

**WAVERLEY BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE C – 21 AUGUST 2017**

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**Title:**

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –  
NEWFANGLED, 15 JUNCTION PLACE, HASLEMERE, SURREY, GU27 1LE**

[Wards Affected: Haslemere Wards]

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**Summary and Purpose**

1. The purpose of the report is to enable the Sub-Committee to consider an application from Miss Carrie Marie Nickson for a new premises licence for Newfangled, 15 Junction Place, Haslemere, Surrey GU27 1LE, where 2 valid representations have been received.

**Background**

2. An application has been received for a new premises licence for the ground floor of this previously converted 2-storey house, with accommodation on the first floor. A retail fine arts gallery, Ardquin, had previously occupied the ground floor and change of use to planning permission would be required to operate as a café/bistro.

In brief the application proposes that the licence will authorise the premises, operating as a Café/Bistro, for the provision of regulated entertainment (indoors only) and to sell alcohol for consumption on the premises only.

**Activities Sought under this Licence Application**

3. The applicant seeks to license the premises as shown below. An extract of the relevant pages from the application form is attached at Annexe 1. Also attached to this document at Annexe 2 is a plan showing the area of the premises and surrounding properties. In brief summary, the applicant seeks the following activities in the new licence, if granted. Please see application for activities in full.

- Regulated Entertainment ( Recorded Music):  
1000 to 2200 Monday to Sunday

**Note:** No licence is required for recorded music where it takes place on premises authorised by a premises licence for the supply of alcohol on the premises where the music played will be between the hours 0800 and 2300 and to an audience of less than 500 people.

- Sale of Alcohol: (On the premises only)  
1130 to 2200 Monday to Sunday

- Opening hours:  
0800 to 2200 Monday to Sunday

**Note:** No allowance has been requested for drinking up time.

### **Licensing Objectives**

4. 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 the responsible authorities under this legislation and/or any other persons.
  1. the prevention of crime and disorder
  2. public safety
  3. the prevention of public nuisance
  4. the protection of children from harm

### **Representations received**

#### Responsible Authorities

5. There has been one representation from Surrey Police acting as a responsible authority. The representation is attached at Annexe 3.

#### Other Persons

6. Besides Responsible Authorities, “other persons” may make representations. There has been one valid representation from “other persons”. The representation is attached at Annexe 4.

### **What the Sub-Committee may do**

7. The Sub-Committee, after hearing from the applicant and those making representations, must take one or more 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 objector to appeal to the Magistrates’ Court against the Licensing Sub-Committee’s decision. The steps are:
  - Grant the licence subject to such conditions as are consistent with the operating schedule, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
  - Exclude from the scope of the licence any of the licensable activities to which the application relates;
  - Refuse to specify a person as the premises supervisor;
  - Reject the application.

8. 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](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 grant of a new premises licence.

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 grant the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, and any mandatory conditions;
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person as the premises supervisor;
- To reject the application.

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### **Background Papers**

Application referred to above, representations referred to above.

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