

**Report to**     **Licensing Sub-Committee**  
Date of         30<sup>th</sup> June 2011  
meeting  
Author         Jessica Harris, Licensing Officer



**Decision Required**  
Not exempt  
**Report Title:**     Application for Review of Premises Licence  
                          at The Hungry Horse Kings Arms 42 High  
                          Street Bagshot GU19 5AZ

**Summary**

The report presents the application for a Review of a Premises Licence relating to The Hungry Horse Kings Arms 42 High Street Bagshot GU19 5AZ. The Premises has a licence at this time, that licence number being SHBCPR-05176. The Licensing authority is required to hold a hearing to determine this Review application.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Review Application, in relation to the Licensing Act 2003's Licensing Objectives. The Licensing objectives being in this Review:

- 1     the prevention of crime and disorder
- 2     public safety
- 3     the prevention of public nuisance

Copies of the Review and other correspondence received to date are attached to this report.

**Recommendations**

The Sub-Committee is recommended:

- i) To determine the review 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 the review of the Premises Licence in respect of THE HUNGRY HORSE, KINGS

ARMS, 42 HIGH STREET, BAGSHOT, GU19 5AZ, under Section 51 of the Licensing Act 2003.

**Statutory background**

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

**Relevant Government policy**

- 1.3 Guidance issued under section 182 of the Licensing Act 2003.

**Relevant Council policy**

- 1.4 Statement of Licensing Policy (effective from January 2011).

**2. DETAILS**

**Review Application**

- 2.1 The Review application is made by Inspector Norbury for and on behalf of Surrey Police.

**Grounds for the Review**

Surrey Police contend that the carrying on of licensable activities at the premises has led to the following licensing objectives:

- i) The prevention of crime and disorder;
- ii) Protection of public safety;
- iii) Prevention of public nuisance;

Being seriously undermined.

Surrey Police have ongoing concerns, particularly with regard to the failure by the management to control crime, disorder and nuisance. The Police advise that they have had to attend the premises on number of occasions. The most recent incident occurred on Friday 29th April 2011 when a member of the public called the police following a serious disturbance involving where glasses were being thrown and someone being attacked with a bottled at the front of the premises. Due to the violent behaviour and the level of disorder at the premises on that occasion Surrey Police decided to issue a Closure Order.

The designated premises supervisor has since been interviewed by the police and reported for a number of offences under the Licensing Act.

The Designated premises supervisor at the time of the Closure Order was Paul Forsberg. This was changed to Miranda Northern on the 5<sup>th</sup> May 2011.

Supply of alcohol is for consumption both on and off the premises

**Further evidence submitted supporting the Review Application**

2.3 Details included in Review Document attached to this report

**Responsible Authority Representations**

2.4 Details of Responsible Authority representations received:

**2.4.1 Police**

Applicant

**2.4.2 Fire**

No representations

**2.4.3 Local Planning Authority**

No representations

**2.4.4 Public Health**

No representations

**2.4.5 Child Protection Agency**

No representations

**2.4.6 Licensing Authority**

The Review application has been completed correctly and was validated on 20 May 2011. The application was advertised as required by the Licensing Act 2003.

**2.4.7 Health and Safety Executive**

No representations

**Interested Party Representations**

2.5 Details of Interested Party representations received and relation to the licensing objectives:

Representations have been received from 3 interested parties, all being local residents or affected businesses.

Copies of these representations are attached at Annex D. These representations are relevant to the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives.

**2.6 Policy Considerations**

Details of relevant policy considerations, including local policy statement:

Paragraphs 1 - 89, 95 - 110, 126 - 146 of the Council's Licensing Policy Statement are applicable to the consideration of this application. These paragraphs are set out in Annex B.

**3. Next Steps**

The Sub-Committee is obliged to determine this Review 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 Sec 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 modify the conditions of the licence
- To exclude a licensable activity from the licence
- To remove the designated premises supervisor
- Suspend the licence for a period not exceeding 3 months
- To revoke the licence

The Sub-Committee is asked to note that it may not modify the 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.

**8. 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 authority and the interested party.

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:**

Application for Review – Annex A

Relevant paragraphs of the Council's Licensing Policy Statement – Annex B

Premises Licence - Annex C

Representations from interested parties - Annex D