

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE A – 02 MAY 2017

Title:

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE RED LION, 1 MILL LANE, GODALMING, SURREY GU7 1HF.

[Ward Affected: Godalming Central and Ockford Ward]

Summary and Purpose

The purpose of this report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Red Lion, 1 Mill Lane, Godalming, Surrey, GU7 1HF, from Westgate Brewery, the current Premises Licence Holder. The application has received 13 representations from 'other persons'.

Background

1. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, The Red Lion, Godalming was granted a Premises Licence.
2. A copy of the current Premises Licence is attached at Annexe 1 and summarised below:
 - **Regulated Entertainment** (Live & Recorded Music)

Monday to Thursday	1100 to 2300
Friday & Saturday	1100 to 0000
Sunday	1200 to 2300
 - **Late Night refreshment**

Thursday	2300 to 2330
Friday & Saturday	2300 to 0100
 - **Sale of Alcohol** (both on and off the premises)

Monday to Wednesday	1100 to 2300
Thursday	1100 to 2330
Friday & Saturday	1100 to 0100
Sunday	1200 to 2300
 - **Opening hours**

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases.

Activities Sought under this Licence Application

3. In brief summary, the applicant seeks to amend the layout of the premises and;

- extend the live & recorded music hours until 0100 on a Friday & Saturday
- extend the live & recorded music hours until 0000 on a Monday to Thursday
- Late Night Refreshment to be permitted Monday to Thursday from 2300 till 0000
- Extend the alcohol sales until 0000 Monday to Thursday
- Non standard timings added
- Opening hours Monday to Thursday 1000 till 0030, Friday & Saturday 10.00 till 0130 and Sunday 10.00 till 2330
- Remove a number of conditions and add some new ones

All other licensable activities, times and days to remain the same

- A copy of the application form is attached at [Annexe 2](#)
- A copy of the old plans of the premises is attached at [Annexe 3](#).
- A copy of the new plans of the premises is attached at [Annexe 4](#).

5. Attached at [Annexe 5](#) is a plan showing the area of the premises and surrounding properties.

Licensing Objectives

6. The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives, and representations must be from interested parties and/or from the responsible authorities under this legislation.
1. Prevention of Crime and Disorder
 2. Public Safety
 3. Prevention of Public Nuisance
 4. Protection of Children from Harm

Representations received

Responsible Authorities

7. There have been no representations from any of the Responsible Authorities.

Other Persons

8. There have been 13 representations from 'Other Persons', which are reproduced at [Annexe 6](#).

Human Rights

9. Under Article 8, European Convention on Human Rights, everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public

safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. In Licensing Act 2003 cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

What the Sub-Committee may do

10. The Sub-Committee, after hearing from the applicant and having considered the representations, must take such of the steps listed below (if any) as it considers appropriate for the promotion of the licensing objectives. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for any applicant or any person making representations to appeal to the Magistrates' Court against the Licensing Sub-Committee decision. The steps are:
 - To modify the conditions of the licence;
 - To reject the whole or part of the application.

11. Revised Guidance issued under Section 182 of the Licensing Act 2003, available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607237/182Guidance_05_04_17.pdf

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

- Hearings - paragraphs 9.31 to 9.44
- Conditions – paragraphs 1.16-1.17 and 10.1 to 10.66
- The Licensing Objectives – paragraphs 2.1–2.31

Recommendation

The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.

Section 35(3) Licensing Act 2003 provides that the Sub-Committee, having regard to the relevant representations made, must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations

 - To reject the application in whole or part.
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Background Papers

Application referred to above, representations referred to above.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

*Those without access to the Internet should contact Paul Hughes in order to access the Guidance.