

Report to **Licensing Sub-Committee**
12 November 2018

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DECISION REQUIRED

Report Title: Application for a Variation to a Premises Licence at the Kings Arms,
42 High Street Bagshot, Surrey, GU19 5AZ. Submitted by Greene
King Retailing Ltd

1. SUMMARY

- 1.1 The report presents the application for a variation to a Premises Licence at the Kings Arms 42 High Street Bagshot, Surrey, GU19 5AZ. A copy of the current premises licence is attached at Annex 1.
- 1.2 The Licensing authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.
- 1.3 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:
 - i. The prevention of crime and disorder
 - ii. Public safety
 - iii. The prevention of public nuisance
 - iv. The protection of children from harm
- 1.4 Copies of the application, relevant representations and other correspondence received to date are attached to this report.

2. RECOMMENDATIONS

- 2.1 The Sub-Committee is recommended to determine the premises licence application.

3. REASONS FOR RECOMMENDATIONS

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

4 BACKGROUND INFORMATION

4.1 INTRODUCTION

The purpose of this report

- 4.1.1 For the Sub-Committee to determine the application for a Premises Licence in respect of the Kings Arms 42 High Street Bagshot, Surrey, GU19 5AZ. The application is submitted under Section 17 of the Licensing Act 2003.

Background of the premises

Statutory background

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

Relevant Government policy

- 4.1.3 Guidance issued under section 182 of the Licensing Act 2003. (effective from April 2018)

Relevant Council policy

- 4.1.4 Statement of Licensing Policy.

4.2 DETAILS

Application

- 4.2.1 The application is made by Greene King Retailing Ltd on behalf of Westgate Brewery, Bury St Edmunds, Suffolk IP33 1QT and relates to premises at the Kings Arms 42 High Street Bagshot, Surrey, GU19 5AZ.
- 4.2.2 The application is to permit the supply of alcohol for consumption both on and off the premises, regulated entertainment in the form of the Exhibition of Films, Performance of Live Music, Playing of Recorded Music, or Similar Entertainment and the Provision of Late Night Refreshment. The application is attached at Annex 2.

Grounds for the Hearing

- 4.2.3 Interested Parties in their capacity as 'Other Persons' contend that the carrying on of licensable activities at the premises could lead to one or more of 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

- 4.2.4 Details included in documents attached to this report.

Responsible Authority Representations/ Comments

- 4.2.5 The application was submitted on 24 September 2018. The application was completed correctly and advertised as required by the Licensing Act 2003.
- 4.2.6 Responsible Authorities were advised of the application. No representations were received from the following responsible authorities:
- Surrey Police
 - Surrey Fire and Rescue Service
 - Local Planning Authority

- Environmental Health
- Child Protection Agencies

Any Other Person – Representations

4.2.7 Three representations making reference to the four licencing objectives and in particular the prevention of crime and disorder, the protection of public safety and the prevention of public nuisance were received from 'other persons'. Copies of these representations can be found attached as Annex 3

Policy Considerations

4.2.8 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.

5 NEXT STEPS

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

5.2 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.

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

5.4 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- i. To grant the licence subject to conditions
- ii. To exclude a licensable activity to which the application relates
- iii. To refuse to specify a person in the licence as the premises supervisor.
- iv. To reject the application

5.5 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.

6. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

6.1 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.

6.2 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:

Annex 1: Current Premises Licence

Annex 2: Application to vary a Premises Licence

Annex 3: Representations from 'any other persons'