

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE B – 12 FEBRUARY 2018

Title:

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –
BADA BAR LTD, 10 QUEEN STREET, GODALMING, SURREY GU7 1BD
[Wards Affected: All Godalming Wards]**

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Bada Bar Ltd for a new premises licence for Bada Bar Ltd, 10 Queen Street, Godalming, Surrey GU7 1BD, where 1 relevant representation has been received.

Background

2. An application has been received for a new premises licence for this ground floor premises Tapas Bar intended for use as Tapas style bar offering Asian Fusion dishes. In brief, the application proposes that the licence will authorise ground floor areas for late night refreshment and the sale of 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 report at Annexe 2 is a plan showing the surrounding properties. The previous occupants of the premises, which traded as 'Corretto', held a premises licence, a copy of which is attached at Annexe 3. In summary, the applicant seeks the following activities in the new licence, if granted. Please see the application at Annexe 1 for full details of the proposed licensable activities.

- Late Night Refreshment: (Indoors only)
2300 to 0000 Friday & Saturday
- Sale of Alcohol: (On the premises only)
1200 to 2230 Tuesday to Thursday
1200 to 2330 Friday & Saturday
1200 to 1530 Sunday
- Opening hours:
1200 to 2300 Tuesday to Thursday
1200 to 0000 Friday & Saturday
1200 to 1600 Sunday

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 have been no relevant representations received from any of the Responsible Authorities.

Surrey County Council Child Employment Services acting as a Responsible Authority have agreed two additional conditions with the applicant, a copy of these are attached at Annexe 4.

Other Persons

6. Besides Responsible Authorities, “other persons” may make representations. There has been one (1) relevant representation from “other persons”. The representation is attached at Annexe 5.

As a relevant representation regarding public nuisance has been received from “other persons”, information about the enforcement history of the premises was requested from Environmental Health. A copy of this information is attached at Annexe 6.

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 designated premises supervisor;

- Reject the application.
8. In addition the Sub-Committee should have regard to Waverley's statement of Licensing policy and guidance issued by the Secretary of State. Revised Guidance for licensing authorities issued by the Home Office under Section 182 of the Licensing Act 2003 is available at:

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

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

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

Recommendation

The Sub-Committee is requested to consider the application for a 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 grant the licence application 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.

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