities which it is proposed to provide, nor the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council, as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, in order to assist applicants and objectors alike, this section sets out the general factors that will be taken into account by the Council when considering applications for premises licences.

The Council's Scheme of Delegation sets out which of the Council's decision-making functions under the Act are delegated to officers.

## **2.2 Appropriate Licence Environment**

The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing May 2015, set out additional matters that the council should take into account when considering licence applications for premises licences.

Guidance section 19, LCCP condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The council will consider any application based on the provisions in these codes and guidance.

## **2.3 Licence Conditions and Codes of Practice**

Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed. In particular operators must ensure that;

- All staff are trained
- That all customers are supervised when on gambling premises
- Must have procedures for identifying customers who are at risk of gambling related harm

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities.

## **2.4 Risk Assessments: Betting Premises**

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of Casinos, AGCs, Bingo Premises, FECs, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Council's inspection regime and may be requested when officers are investigating complaints.



This Council expects the following matters to be considered by operators when making their risk assessment:-

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities etc.
- Matters relating to children and young persons, including:
  - Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.
  - Any premises where children congregate including bus stops, cafes, shops, and any other place where children are attracted
  - Areas that are prone to issues of youths participating in an anti social behaviour, including such activities as graffiti/tagging, underage drinking etc.
- Recorded incidents of attempted underage gambling
- Matters relating to vulnerable adult including:-
  - Information held by the licensee regarding self-exclusions and incidences of underage gambling
  - Gaming trends that may mirror days for financial payments such as pay days or benefit payments
  - Arrangement for localised exchange of information regarding self exclusions and gaming trends
  - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors' surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate

## **2.5 Location**

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:-

- schools and colleges;
- vulnerable adult centres;
- residential areas with a high concentration of children.

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, applicants will be invited to show how they propose to overcome such concerns.

## **2.6 Multiple Licences/Layout of Buildings**

Premises are defined in the Act as including "any place", but no more than one premises licence can apply in relation to any one place. A single building can be subject to more than one premises licence, provided they are for different parts of the

building and those parts can reasonably be regarded as being “different premises” for the purposes of the Act.

Where multiple licences are sought for a building (or a discrete part of a building used for other non-gambling purposes), specific issues will need to be considered by the Council before such application(s) can be granted. These include:-

- the ability of children to gain access to or observe gambling facilities (even accidentally) – entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and so that people (and, in particular, children) do not drift into a gambling area;
- whether entrances are supervised;
- the compatibility of the two or more establishments; and
- the ability of the establishments to comply with the requirements of the Act.

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

## 2.7 Conditions

Conditions may be imposed upon a premises licence in a number of ways. These are:-

- (a) **Mandatory** – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes, of licences;
- (b) **Default** – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the Licensing Authority;
- (c) **Specific** – conditions that can be attached to an individual premises licence by the Licensing Authority.

Conditions imposed by the Council will be proportionate to the circumstances that they are seeking to address. In particular, this Council will ensure that premises licence conditions:

- Are relevant to the need to make the proposed building suitable as a gambling facility;
- Are directly related to the premises and the type of licence applied for;
- Are fairly and reasonably related to the scale and type of premises; and
- Are reasonable in all other respects.

Certain matters may not be the subject of conditions. These are:-

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes.

## **2.8 Door Supervisors**

It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if in any particular case the Council does consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons would normally need to hold a licence from the Security Industry Authority (SIA) under the Private Security Industry Act 2001.

This requirement is relaxed when applied to door supervisors at licensed casino or bingo premises. Where 'contract' staff (those employed under a contract for services) are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. 'In-house' staff (those staff employed under a contract of service) operating as door supervisors at casino and bingo premises are exempt from the licensing requirements of the Private Security Industry Act 2001. The Council may, however, impose specific requirements on door supervisors at such premises, if considered appropriate in an individual case.

## **2.9 Adult Gaming Centres (AGC)**

Persons operating an adult gaming centre must hold a 'gaming machines -general operating licence (adult gaming centre) from the Commission and a premises licence from the Council. This will allow the operator to make available any number of category C and D machines and; to make available a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

Premises in existence before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

AGC premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four category B3/B4 gaming machines or 20% of the total.

No one under the age of 18 is permitted to enter an adult gaming centre.

In considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

Applicants are encouraged to consider the following steps:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Reviewing the location of, and entry to, premises (so as to minimise the opportunities for children to gain access);
- Notices/signage;
- Training for staff on challenging persons suspected of being under-age;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures and good practice.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising adult gaming centres.

## 2.10 Licensed Family Entertainment Centres

Operators of licensed family entertainment centres **must hold a** gaming machine general (Family Entertainment Centre) operating licence from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make category C and D machines available to their customers.

Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play on category C machines.

As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Council will normally require that:-

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder;
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18; and
- provision of information leaflets/helpline numbers for organisations such as GamCare.

Applicants are therefore encouraged to consider the steps set out at paragraph 2.6 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following:-

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

## 2.11 Tracks

Tracks are sites (including racecourses and dog tracks) where sporting events take place. Operators of tracks will require a premises licence from the Council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This “race day dispensation” does not apply to the areas where gaming machines of category B and C are provided, and the Council will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants are encouraged to consider the steps set out at paragraph 2.6 in order to prevent the access of children and young people to machines of category B and C. In addition, applicants are encouraged to consider the following:-

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

*Gaming machines* – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track. The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

*Betting machines at tracks* - the Council will apply similar considerations to those set out in paragraph 2.10 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

*Condition on rules being displayed* - the Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

*Applications and plans* - the Council will require the following information from applicants for premises licences in respect of tracks: -

- detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”);
- in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

## 2.12 Casinos

*“No Casinos resolution”* - The Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

## 2.13 Betting Premises

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Council.

The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. **machines at betting premises are restricted to sub-category B2, B3 and B4 machines.**

The Council may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Council will take into account the following: -

- the size of the premises;
- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

Please see paragraph 2.4 for details of conditions that may be attached to betting premises licences.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets/helpline numbers for organisations such as GamCare.

## 2.14 Bingo

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a premises licence from the Council.

The holder of a bingo premises licence may, in addition to bingo in all its forms, make available make available a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C and D machines.

Premises in existence before 13 July 2011 are entitled to make available eight category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

Bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of eight category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Council will normally require that:-

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder;
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18; and
- provision of information leaflets/helpline numbers for organisations such as GamCare.

Please see paragraph 2.4 for details of conditions that may be attached to bingo premises licences.

## **2.15 Temporary Use Notices**

Temporary Use Notices (TUNs) allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

There are a number of statutory limits in regards to temporary use notices.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues and Custom or any other licensing authority in whose area the premises are situated), the Council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:-

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activities to take place subject to a specified condition.

The Council will apply the principles set out in paragraph 2.1 of this statement to any consideration as to whether to issue a counter-notice.

## **3. Permits**

### **3.1 Unlicensed Family Entertainment Centre gaming machine permits**

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines,

they will need to apply for an operating licence from the Gambling Commission and a premises licence from the Council.

The Council can grant or refuse an application for a permit, but cannot attach conditions.

The Council will require the applicant to provide appropriate insurance certificates and adequate plans of the premises.

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **3.2 (Alcohol) Licensed premises gaming machine permits**

#### Two machines or less

Premises licensed to sell alcohol for consumption on the premises can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the Council, and pay the prescribed fee.

The Council can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

#### More than two machines

If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective, i.e. protecting



children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be submitted, and dealt with, as an Adult Gaming Centre premises licence.

The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3.3 Prize gaming permits**

Applicants for prize gaming permits should set out the types of gaming that they are intending to offer. The applicant should be able to demonstrate that:-

- they understand the limits to stakes and prizes that are set out in Regulations; and
- the gaming offered is within the law.

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These are:-

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### 3.4 Club gaming and club machine permits

Members' clubs (but not commercial clubs) may apply for a club gaming permit, unless they already hold a Club Premises Certificate under the Licensing Act 2003. The club gaming permits allow the provision of no more than three gaming machines in total. Each of the three machines must be from categories B3A, B4, C or D but only one B3A machine can be sited, as part of this entitlement. Club gaming permits also allow equal-chance gaming (for example, poker) and games of chance (for example, pontoon, chemin-de-fer) under certain restrictions

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit. A club machine permit allows the holder to have no more than three gaming machines in total. Members' clubs and miners' welfare institutes may site up to three machines from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Commercial clubs may site up to three machines from categories B4, C or D (not B3A machines).

Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

An application may only be refused on one or more of the following grounds:-

- the applicant does not fulfil the requirements for a members' or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or;
- an objection has been lodged by the Gambling Commission or the Police

The Council shall have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

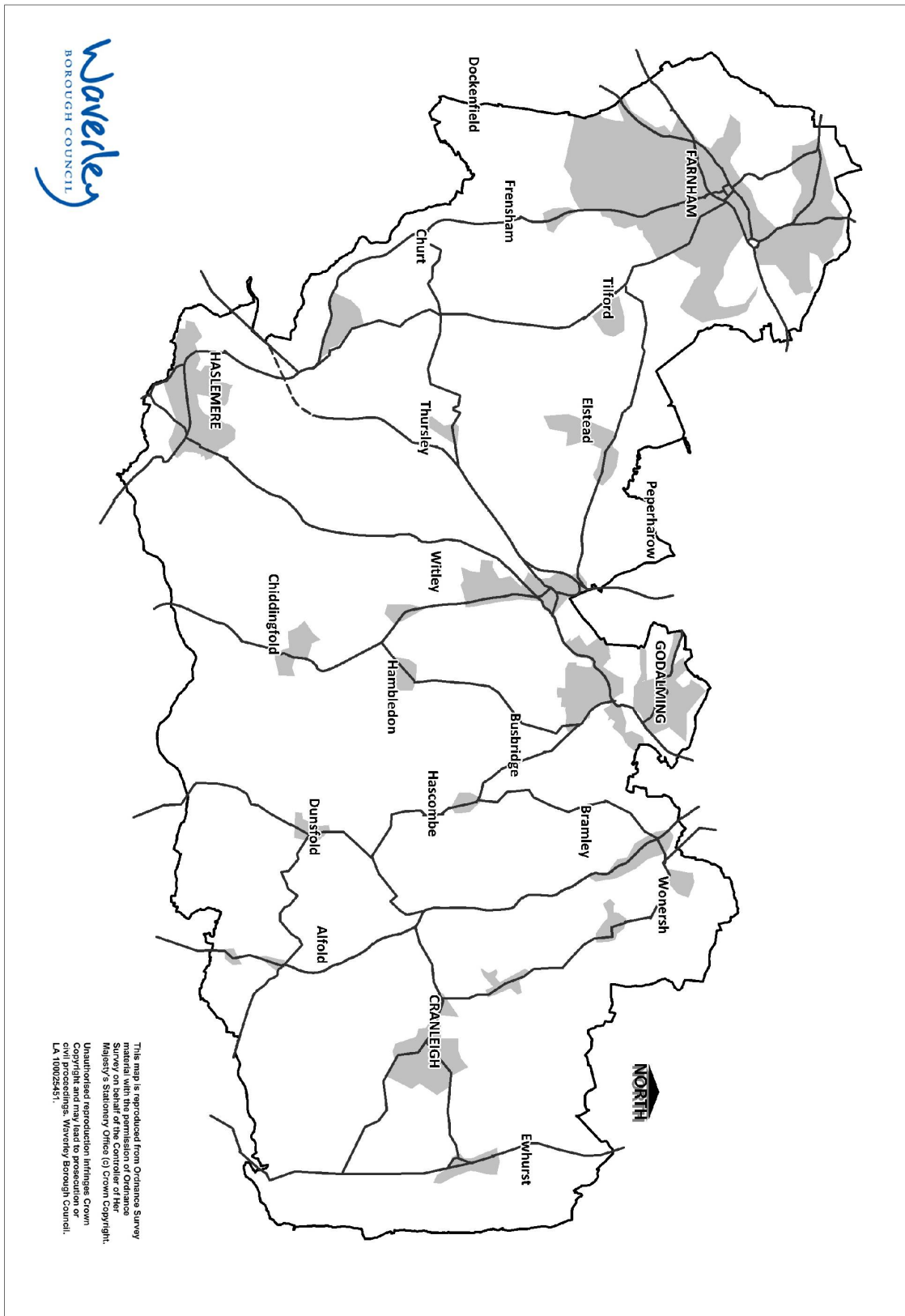
There is a "fast-track" procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which the Council can refuse a permit are reduced.

The grounds on which an application under the fast track procedure may be refused are:-

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council can grant or refuse an application for a club gaming or club machine permit, but cannot attach any conditions. However, there are a number of conditions in the Act that the holder must comply with.

# ANNEXE 1 – MAP OF WAVERLEY BOROUGH



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## ANNEXE 2 - LIST OF RESPONSIBLE AUTHORITIES

- (a) **The Licensing Authority**  
The Chief Executive, Council Offices, Waverley Borough Council, The Burys, Godalming, GU7 1HR; Tel: 01483 523333
- (b) **The Gambling Commission**  
Victoria Square House, Victoria Square, Birmingham B2 4BP; Tel: 0121 230 6500
- (c) **The Police Authority**  
Chief Officer of Police c/o Police Licensing Officer, Surrey Police, P.O. Box 101, GU1 9PE; Tel: 01483 639512
- (d) **The Fire Authority**  
~~Surrey Fire & Rescue Service, . Headquarters, Croydon Road, Reigate, Surrey, RH2 0EJ~~  
~~Tel: Tel: 01737 733733~~
- (e) **The Local Planning Authority**  
Head of Planning, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR.  
Tel: 014873 523333
- (f) **Local Authority – Prevention of Pollution to environment or harm to human health**  
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR.  
Tel: 01483 523333
- (g) **Representative body in relation to Protection of Children from Harm**  
County Child Employment and Strategy Manager, Quadrant Court, 35 Guildford Road, Woking, Surrey. GU22 7QQ  
Tel: 01483 517839
- (h) **Her Majesty’s Commissioners for Customs and Excise (Revenue and Customs)**  
~~HMRC, National Registration Unit, Betting & Gaming, Portcullis House, 21 India Street, Glasgow. G2 4PZ~~  
~~Tel; 03000 516023 Revenue and Customs, St Mungo’s Road, Cumbernauld, Glasgow G70 5WY.~~  
~~Tel. 08450 109000~~
- (i) **Any other person prescribed by regulations (to be advised)**

### **ANNEXE 3 – LIST OF CONSULTEES**

The Gambling Commission  
Citizens' Advice Bureau  
GamCare  
Town and Parish Councils  
Surrey Police  
Environmental Health Section  
Planning and Development Department  
Surrey Children's Service (or others if appropriate)  
The Security Industry Authority  
Waverley Business Forum  
The Public via Waverley Website  
The Fire Authority  
Her Majesty's Commissioners for Customs and Excise

## WAVERLEY BOROUGH COUNCIL

### MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE 7 SEPTEMBER 2015

### SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING 26 NOVEMBER 2015

(To be read in conjunction with the Agenda for the Meeting)

#### **Present**

Cllr Simon Inchbald (Chairman)  
Cllr Patricia Ellis (Vice Chairman)  
Cllr Peter Isherwood

Cllr Anna James  
Cllr Bob Upton

19. MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 23 July 2015 were confirmed and signed.

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

There were no apologies received.

21. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no interests declared.

#### **PART I - RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

#### **PART II - MATTERS OF REPORT**

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

22. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE (REQUESTING EXEMPTION FROM VEHICLE AGE POLICY) (Agenda item 4.)

The Sub-Committee considered a request to grant a licence for a vehicle as a Hackney Carriage which was more than four years old, with the current Council policy requiring a vehicle being first licensed to be under four years old. The Council policy states that, once licensed, a vehicle may continue to be licensed up to the 10th anniversary of first registration. The vehicle, a Fiat Scudo had a date of first registration with the DVLA of 3 November 2008 which made it almost 6 years and 10 months old, which is outside the Council's policy for a newly-licensed vehicle. The vehicle had been purchased from another Waverley licensee and had the engine replaced. The vehicle had disabled access.

The owner of the vehicle, Mr Krzyszyof Siekaj, was unable to attend the meeting but was represented by the vehicle's previous owner, Mr Morrison. Mr Morrison confirmed that he had received a copy of the agenda and understood its content. Mr Morrison had owned the wheelchair accessible vehicle for 6 years and on purchasing a new vehicle had sold it to Mr Siekaj, who was aware it needed a new engine. Following the replacement engine the vehicle had passed the Waverley test and Mr Morrison considered it to be in good order. Mr Morrison told the Sub-Committee that he was the only licensed Hackney Carriage driver in Farnham with a wheelchair accessible vehicle and he had to turn down approximately six requests a week as he could not keep up with demand.

The Sub-Committee withdrew at 10.18 to make their decision and returned at 10.47. During their deliberations the Council's Solicitor was asked to advise the Sub-Committee on the wording of their decision.

The Sub-Committee considered there was a compelling reason to deviate from Policy due to the fact that the vehicle was wheelchair accessible and was previously licensed as a Hackney Carriage with this authority. The Sub-Committee will therefore grant Mr Siekay a Hackney Carriage licence for this vehicle subject to the following condition:

When conveying a passenger in a wheelchair, this vehicle is licensed to carry up to a maximum of four passengers, including the wheelchair passenger, the front passenger seat and the two offside rear passenger seats (one rear and one front facing). At all other times the vehicle is licensed to carry a maximum of seven passengers.

The Sub-Committee wished to make it clear that were it not for this exceptional factor the application would have been refused.

23. EXCLUSION OF PRESS AND PUBLIC (Agenda item 5.)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the act, namely:-

Information relating to any individual (paragraph1)

24. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REQUESTING EXEMPTION FROM THE DVLA GROUP 2 MEDICAL REQUIREMENT) (Agenda item 6.)

The Sub-Committee considered a report for a new application for a hackney carriage/private hire driver's licence where the applicant did not satisfactorily meet the Council's medical requirements and had requested exemption from the DVLA Group 2 medical requirement in accordance with the Council's Hackney Carriage/Private Hire policy.



The Council's Solicitor advised the Sub-Committee that due to a printing error the Equality and Diversity Implications had been omitted from the agenda paper. Full details are attached in the (Exempt) Annexe.

Following questions by the Sub-Committee and responses from the applicant, the Sub-Committee withdrew at 11.30.

Following the Sub-Committee's deliberation the meeting resumed at 12.16. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that on the balance of probabilities, the applicant was not a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence and regretfully decided not to deviate from Policy and his application was refused for the reasons set out in the (Exempt) Annexe to these minutes.

25. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REQUESTING EXEMPTION FROM THE DVLA GROUP 2 MEDICAL REQUIREMENT) (Agenda item 7.)

The Sub-Committee considered a report for a new application for a hackney carriage/private hire driver's licence where the Council had previously revoked the applicant's licence as he did not satisfactorily meet the Council's medical requirements that drivers must have a medical fitness meeting the DVLA Group 2 Standard.

Following questions by the Sub-Committee and responses from the applicant, the Sub-Committee withdrew at 12.37.

Following the Sub-Committee's deliberation the meeting resumed at 13.15. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that on the balance of probabilities, the applicant was not a fit and proper person to hold a hackney carriage/private hire driver's licence and his application was refused for the reasons set out in the (Exempt) Annexe to these minutes.

26. REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 8.)

The Sub-Committee considered a report where an existing hackney carriage/private hire driver had existing motoring offences (speeding) and his DVLA driver's licence showed the current unexpired total of nine points. The Council's Policy states that any existing licence holder who had nine penalty points for a single offence on his driving licence would be expected to go before the Sub-Committee to explain their offences.

The driver attended the meeting and confirmed that he had received and had understood the agenda papers.

Following questions by the Sub-Committee and responses from the applicant the Sub-Committee withdrew at 13.56.

Following the Sub-Committee's deliberation the meeting resumed at 14.39. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, on the balance of probabilities, the driver was considered to be a fit and proper person to hold a hackney carriage/private hire driver's licence and no action be taken for the reasons set out in the (Exempt) Annexe. The decision came with a very strict warning that should the driver appear before the Sub-Committee for any reason in the future, the matters might be taken into account and could lead to the revocation of his licence.

27. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 9.)

The Sub-Committee considered a report for a new hackney carriage/private hire driver's licence where the applicant's DVLA driver's licence had disclosed a motoring endorsement concerning disqualification. Unspent driving offences also needed to be taken into account.

The applicant attended the meeting and confirmed he had received and understood the report.

Following questions by the Sub-Committee and responses from the applicant the Sub-Committee withdrew at 15.13.

Following the Sub-Committee's deliberation the meeting resumed at 15.54. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that on the balance of probabilities the Sub-Committee did not consider the applicant to be a fit and proper person to hold a hackney carriage/private hire driver's licence and decided not to grant the applicant a licence for the reasons set out in the (Exempt) Annexe to the minutes.

**The meeting commenced at 10.00 am and concluded at 3.56 pm**

**Chairman**

WAVERLEY BOROUGH COUNCILMINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE -  
24 SEPTEMBER 2015SUBMITTED TO THE LICENSING & REGULATORY COMMITTEE –  
26 NOVEMBER 2015

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Simon Inchbald (Chairman)  
Cllr Peter Isherwood

Cllr Anna James  
Cllr Bob Upton

**Apologies**

Cllr Patricia Ellis

**Also Present**

Cllr Libby Piper

**28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)**

An apology for absence was received from Cllr Patricia Ellis. Cllr Maurice Byham attended as a substitute.

**29. DECLARATIONS OF INTEREST (Agenda item 3.)**

There were no interests declared under this heading.

**PART I - RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

**PART II - MATTERS OF REPORT**

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

**30. APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY  
(Agenda item 4.)**

The Sub-Committee considered a request from Mr Richard Miles for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. The request was considered in the absence of Mr Richard Miles and it was

RESOLVED that the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes be granted to Mr Miles in respect of his vehicle, Private Hire Plate no. 239, because the nature of the applicant's business is such that there is justification for not displaying the plate.

31. EXCLUSION OF PRESS AND PUBLIC (Agenda item 5.)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the act, namely:-

Information relating to any individual (paragraph1)

32. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 6.)

The Sub-Committee considered an application for a hackney carriage/private hire driver's licence where the applicant's DVLA driver's licence had disclosed a motoring offence, which the applicant also disclosed on the application form.

The applicant attended the meeting and confirmed that he had received and had understood the agenda papers.

Following questions by the Sub-Committee and responses from the applicant the Sub-Committee withdrew at 11.18 am.

Following the Sub-Committee's deliberation the meeting resumed at 11.45 am. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, on the balance of probabilities and for the reasons given in the Exempt Annexe to the minutes, the driver was considered to be a fit and proper person to hold a hackney carriage/private hire driver's licence and was granted the licence subject to the satisfactory completion of the remainder of the application process.

33. APPLICATION TO RENEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 7.)

The Sub-Committee received a report to enable them to consider an application from a driver to renew his hackney carriage/private hire driver's licence which was currently suspended.

As the applicant wished to be assisted by an interpreter and an official interpreter was not available, the Sub-Committee RESOLVED to

1. adjourn the meeting until 12 October 2015; and
2. suspend the current licence until 12 October 2015.

**The meeting commenced at 11.00 am and concluded at 1.10 pm**

**Chairman**

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WAVERLEY BOROUGH COUNCILMINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE  
12 OCTOBER 2015SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
26 NOVEMBER 2015

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Simon Inchbald (Chairman)                      Cllr Anna James  
Cllr Patricia Ellis (Vice Chairman)                      Cllr Bob Upton

Cllr Maurice Byham (Substitute)

**Apologies**

Cllr Peter Isherwood

34. MINUTES (Agenda item 1.)

The Minutes of the Meetings held on 7 September 2015 and 24 September 2015 were confirmed and signed.

35. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

An apology had been received from Cllr Peter Isherwood. Cllr Maurice Byham attended as a substitute member.

36. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no interests declared under this heading.

**PART I - RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

**PART II - MATTERS OF REPORT**

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

37. EXCLUSION OF PRESS AND PUBLIC (Agenda item 4.)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to

them of exempt information (as defined by section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the act, namely:-

Information relating to any individual (paragraph1)

38. APPLICATION TO RENEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item )

The Sub-Committee considered a report from a driver to renew his hackney carriage/private hire driver licence which was currently suspended.

The driver attended the meeting accompanied by his legal representative and a family member. An official interpreter was also in attendance.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 11.19.

Following the Sub-Committee's deliberation the meeting resumed at 13.50. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, on the balance of probabilities the Sub-Committee considered that in the interests of public safety the driver was not a fit and proper person to hold a hackney carriage/private hire driver's licence and refused the application for renewal for the reasons set out in the (Exempt) Annexe to the minutes.

**The meeting commenced at 10.00 am and concluded at 2.00 pm**

**Chairman**



WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE C - 21 SEPTEMBER 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
26 NOVEMBER 2015

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Maurice Byham  
Cllr Mike Hodge

Cllr Carole King

1. ELECTION OF CHAIRMAN (Agenda item 1.)

Councillor Maurice Byham was elected Chairman for this meeting of Licensing Sub-Committee C.

2. MINUTES (Agenda item 2.)

The Minutes of the Meeting held on 30 March 2015 were confirmed and signed.

3. DISCLOSURE OF INTERESTS (Agenda item 3.)

Councillor Carole King declared an interest in agenda item no.4 as her husband was the Treasurer of Weyhill in Bloom.

4. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - PREMIER 4S CONVENIENCE STORE, 60-62 WEYHILL, HASLEMERE, SURREY. GU27 1HN (Agenda item 4.)

The applicant accompanied by his brother and a spokesperson attended the meeting and confirmed that the agenda papers had been received and understood.

The objector to the application was unable to attend the meeting and their objection was considered in their absence.

The applicant's spokesperson summarised the application and told the Sub-Committee that the applicant and his brother, who would be a partner in the business, had a number of years experience in large retail stores. They were fully aware of the concerns of the objector and had identified the steps they intended to take to promote the Licensing Objectives.

Following questions regarding the layout of the premises and the location and storage of alcohol, the operation of the Challenge 25 policy and positioning of CCTV/fire extinguishers, the applicant's spokesperson explained to the satisfaction of the Sub-Committee that the alcohol display would be covered and locked, customers would be challenged and asked for ID if they appeared to be underage and the situation of CCTV cameras and fire extinguishers identified. They also confirmed that they would refuse the sale of alcohol to customers who appeared to be drunk. All refusals would be documented in the refusals log.

In response to a question, the applicant confirmed that he was planning to move close to the premises but in the meantime his brother would occupy a room in the area.

The Sub-Committee then WITHDREW at 10.23am.

Following the Sub-Committee's deliberation, the meeting resumed at 10.57am. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

The Sub-Committee had carefully considered the application for a new premises licence, taking into account the representation received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee noted that the applicant and his brother, who would be a partner in the business, had significant experience in the retail industry and intended to promote the Licensing Objectives and had been trained in all areas in their previous occupations.

The Sub-Committee also noted that the premises had a number of CCTV cameras and that the applicant intended to ensure as far as possible that the external frontage to the premises is kept litter-free.

The Sub-Committee has therefore agreed to GRANT the licence as applied for, subject to conditions consistent with the operating schedule, as it did not consider that there was sufficient substantiated evidence to reject the application.

The Sub-Committee has considered the views of the objector and the objector's fears that public nuisance problems, anti-social behaviour and young drinking problems could arise. However, the Sub-Committee believes that the applicant has addressed those concerns at the meeting today and by the conditions offered in the operating schedule.

The Sub-Committee is conscious that should there be any cause for concern in the future, legislation allows for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

**The meeting commenced at 10.00 am and concluded at 11.00 am**

**Chairman**

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 28 SEPTEMBER 2015

SUBMITTED TO THE LICENSING & REGULATORY COMMITTEE  
26 NOVEMBER 2015

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Simon Inchbald  
Cllr Tony Gordon-Smith

Cllr Libby Piper

**Apologies**

Cllr Kevin Deanus and Cllr Patricia Ellis

5. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Simon Inchbald was elected Chairman for this meeting of Licensing Sub-Committee B.

6. DISCLOSURE OF INTERESTS (Agenda item 2.)

Cllr Tony Gordon-Smith declared an interest in Agenda Item 3 as a friend of The Clockhouse. He made a monthly donation to the charity but had no involvement or influence over the management of the organisation or the spending of the funds.

**PART I - RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

**PART II - MATTERS OF REPORT**

Background Papers

The background papers relating to the following report items in Part II are as specified in the agenda for the Committee.

7. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - THE CLOCKHOUSE, CHAPEL LANE, MILFORD GU8 5EZ (Agenda item 3.)

The applicant, represented by the Chairman and a member of the Trustees of The Clockhouse attended the meeting.

The Licensing Manager introduced the report and explained that this was a new application seeking to license the premises of a Day Centre of older people. The application sought permission for the provision of regulated entertainment (indoors only) and to sell alcohol for consumption on the premises only. Five valid written representations had been received and a number of objectors were in attendance to present their objections.

The applicant's representatives outlined their application which was to obviate the need to submit TENs for events throughout the year as had been the previous practice. The Clockhouse did not envisage increasing the number of events throughout the year and the hours requested were a generalisation to cover different events. It was clarified that the requested hours for the sale of alcohol were as submitted on the application 1100 to 2300 Monday to Sunday and not 0900 to 2300 as stated in the covering report.

Following questions from the Sub-Committee, The Clockhouse representatives said that if the Sub-Committee was minded to grant the licence, they would accept a condition to reduce the hours for all licensable activities to 2330 (other than the sale of alcohol), and accepted that a Trustee or member of staff be on duty on the premises when alcohol is available.

The objectors present then made their representations. Their main concern was that the number of events would significantly increase, leading to the potential for public nuisance. The objectors said if the number of events were limited this would significantly allay their concerns. A number of fifteen events per year was suggested and The Clockhouse representatives accepted this as a condition should the licence be granted.

The Council's Solicitor advised The Clockhouse representatives of the mandatory conditions of the Licensing Act which said that sale of alcohol must be supervised by a Personal Licence Holder, who was the responsibility of the Designated Premises Supervisor. The Clockhouse representatives were given time to read the Licensing Guidelines relating to this.

A condition to ensure that windows and doors, other than those to the rear of the premises, be kept closed after 2000 hours during regulated entertainment events, except for access and egress was suggested. This would also be to limit public nuisance noise from music.

Another concern raised by the objectors was parking as The Clockhouse car park could not accommodate the number of cars that could be anticipated at events. The Chairman advised that this was not an issue covered by the Licensing Act unless it was a cause of public safety or public nuisance, which would have to be proved.

The Sub-Committee then WITHDREW at 10.45 am.

Following the Sub-Committee's deliberation the meeting resumed at 12.17pm. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

The Sub-Committee had carefully considered the application for a new premises licence, taking into account the representations received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee noted that facilities at The Clockhouse were available for hire and that the Hire Agreement stipulated restrictions regarding music and alcohol to comply with the licence.

On the balance of probabilities the Sub-Committee found that, on the evidence before them, the application could be GRANTED subject to the conditions consistent with what is offered in the operating schedule, and with the addition of the conditions set out below which were largely agreed by the applicant.

1. All licensable activities (other than the sale of alcohol) to end at 23:30.
2. All windows and doors other than those at the rear of the premises to be kept closed after 20.00 hours during regulated entertainment events, except for access and egress;
3. Notices to be prominently displayed asking guests to respect neighbours and leave the premises quietly;
4. Notices to be prominently displayed giving a contact telephone number of a member of staff in the event of an emergency/complaint;
5. At least one Trustee or member of staff to be on duty on the premises at every event where alcohol is available;
6. No glasses or opened bottles to be taken outside the building;
7. No more than 15 events# per year and a register of all such events to be kept and made available for inspection by the Licensing Authority;

The Sub-Committee encouraged regular meetings between Trustees and local residents to enable discussion on issues arising.

The Sub-Committee considered the views of the objectors and the objectors' fears that public nuisance problems could arise. The Sub-Committee believed that the amended application, the conditions agreed and those imposed by the Sub-Committee adequately addressed those concerns. They were designed to minimise the impact of the licence application. The conditions also addressed the objections received relating to the other licensing objectives.

The Sub-Committee was conscious that should there be any cause for concern in the future, legislation allowed for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

Those present were advised that the applicant or any person who made a representation may appeal against the decision to the magistrates' court within 21 days of receiving written notice of this decision.

# "an event" is an occasion on which a licensable activity takes place after 6pm.

**The meeting commenced at 10.00 am and concluded at 12.21 pm**

**Chairman**

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 26 OCTOBER 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE  
26 NOVEMBER 2015

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr John Fraser  
Cllr Simon Inchbald

Cllr Libby Piper

**In Attendance**

Cllr Patricia Ellis

4. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Simon Inchbald was appointed Chairman for this meeting of Licensing Sub-Committee A.

5. MINUTES (Agenda item 2.)

The Minutes of the Meeting held on 30 March 2015 were confirmed and signed.

6. DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no interests declared under this heading.

**PART I - RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

**PART II - MATTERS OF REPORT**

Background Papers

The background papers relating to the following report items in Part II are as specified in the agenda for the Committee.

7. LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE - THE LOUNGE BAR & GRILL, 1 HIGH STREET GODALMING, SURREY, GU7 1AZ (Agenda item 4.)

The applicant accompanied by the manager and DPS of the premises attended the meeting and confirmed that they had received a copy of the agenda papers.

The Democratic Services Manager introduced the report and explained that the applicant sought to vary the area/plans covered for licensable activities, change the capacity limit and amend the conditions regarding:

- Smoking outside
- Last entry/re-entry
- Children in the bar

The licensable activities and times and days that licensable activity were permitted remained the same.

The Manager of The Lounge explained that they sought to increase the number of people allowed outside smoking at any one time to 15 from 23.00 on a Friday and Saturday, and for the allocated smoking area to be relocated to the side of the building. This would move people away from the front of the building and help reduce noise nuisance to local residents. He suggested that the noise was not only created by customers to The Lounge, but from other nearby premises, one of which had live music. Opposite The Lounge was also a lay-by and bus shelter where people tended to congregate to wait for taxis.

The Environmental Health Officers then gave their reasons for objecting to the variation. Principally their objections were on the grounds of noise nuisance which both the relocation of the smoking area and the extension of entry time would increase. The Environmental Health Officer listed 13 instances since September 2011 where complaints had been received over noise from the premises.

The Environmental Health representatives also stated that the current capacity limit of 100 was an embedded condition based on evacuation need and fire doors and were uncertain whether an increase in numbers would required a safety assessment. Environmental Health no longer had responsibility for fire safety issues and suggested a new risk assessment be undertaken by the relevant authority.

Godalming Town Council then outlined their objection which related to the side of the building being used as a smoking area. Godalming Town Council was the owner of the access area that lead to a public car park. The applicant had not contacted them to ask for permission and Godalming Town Council would not consent for its use as a smoking area. The Chairman therefore said that this was not a matter for the Sub-Committee and the applicant should take it up with the Town Council as the landowner.

The Sub-Committee then asked a number of questions of the Manager of The Lounge. The Manager did not accept that the numbers of smokers allowed outside the premises had exceed the limit of five, as people waiting to get into the premises often smoked as they waited and therefore this was a difficult area to police.

The Manager advised that the reason for requesting an extension to the last entry or re-entry time was to allow industry workers access after they had finished work in the town. The Sub-Committee were concerned that this would be difficult to monitor and a type of informal arrangement would not be allowed under the licence provisions.

With regard to noise escape the Manager did not agree with complaints received by Environmental Health of noise escape through windows left open, which was in



breach of their licensing condition. He also stated that he did not accept that the front door had been propped open and that it only remained open when someone holds it when entering or leaving. The Manager also stated that he was only aware of one of the complaints over noise that Environmental Health had recorded and he maintained that the premises had not been playing music on that particular date but that the premises opposite had been.

The Manager said that the rearrangement of the premises had removed the kitchen which was now arranged as a private function room with its own bar. The intention was to attract older clientele and families who could hire the room for family parties, which was the reason for seeking a variation of the Under 14s Policy so that Under 18s could be admitted if accompanied by an adult aged 21 or over and be required to vacate the premises by 20.00 hrs.

Following summing up the Sub-Committee WITHDREW at 11.07.

Following the Sub-Committee's deliberation the meeting RESUMED at 13.41. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision and the Democratic Services Manager had advised them on matters relating to processes involving representations received from responsible authorities.

The Sub-Committee carefully considered the application for a variation to an existing premises licence, taking into account the representations received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

On the balance of probabilities the Sub-Committee found that, on the evidence before them, the variation should be granted **in part**, subject to the conditions and restrictions contained in the current operating schedule as varied by the conditions imposed today which the Sub-Committee find are appropriate for the promotion of the licensing objective relating to Prevention of Nuisance.

The Sub-Committee required the management to ensure that smoking outside the building was controlled and limited to the current number of 5 persons and would not change the relevant condition by increasing this number. This was because the management had not demonstrated that they could currently control and supervise the currently allowed number of smokers outside the premises. Also the Sub-Committee had no power to allow smoking in the alleyway to the side of the premises which was owned by Godalming Town Council. This was to control the amount of noise and to prevent public nuisance outside the premises.

The variation of the area covered for licenseable activities is granted as requested.

Surrey Fire and Rescue had no objection to the request to increase the number of patrons allowed in the premises at any one time from 100 to 150 and this was granted. The Sub-Committee was **not** satisfied that the variation in numbers would impact on the other Licensing Objectives. The Sub-Committee therefore replaced the condition that the number of persons to be admitted to the premises shall not exceed 100 with the following condition:

The licence holder is to responsibly manage the number of persons on the premises at any one time to no more than 150 including staff.

The Sub-Committee noted that the existing condition regarding time of last entry/re-entry to the premises was imposed at a review hearing. The Sub-Committee, having heard from Environmental Health about the number of complaints about the premises, were not satisfied that altering this restriction would be consistent with promoting the prevention of public nuisance objective as it would increase the duration of noise from the premises which had already been the subject of noise complaint. The Sub-Committee would therefore not extend the time of last entry or re-entry to the premises until 00.30. Last entry/re-entry would remain at 00:00 hours.

The existing condition at 2 in the Licence (Children in Bar) to be replaced by the following condition:

Children below the age of 18 will be monitored by the staff at the establishment at all times and will only be allowed in the private function room. All under-18s are to be accompanied by a responsible adult age 21 years or over and required to vacate the premises by 20.00 hrs. This is to address the Licensing Objective relating to the Protection of Children from Harm.

The applicant is reminded that it is his responsibility to ensure that under-18's are to be strictly accompanied by a responsible adult of age 21 years or over and the Sub-Committee suggested that the manager reminded the private party 30 minutes prior to the 20.00 hrs time limit that all children should vacate the premises by that time.

The Sub-Committee believed that the conditions imposed were designed to minimise the impact of the licence variation on the promotion of the licensing objectives and were appropriate for the promotion of the licensing objectives.

The Sub-Committee was conscious that should there be any cause for concern in the future, legislation allows for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

The applicant or any person who made a representation may appeal against this decision to the magistrates' court within 21 days of receiving written notice of this decision.

**The meeting commenced at 10.00 am and concluded at 1.55 pm**

**Chairman**