

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE C – 13th JANUARY 2020

Title:

LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE– SLUG & LETTUCE, 9-11 EAST STREET, FARNHAM, SURREY, GU9 7RX.

[Wards Affected: All Farnham Wards]

Summary and Purpose

The purpose of the report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of the Slug & Lettuce, 9-11 East Street, Farnham Surrey GU9 7RX under section 34 of the Licensing Act 2003, made by Popplestone Allen Solicitors on behalf of the Stonegate Pub Company. Eight relevant representations have been received from 'other persons'.

Background

1. The Premises was subject of conversion and variation when the Licensing Act 2003 came into force.
2. A copy of the current Premises Licence is attached at Annexe 1 and summarised below:
 - **Regulated Entertainment** (Films, Indoor sports events, live music & recorded music, performance of dance)

Monday to Wednesday	1000 to 2330
Thursday	1000 to 0000
Friday & Saturday	1000 to 0100
Sunday	1000 to 2300

- **Late Night Refreshment**

Monday to Wednesday	2300 to 2330
Thursday	2300 to 0000
Friday & Saturday	2300 to 0100

- **Sale of Alcohol** (on & off the premises)

Monday to Wednesday	1000 to 2330
Thursday	1000 to 0000
Friday to Saturday	1000 to 0100
Sunday	1000 to 2300

- **Opening hours – premises are open to the public**

Monday to Wednesday	0700 to 0000
Thursday	0700 to 0030
Friday to Saturday	0700 to 0130
Sunday	0700 to 2330

Activities sought under this licence application

3. In brief, the applicant seeks to increase the terminal hour for all licensable activity on Thursday's till 0100 and Fridays and Saturdays until 0200. To also increase the terminal hour for opening, allowing the premises to close at 0130 hours on Thursdays and 0230 hours on Fridays and Saturdays. To remove and amend the non standard timings and conditions on the licence. Proposed changes to the licensable activity & opening hours are set out below.

- **Regulated Entertainment** (Films, Indoor sports events, live music& recorded music, performance of dance)

Monday to Wednesday	1000 to 2330
Thursday	1000 to 0100
Friday & Saturday	1000 to 0200
Sunday	1000 to 2300

- **Late Night Refreshment**

Monday to Wednesday	2300 to 2330
Thursday	2300 to 0100
Friday & Saturday	2300 to 0200

- **Sale of Alcohol** (on & off the premises)

Monday to Wednesday	1000 to 2330
Thursday	1000 to 0100
Friday to Saturday	1000 to 0200
Sunday	1000 to 2300

- **Opening hours – premises are open to the public**

Monday to Wednesday	0700 to 0000
Thursday	0700 to 0130
Friday to Saturday	0700 to 0230
Sunday	0700 to 2330

4. Except for the non standard timings proposed amendments, all other licensable activities, times and days are to remain the same.
 - A copy of the application form is attached at Annexe 2.
5. Attached at Annexe 3 is a copy of the plans of the premises.
6. Attached at Annexe 4 is a plan showing the area of the premises and surrounding properties

Representations received

7. Within the consultation period, eight valid 'relevant representations' were received. A representation is 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Responsible Authorities

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

Other Persons

9. There has been eight (8) relevant representation from "other persons". Copies of the representations are attached at Annexe 5

What the Sub-Committee may do

The Sub-Committee

10. Licensing authorities are required to carry out licensing functions under the Licensing Act 2003 with a view to promoting the licensing objectives of:-
 - i. public safety
 - ii. the prevention of crime and disorder
 - iii. the protection of children from harm, and
 - iv. the prevention of public nuisance.
11. In addition, when carrying out its licensing functions, the licensing authority must have regard to its own statement of licensing policy and the 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/705588/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 2.1–2.32
 - Hearings - paragraphs 9.31 to 9.44
 - Regulated Entertainment - 16.1 -16.9
12. The Sub-Committee must consider the application on its individual merits and take into account all relevant matters then determine the application by taking the steps it considers appropriate and necessary / proportionate to promote the licensing objectives.
 13. When considering applications to vary an existing certificate, only the variation is subject to determination. No changes can be made to the certificate unless they are subject to the variation application.
 14. Members are advised that when considering applications to vary an existing premises certificate, the following options are available to them by virtue of Part 3 Section 35(3) and (4) Licensing Act 2003. This provides that the Sub-Committee, having regard to the relevant representations made, must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
 - a. modify the conditions of the certificate (conditions are deemed to be modified if they are altered, omitted or a new condition added); or
 - b. reject the whole or part of the application.

If neither of these steps are taken, the application must be granted.

Financial implications

15. There are no financial implications arising from this report.

Equalities and Human Rights

16. Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the licensee and those making representations when making their decision. The Sub-Committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Waverley area.

Legal implications

17. The Licensing Act 2003 sets out how applications for Premises Licenses should be dealt with where valid representations have been submitted.
 18. Where a decision is made that is contrary to or a departure from the statement of licensing policy and the guidance, the decision should clearly state on what basis a decision was made to depart from the policy or guidance.
 19. An appeal against the determination of this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision. The applicant or any party making representation may make an appeal.
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Climate change implications

There are no relevant matters to consider.

Recommendations

1. It is recommended that the Sub-Committee considers the application and evidence of all parties involved at the hearing and then determines the steps it considers appropriate to promote the licensing objectives.
2. Members must determine the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
3. The Sub-Committee should take such steps (as described at 14 above) as it considers appropriate for the promotion of the licensing objectives.
4. Once determined, the licensing authority must provide notification of the decision including its reasons to the applicant, any person who has made relevant representations and the Chief Officer of Police for the area in which the premises is situated.

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