

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE A – 06 SEPTEMBER 2018

Title:

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –
BLOOM, 7 THE BOROUGH, FARNHAM, SURREY GU9 7NA.**

[Wards Affected: All Farnham Wards]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Dominique Robyn Maxwell for a new premises licence for Bloom, 7 The Borough, Farnham, Surrey GU9 7NA, and 1 relevant representation received from 'Other persons'.

Background

2. An application has been received for a new premises licence for Bloom - a restaurant, bar and Al Fresco dining courtyard spread over the ground and first floor.
The previous occupant of the premises was Prezzo restaurant.
In brief, the new application proposes that the licence will authorise the Sale of Alcohol for consumption on and off the premises and regulated entertainment.

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.

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 (Live & Recorded Music)
 - 1100 to 0000 Monday to Wednesday
 - 1100 to 0100 Thursday & Friday
 - 1000 to 0100 Saturday
 - 1000 to 2300 Sunday

- Sale of Alcohol: (On and off the premises)
 - 1100 to 0000 Monday to Wednesday
 - 1100 to 0100 Thursday & Friday
 - 1000 to 0100 Saturday
 - 1000 to 2300 Sunday

- Opening hours:
 - 1100 to 0000 Monday to Wednesday
 - 1100 to 0100 Thursday & Friday
 - 1000 to 0100 Saturday
 - 1000 to 2300 Sunday

NOTE: No 'drinking up' time has been accounted for in the timings.

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 have been 2 relevant representations from "other persons".

One of these objections was withdrawn following a condition being added to the application by the applicant stating that;

No alcohol or food to be consumed in the garden after 2300 hrs Monday to Saturday and 2200 hrs on Sunday.

A copy of the emailed condition is attached at Annexe 3.

A copy of the remaining representation for consideration 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 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

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.

The Sub-Committee must 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
- regard to the statement of licensing policy
- regard to the Secretary of State's 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.

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