

## WAVERLEY BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE A – 26 OCTOBER 2015

#### LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE LOUNGE BAR & GRILL, 1 HIGH STREET GODALMING, SURREY, GU7 1AZ

[Ward Affected: Godalming Central and Ockford Ward]

#### Summary and Purpose

1. The purpose of this report is to enable the Sub-Committee to consider an application for a variation to the Premises Licence of The Lounge Bar & Grill, 1 High Street, Godalming, Surrey GU7 1AZ, from Mr David Vanderhook, the current Director of Lounge Bar and Grill Ltd which is the company that is the registered Premises Licence Holder. The application has received 2 representations, one of which is from a Responsible Authority.

#### Background

2. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, The Lounge Bar & Grill, Godalming was granted a Premises Licence.
3. A copy of the latest Premises Licence is attached at Annexe 1 and summarised below:

- **Regulated Entertainment (Live Music and Performance of Dance)**

Thursday	1200 to 0000
Friday & Saturday	1200 to 0100
Sunday	1200 to 2300

- **Regulated Entertainment (Recorded Music)**

Monday to Wednesday	1100 to 2300
Thursday	1100 to 0000
Friday & Saturday	1100 to 0100
Sunday	1200 to 2300

- **Late Night refreshment**

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

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

Monday to Thursday	1100 to 0000
Friday & Saturday	1100 to 0100
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 to vary the area/plans covered for licensable activities, change the capacity limit and amend the conditions regarding:

- Smoking outside
- Last entry/re-entry
- Children in the bar

There is no request to change the licensable activities or the times and days that licensable activity is permitted. A copy of the application form is attached 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 has been one representation from Environmental Health as a Responsible Authority which is reproduced at Annexe 4.

### Other Persons

8. There has been 1 representation from 'Other Persons', namely from Godalming Town Council, which is 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 having considered the representations, must take such 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 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. Revised Guidance issued under Section 182 of the Licensing Act 2003, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf) will be available for reference purposes at the meeting.\* Particular attention is drawn to:
  - Hearings - paragraphs 9.30 to 9.43
  - Conditions – paragraphs 1.16-1.17 and 10.1 to 10.68
  - The Licensing Objectives – paragraphs 2.1–2.31

### **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.

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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.