

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE A – 18 JANUARY 2016

LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – THE WILLIAM COBBETT PUB, 4 BRIDGE SQUARE, FARNHAM, SURREY, GU9 7QR.

[Ward Affected: Farnham Castle 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 William Cobbett, 4 Bridge Square, Farnham, Surrey, GU9 7QR, from Ms Jessica Rolfe, the current Premises Licence Holder. The application has received 2 representations from 'other persons'.

Background

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

- Regulated Entertainment (Films, Indoor Sports Events, Regulated – anything similar and Facilities for Dancing)

Sunday to Wednesday	1000 to 0000
Thursday	1000 to 0030
Friday & Saturday	1000 to 0100

- Regulated Entertainment (Live Music)

Sunday to Wednesday	1000 to 2330
Thursday to Saturday	1000 to 0000

- Regulated Entertainment (Recorded Music)

Monday to Sunday	1100 to 0000
------------------	--------------

- Late Night refreshment

Sunday to Wednesday	2300 to 0000
Thursday	2300 to 0030
Friday & Saturday	2300 to 0100

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

Sunday to Wednesday	1000 to 2330
Thursday	1000 to 0000
Friday & Saturday	1100 to 0030

- 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 extend the licensable hours for sale of alcohol on a Friday and Saturday night only, by an extra 30 minutes to 0100 hours.

Note: The opening times of the premises are linked to the sale of alcohol, closing 30 minutes after the sale of alcohol ceases.

All other licensable activities, times and days to remain the same.

The applicant also requests that the following condition (under Public Safety) be removed:

At least one member of staff shall obtain SIA doorstaff qualifications as well as their personal licence and shall be on duty whenever live music, DJ music and/or dancing are provided to the general public.

And replaced with:

Door staff with licensed SIA qualification will be on duty during live music.

Officers would suggest that if the Committee were minded to grant the change to the door staff condition, the new condition be amended to read as follows;

SIA Licensed door staff must be on duty at the premises during performances of live music.

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 the responsible authorities under this legislation and/or other persons.

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 any of the Responsible Authorities.

Other Persons

8. There have been 2 representations from 'Other Persons', which are reproduced at Annexe 4.

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, 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

It is also available to view electronically*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf.

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.

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.]