

**WAVERLEY BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE A – 6 SEPTEMBER 2018**

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**Title:**

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –  
BAT & BALL, 15 BAT & BALL LANE, WRECCLESHAM, FARNHAM, SURREY  
GU10 4SA**

**[Wards Affected: All Farnham 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 Elizabeth and Matthew Cank for a new premises licence for Bat & Ball, 15 Bat and Ball Lane, Wrecclesham, Surrey GU10 4SA, where 1 relevant representation has been received from 'Other persons'.

**Background**

2. An application has been received for a new premises licence for the Bat & Ball, a public House and Restaurant, where an existing Premises Licence is in place. A copy of the existing licence is attached at Annexe 1.  
In brief, the new application proposes that the licence will authorise the Sale of Alcohol for consumption on and off the premises.

**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 2. Also attached to this report at Annexe 3 is a plan showing the surrounding properties.

In summary, the applicant seeks the following activities in the new licence, if granted. Please see the application at Annexe 2 for full details of the proposed licensable activities.

- Sale of Alcohol: (On and off the premises)  
1100 to 2300 Monday to Sunday
- Opening hours:  
1100 to 2345 Monday to 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 Responsible Authorities.

#### Other Persons

6. Besides Responsible Authorities, “other persons” may make representations. There has been 1 relevant representation from “other persons”, 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 designated premises supervisor;
- Reject the application.

8. Revised Guidance issued under Section 182 of the Licensing Act 2003, 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

## **Recommendation**

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

When considering licence applications the Sub-Committee shall carry out its function with a view to the Council's licensing policy, statutory guidance and promoting the licensing objectives.

The Sub Committee must ensure that all licensing decisions have

- a direct relationship to the promotion of one or more of the four licensing objectives
- regards to the statement of licensing policy
- regards to the Secretary of State guidance

Applications must be considered with regard to the principles of fair process and the Human Rights Act.

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