

## **WAVERLEY BOROUGH COUNCIL**

### **LICENSING SUB-COMMITTEE B – 08 MAY 2018**

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#### **Title:**

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –  
TREW FIELDS, THATCHED HOUSE FARM, DUNSFOLD ROAD, LOXHILL,  
GODALMING, SURREY GU8 4BW**

**[Wards Affected: All Godalming 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 William Herman for a new premises licence for Trew Fields, Thatched House Farm, Dunsfold Road, Loxhill, Godalming, Surrey GU8 4BW, where 1 relevant representation has been received from Environmental Health.

#### **Background**

2. An application has been received for a new premises licence for a cancer health awareness event taking place across two fields for a maximum of four consecutive days between the months of May and September (a single multi-day event). The event, on a smaller scale, has previously been authorised under a Temporary Event Notice (TEN). In brief, the application proposes that the licence will authorise the two fields for Regulated Entertainment, 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 applicant has also submitted an Event Management Plan, 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.

- Regulated Entertainment (Films, Live and Recorded music)  
0900 to 0200 Friday and Saturday  
0900 to 0000 Sunday (following agreement with EH)
- Late Night Refreshment: (Indoors and outdoors)  
2300 to 0200 Friday to Sunday

- Sale of Alcohol: (on the premises only)  
0900 to 0200 Friday to Sunday
- Opening hours:  
Fri 0001 to 0200 Monday

### **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 relevant representation received from Environmental Health acting as a Responsible Authority, (in two parts summarised as being in relation to availability of potable water and other environmental issues) a copy of the representation is attached at Annexe 4. Please note that only the availability of potable water remains in issue, and at the time of preparation and distribution of this report, enquiries are ongoing.

Environmental Health have also agreed a number of conditions with the applicant, a copy of these is attached at Annexe 5.

#### Other Persons

6. Besides Responsible Authorities, “other persons” may make representations. There have been no relevant representations from “other persons”.

### **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. The Sub-Committee should consider the statement of licensing policy and revised Guidance issued under Section 182 of the Licensing Act 2003 (revised April 2018), available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/702660/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/702660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.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
- Free potable water – paragraph 10.45 (extract below)

*10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.*

### **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 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