

**Report to**            **Licensing Sub-Committee**  
**Date of**            **30 April 2018**  
**meeting**  
**Author**            Derek Seekings, Senior Licensing Officer



**DECISION REQUIRED**

Not exempt

**Report**            Application for a Variation to a Premises Licence  
**Title:**            at Tru, 52 High Street, Camberley, Surrey GU15  
                         3RS.  
                         Submitted by The Deltic Group Limited

**1        SUMMARY**

- 1.1    The report presents the application for a variation to a Premises Licence relating to Tru, 52 High Street, Camberley, Surrey GU15 3RS. A copy of the current premises licence is attached at Annex 1.
- 1.2    The Licensing Authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.
- 1.3    The purpose of the hearing is for the Licensing Sub-Committee to consider the Application, in relation to the Licensing Act 2003's Licensing Objectives. The Licensing objectives being in this Application:
  - i.    The prevention of crime and disorder
  - ii.   Public safety
  - iii.  The prevention of public nuisance
  - iv.   The protection of children from harm
- 1.4    Copies of the application, relevant representations and other correspondence received to date are attached to this report.

**2.       RECOMMENDATIONS**

- 2.1    The Sub-Committee is recommended to determine the premises licence application.

**3.       REASONS FOR RECOMMENDATIONS**

- 3.1    The Sub Committee is required to make a decision under the Licensing Act 2003

## **4 BACKGROUND INFORMATION**

### **The purpose of this report**

- 4.1 For the Sub-Committee to determine the application for a Premises Licence in respect of Tru, 52 High Street, Camberley, Surrey GU15 3RS. The application is submitted under Section 34 of the Licensing Act 2003.

### **Statutory background**

- 4.2 The Licensing Act 2003 and secondary legislation in the form of Regulations there under.

### **Relevant Government Policy**

- 4.3 Guidance issued under section 182 of the Licensing Act 2003. (effective from April 2017)

### **Relevant Council Policy**

- 4.4 Statement of Licensing Policy.

## **5. DETAILS OF APPLICATION**

### **Application**

- 5.1 The application is made by Poppleston Allen Solicitors on behalf of The Deltic Group Limited, Aurora House, Deltic Avenue, Rooksley, Milton Keynes, MK13 8LW and relates to premises at Tru, 52 High Street, Camberley, Surrey GU15 3RS.
- 5.2 The application is to vary the hours for the supply of alcohol for consumption on and off the premises, the provision of regulated entertainment and the provision of late night refreshment. Additionally, to amend the plans to include a new area. The application to vary the premises licence is attached at Annex 2.

### **Grounds for the Hearing**

- 5.3 Interested parties in their capacity as 'Other Persons' contend that the carrying on of licensable activities at the premises could lead to one or more of the following licensing objectives being seriously undermined:
- i. The prevention of crime and disorder;
  - ii. Protection of public safety;
  - iii. Prevention of public nuisance;
  - iv. Protection of children from harm;

### **Further evidence submitted regarding the Application**

- 5.4 The Applicant has appended a Dispersal Procedure to the application to vary the Premises Licence and makes reference to this at **d) The prevention of public nuisance** on page 11 of the application (Annex 2).

## **Representations Received**

- 5.5 During the period for making representations, 17 March 2018 to 13 April 2018 inclusive, four representations were received in respect of the application. These are attached as Annex 3. All the representations received were from members of the public objecting to the application. The representations are relevant to the 'prevention of crime and disorder', 'the protection of public safety' and 'the prevention of public nuisance' licensing objectives.
- 5.6 No representations were received in relation to this application from the following Responsible Authorities:
- Surrey Police
  - Surrey Fire and Rescue Service
  - Local Planning Authority
  - Environmental Health
  - Child Protection Agency
  - Licensing Authority
  - Health and Safety Executive
  - Surrey Heath Clinical Commissioning Group
  - Home Office (Immigration Enforcement)

## **Policy Considerations**

- 5.7 Details of relevant policy considerations, including local policy statement:
- Paragraphs 1 – 89, 95 – 138 of the Council's Licensing Policy Statement are applicable to the consideration of this application.

## **6. NEXT STEPS**

- 6.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.
- 6.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under Section 182 Licensing Act 2003, as amended, and the Council's own Licensing Policy.
- 6.3 The Sub-Committee must have regard to all the representations made and the evidence it hears.
- 6.4 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To grant the licence subject to conditions
  - To exclude a licensable activity to which the application relates
  - To refuse to specify a person in the licence as the premises supervisor.
  - To reject the application
- 6.5 The Sub-Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to

do so. It must actually be appropriate in order to promote the licensing objectives.

**7. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**

- 7.1 Human Rights and Equality issues will be taken into account on the determination of the Application by balancing the competing rights of the applicant, responsible authority and the interested party.
- 7.2 The imposition of conditions will be proportionate having regard to the competing rights referred to above and will only be imposed where necessary to achieve this aim.

**Attachments:**

Annex 1: Current Premises Licence

Annex 2: Application to vary a Premises Licence

Annex 3: Representations from 'any other persons'