

Report to Licensing Sub-Committee

Date of meeting **02 November 2011**

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DECISION REQUIRED

Not exempt

Report Title: Application to transfer a Premises Licence from Enterprise Inns PLC to Ms Nicolina Collings.

SUMMARY

The report presents the application to transfer a Premises Licence to a new premises licence holder in relation to The Ancient Foresters, 231 Park Street, Camberley, Surrey, GU15 3PQ. The Licensing Authority is required to hold a hearing if representations are received by the Police. The Police have made representations and the purpose of the hearing is for the Licensing Sub-Committee to consider the Application.

A copy of the representation is attached to this report.

RECOMMENDATIONS

The Sub-Committee is recommended:

- i) To determine the application to transfer the premises licence.

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 to transfer a Premises Licence in respect of The Ancient Foresters, 23 Park Street, Camberley Surrey, made under Section 42 of the Licensing Act 2003.

- 1.2 **Background of the premises**

The Ancient Foresters is subject to a Premises licence review to be heard at 10:00 on 17th November 2011.

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.

Relevant Council policy

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

2. DETAILS

Application

- 2.1 The application is made by Nicolina Collings to transfer the premises licence from Enterprise Inns PLC to herself. Consent from Enterprise Inns PLC accompanies the application. The application requested that the transfer have immediate effect. Under Section 43 of the Licensing Act 2003, the licence has been transferred to Nicolina Collings with interim effect. Ms Collings is currently the licence holder during the 'application period'. This is defined as the period which begins when the application is received by the Licensing Authority and ends when the licence is either transferred following the grant of the application or if the application is rejected, when the applicant is notified of the rejection.

Grounds for the Hearing

The Council is required to hold a hearing where the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime and prevention objective.

Further evidence submitted regarding the Application

- 2.3 Details included in Documents attached to this report

2.4 Police

The representation relates to the crime and disorder licensing objective. This representation is attached at Document 3.

2.4.1 Licensing Authority

The application was submitted on 26th October 2011. The Chief Officer of Police must give notice within the period of 14 days beginning with the day on which he is notified of the application. The Police representations were received on the 28th October 2011.

2.6 Policy Considerations

Details of relevant policy considerations, including local policy statement:

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 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 grant the licence transfer
- To refuse the licence transfer

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 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:

Document 1: Application for a Premise Licence

Document 2: Current Premises Licence

Document 3: Representation from Surrey Police