

**Report to** Licensing Sub-Committee  
**Date of meeting** 07 November 2014  
**Author** Derek Seekings, Licensing Officer



**DECISION REQUIRED**  
Not exempt

**Report Title:** Application for a Premises Licence at The Golf Driving Range, 220 Mytchett Road, Mytchett, Surrey, GU16 6AG submitted by Robert Ronald Potter, OBE and Jacqueline Carol Piper.

## **SUMMARY**

The report presents the application for a new Premises Licence relating to The Golf Driving Range, 220, Mytchett Road, Mytchett, Surrey, GU16 6AG. The Licensing authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.

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:

- 1 The prevention of crime and disorder
- 2 Public safety
- 3 The prevention of public nuisance
- 4 The protection of children from harm

Copies of the application, relevant representations and other correspondence received to date are attached to this report.

## **RECOMMENDATIONS**

The Sub-Committee is recommended:

- i) To determine the premises licence application.

## **REASONS FOR RECOMMENDATIONS**

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

## **BACKGROUND INFORMATION**

### **1 INTRODUCTION**

## **The purpose of this report**

- 1.1 For the Sub-Committee to determine the application for a Premises Licence in respect of The Golf Driving Range, 220, Mytchett Road, Mytchett, Surrey GU16 6AG.

The application is submitted under Section 17 and determined under Section 18 of the Licensing Act 2003.

## **1.2 Background of the premises**

### **Statutory background**

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

### **Relevant Government policy**

- 1.4 Guidance issued under section 182 of the Licensing Act 2003. (effective from June 2014)

### **Relevant Council policy**

- 1.5 Statement of Licensing Policy.

## **2. DETAILS**

### **2.1 Application**

The application is made jointly by Robert Ronald Potter, OBE and Jacqueline Carol Piper of the Lakeside Complex, Wharf Road, Frimley Green, Surrey, GU16 6PT and relates to The Golf Driving Range, Mytchett Road, Mytchett, Surrey, GU16 6AG.

The application is for the supply of alcohol for consumption both on and off the premises. The provision of regulated entertainment and late night refreshment are not included in the application.

### **2.2 Grounds for the Hearing**

Responsible Authorities and 'Other Persons' contend that the carrying on of licensable activities at the premises could lead to 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**

- 2.3 Details included in documents attached to this report.

### **Responsible Authority Representations/ Comments**

- 2.4 Details of Responsible Authority representations received:

#### **2.4.1 Police**

No representations.

**2.4.2 Fire**

No representations.

**2.4.3 Local Planning Authority**

No representations.

**2.4.4 Environmental Health**

The representation relates to the prevention public nuisance licensing objective only.

This representation is also included at Document 2.

**2.4.5 Child Protection Agency**

No representations.

**2.4.6 Licensing Authority**

The application was submitted on 23 September 2014. The application was completed correctly and advertised as required by the Licensing Act 2003.

Previous similar applications were submitted on 23 April 2014 and 15 July 2014 but were both returned as 'invalid' due to public consultation errors.

**2.4.7 Health and Safety Executive**

No representations.

**Any Other Person - Representations**

2.5 Details of 'any other person'. A total of 23 representations have been received from 'other persons'.

A Copy of the representations are also included and attached at Document 3. The representations are relevant and relate to all four of the licensing objectives.

**2.6 Policy Considerations**

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.

**3. NEXT STEPS**

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.

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.

The Sub-Committee must have regard to all the representations made and the evidence it hears.

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 or amend timings to which the application relates
- To reject the application

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 necessary in order to promote the licensing objectives.

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

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 authorities and 'other persons'.

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:**

- Document 1: Application for a Premises Licence
- Document 2: Representations from Responsible Authorities
- Document 3: Representations from 'any other persons'