

**WAVERLEY BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE B – 20 MAY 2019**

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**Title:**

**LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE –  
CRANLEIGH FOLK FESTIVAL, KNOWLE PARK, KNOWLE LANE, CRANLEIGH,  
SURREY GU6 8JL**

**[Wards Affected: All Cranleigh 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 Howard John Boatwright Cherry, for the grant of a new premises licence for Cranleigh Folk Festival, Knowle Park, Knowle Lane, Cranleigh GU6 8JL (please see application for co-ordinates), where 1 relevant representation has been received from 'Other persons'.

**Background**

2. An application has been received for a new premises licence on a 31 acre site to host a folk music festival for a three day period over the first or second weekend of September annually (a time limited licence).

In brief, the new application proposes that the licence will authorise the Sale of Alcohol for consumption on the premises only and for 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.

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)  
1800 to 2359 Friday  
1000 to 2359 Saturday  
1000 to 2300 Sunday
  
- Regulated Entertainment (Performance of Dance)  
1800 to 2300 Friday  
1000 to 2300 Saturday  
1000 to 2300 Sunday
  
- Sale of Alcohol: (On the premises only)

1800 to 2359 Friday  
1000 to 2359 Saturday  
1000 to 2300 Sunday

- Opening hours:
  - 1800 to 2359 Friday
  - 1000 to 2359 Saturday
  - 1000 to 2359 Sunday

**NOTE: Except for Sunday, 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 although both Environmental Health and Child Employment (the body with responsibility for the protection of Children from Harm) in their roles as responsible authorities have agreed conditions with the applicant. Attached at Annexe 2 is an email thread between Environmental Health and the applicant agreeing conditions to be added to the licence. Attached at Annexe 3 is an email thread between Child Employment and the applicant clarifying the age verification policy.

#### Other Persons

6. Besides Responsible Authorities, "other persons" may make representations. There has been 1 relevant representation from "other persons", namely Cranleigh Parish Council.

A copy of the representation is attached at Annexe 4. The grounds of the representation are on all four of the Licensing Objectives;

- the prevention of crime and disorder
- the prevention of public nuisance,
- public safety
- the prevention of children from harm].

A copy of the applicant's response to the Council following the representation is attached at Annexe 5.

A copy of the applicant's response to Cranleigh Parish Council regarding the representation is attached at Annexe 6.

7. 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, and determine the application with a view to promoting the four licensing objectives in the overall interests of the local community. In doing so the Sub-Committee should give appropriate weight to :

- The steps that are necessary to promote the licensing objectives,
- The representations (including supporting information) presented by all parties
- The guidance issued to local authorities under section 182 of the Licensing Act 2003, and
- Waverley's statement of licensing policy

Any steps appropriate to promote the licensing objectives should be specified. If no steps are appropriate the application should be granted. Findings on issues of fact should be on the balance of probability. In arriving at a decision members must have regard to the relevant provisions of guidance and policy and reasons should be given for any departure.

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