

SURREY HEATH BOROUGH COUNCIL

LICENSING ACT 2003

Application for a new Premises Licence

Decision Record

APPLICANT: Robert Ronald Potter OBE and Jacqueline Carol Piper

PREMISES: The Golf Driving Range,
Mytchett Road, Mytchett, Surrey GU16 6AG

DATES OF HEARING: 7 November 2014

MEMBERS SITTING: Cllrs Bill Chapman (Chairman),
Beverley Harding,
Pat Tedder.

LEGAL ADVICE GIVEN:

- 1 All decisions are to be made in consideration of the 4 Licensing Objectives, the Guidance issued under Section 182 of the Licensing Act 2003, and the Surrey Heath Borough Council Statement of Licensing Policy.
- 2 The document at page 56 is concerned with the Licensing Objective of public safety, and specifically with the availability of sufficient emergency exits in the event that an evacuation of the premises was required.
- 3 This sub-committee is concerned with the Licensing Application before it and unless they have a direct bearing on the Licensing Objectives, matters relating to planning issues are for the Planning Committee.
- 4 The Temporary Event Notice Procedure from the Surrey Heath Borough Council Statement of Licensing Policy was recited.
- 5 The Premises License granted in respect of the Water's Edge was consulted.

DECISION:

- 1 To grant the application for the premises licence in the following ways:
 - a. The licensed premises are shown in red on the attached plan;
 - b. The licence is for the supply of alcohol for consumption on the premises only;
- 2 The licence is subject to the mandatory conditions imposed by the Licensing Act 2003;
- 3 The licence is granted consistent with the Operating Schedule, amended as follows:
 - a. The hours for the supply of alcohol are amended to 0800 to 2230 hours Mondays to Saturdays and 0800 to 2200 hours on Sundays;
 - b. Condition 14 is deleted and replaced: The operation of the licensed premises is to be operated in accordance with the relevant Health and Safety legislation and with the Equality Act 2010.
- 4 Further conditions are imposed as follows:
 - a. There are to be no fireworks let off on the site;
 - b. The designated smoking area, when identified, is to be to the west of the licensed premises;
 - c. No food or drink from the licensed premises is to be consumed outside it, including a prohibition on such consumption in the designated smoking area, when identified.

REASONS

- 5 In coming to its decision, the Licensing sub-committee has taken in to account:
 - a. Section 18 of the Licensing Act 2003, which states that having regard to the relevant representations that have been made, the sub-committee must take such steps as it considers appropriate for the promotion of the licensing objectives;
 - b. The Guidance issued under Section 182 of the Licensing Act 2003, particularly paragraphs 2.18, 2.22, 2.25 and 1.19;
 - c. The Council's Statement of Licensing Policy; and
 - d. The written and oral evidence presented to it at the hearing.

- 6 The Licensing sub-committee heard from the Applicants, the Environmental Services, and a number of local residents. The sub-committee endeavoured throughout to strike a fair balance between the interests of the applicants and the concerns of the local residents.

- 7 In respect of the application for an off-licence, the Licensing sub-committee considered the impact of there being an increase to two licensed premises on the site, and also had concerns about the possibility of public nuisance emanating from smokers associated with the premises, and other users exiting the premises but remaining on the site.

- 8 In respect of the hours for the consumption of alcohol on the premises, the sub-committee was concerned about the possibility of public nuisance or crime and disorder caused by both licensed premises on the site closing and the patrons exiting at the same time. This is why the opening hours have been slightly reduced. The sub-committee was also concerned about public nuisance, particularly the detrimental effect upon local residents of light and noise associated with the premises.

- 9 The Licensing sub-committee, although made aware of various planning issues relating to the site, could not and did not take these into account in their decision.

APPEAL

10 If the Applicants or any other person having made a relevant representation is dissatisfied with this decision he or she may appeal against the decision to Guildford Magistrates' Court, Mary Road, Guildford, Surrey, GU1 4PS within the period of 21 days beginning with the day on which he or she was notified by the licensing authority of the decision appealed against.

07 November 2014