

WAVERLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE A - 30 MARCH 2015

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – FRENHAM POND HOTEL, BACON LANE, CHURT, FARNHAM SURREY, GU10 2QD

[Ward Affected: Frensham Dockenfield & Tilford]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application for variation to the Premises Licence of Frensham Pond Hotel, Bacon Lane, Churt, Farnham, Surrey, GU10 2QD, from Mr Kevin Halstead the current Premises Licence Holder and Designated Premises Supervisor. Representations have been received from 18 'other persons'.

Note: The premises licence holder is currently being transferred from Mr Kevin Halstead to Demibourne Ltd T/A Frensham Pond Hotel.

Background

2. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, Frensham Pond Hotel, Churt was granted a Premises Licence.
3. A copy of the latest Premises Licence is attached (Annexe 1) and summarised below:

- **Regulated Entertainment (Live & Recorded Music, Performance of Dance and anything similar)**

Monday to Saturday 1200 to 0000

- **Sale of Alcohol (both on and off the premises)**

Monday to Saturday 1000 to 2300

Sunday 1200 to 2230

- **Opening hours**

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases

Activities Sought under this Licence Application

4. In brief summary, the applicant seeks the following activities in the new licence, if granted. Please see the application for activities in full, attached at Annexe 2.

- **Regulated Entertainment (Live & Recorded Music, Performance of Dance and anything similar)**

Monday to Sunday 1200 to 0130

NOTE: No regulated entertainment in any outside area after 2300 hours

- **Regulated Entertainment (Plays, Films)**

Monday to Sunday 1000 to 0000

NOTE: No regulated entertainment in any outside area after 2300 hours

- **Late Night Refreshment**

Monday to Sunday 2300 to 0130

Note: Supplies of hot food or drink from 2300 hours are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to persons staying overnight (or their guest) in a hotel, guest house, lodging house, hostel. A caravan or camping site or any other premises whose main purpose is providing overnight accommodation.

- **Sale of Alcohol (both on and off the premises)**

Monday to Sunday 1000 to 0130

NOTE: Residents and their bona fide guests to be able to purchase alcohol 24 hours a day.

Alcohol sales from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day

- **Opening hours**

Monday to Sunday 0000 to 0000 (24 hours a day)

Other Variations

The licensed area to include the large lawn area which is currently under refurbishment which will be made available for marquee weddings and pre booked events.

The new plan attached will be available at the hearing for inspection.

To remove some conditions/restrictions of the licence – for full details see application at Annexe 2.

5. Attached at Annexe 3 is a plan showing the area of the premises and surrounding properties.

Licensing Objectives

6. 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 interested parties and/or from the responsible authorities under this legislation.
 1. Prevention of Crime and Disorder
 2. Public Safety
 3. Prevention of Public Nuisance
 4. Protection of Children from Harm

Representations received

Responsible Authorities

7. There have been no representations from Responsible Authorities, however Environmental Health have been in negotiations with the applicant. Amendments to the application were submitted and are reproduced at Annexe 4.

Other Persons

8. There have been 18 representations from 'Other Persons' and these are reproduced at Annexe 5.

Human Rights

9. Under Article 8 European Convention on Human Rights everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. In Licensing Act 2003 cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

What the Sub-Committee may do

10. The Sub-Committee, after hearing from the applicant and those making representations, must take such of the steps listed below 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 person making representations to appeal to the Magistrates' Court against the Licensing Sub-Committee decision. The Steps are:

- To modify the conditions of the licence;
 - To reject the whole or part of the application
11. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, relating to hearings - paragraphs 9.30 to 9.43 - is attached as Annexe 6.
12. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, in relation to conditions - paragraphs 10.1 to 10.69 is attached as Annexe 7.

Recommendation

The Sub-Committee is requested to consider the application for the variation of the 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 modify the conditions of the premises licence, whether by alteration or omission of conditions or the addition of new conditions. Any conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations
- To reject the application in whole or part.

Background Papers

Application referred to above, representations referred to above.

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