

Report to Licensing Sub-Committee
Date of meeting 07 December 2012
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DECISION REQUIRED

Not exempt

Report Title: Application to vary a Premises Licence for Lakeside Country Club submitted by Mr R Potter and Mrs J Piper.

SUMMARY

The report presents the application to vary a Premises Licence relating to Lakeside Country Club situated at Wharf Road, Frimley Green, Surrey. The Licensing authority is required to hold a hearing to determine this premise 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 public safety
- 2 the prevention of crime and disorder
- 3 the protection of children from harm
- 4 the prevention of public nuisance

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 premise 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 to vary a Premises Licence in respect of Lakeside Country Club 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.

Relevant Council policy

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

2. **DETAILS**

Application

2.1 The application is made by Mr R Potter and Mrs J Piper who are the current premises licence holders.

Grounds for the Hearing

The relevant representations received contend that the carrying on of licensable activities at the premises could lead 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.

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 representations relate to the public safety, prevention of crime and disorder and the protection of children from harm licensing objectives. This representation is attached at Document 3.

2.4.5 **Child Protection Agency**

No representations

2.4.6 **Licensing Authority**

The application was initially submitted on 19th October 2012. The last date for representations to be received by the Council should have therefore been the 16th November 2012. The public notice and advertisement in the Camberley News both stated that the last date for representations to be received by the Council was the 25th November 2012. In order not to prejudice the public who believed that they had until the 25th November 2012 to make representations, the applicants agreed to accept any relevant representations made until the advertised date. Correspondence relating to this matter is attached at document 4.

2.4.7 **Health and Safety Executive**

No representations

Other Party Representations

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

Representations have been received from one other party, being a local resident.

A Copy of this representation is attached at Document 3. The representation is relevant to the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm licensing objectives.

2.6 **Policy Considerations**

Details of relevant policy considerations, including local policy statement:

Paragraphs 1 – 89, 97 - 155 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 appropriate 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 premises supervisor
- 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 appropriate 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 appropriate to achieve this aim.

Attachments:

Document 1: Application for a Premise Licence and supporting documents (page 5)

Document 2: Current Premises Licence (page 78)

Document 3: Representations

from Responsible Authorities (page 93)

from other parties (page 98)

Document 4: Correspondence in relation to the incorrect last date for representations (page 99)