



Report to : **Licensing Sub-Committee**
27th February 2020

Report Title: Application for a Premises Licence at Lavershot Barns,
London Road, Windlesham GU20 6LL

1. SUMMARY

- 1.1 The report presents the application for a new Premises Licence, attached as Annex 1, relating to Lavershot Barns, London Road, Windlesham GU20 6LL. The report also includes a plan that sets out the location of the premises and identifies those interested parties that have made representations. The Licensing authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.

Restaurant	
Opening hours of the premises	Daily 0800 to 2330
Licensable Activities	Timings
Sales of Alcohol for consumption on the premises	Daily 0800 to 2300
Provision of live music (indoors and outdoors)	Daily 0800 to 2300
Provision of recorded music (indoors and outdoors)	Daily 0800 to 2300
Food Hall	
Sales of alcohol for consumption off the premises	Mon-Sat 0900 to 1730 Sunday 1000 to 1600

- 1.2 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

2. RECOMMENDATIONS

- 2.1 The Sub-Committee is recommended to determine the premise 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

The Purpose of This Report

- 4.1 For the Sub-Committee to determine the application for a Premises Licence in respect of Lavershot Barns, London Road, Windlesham GU20 6LL, under Section 18 of the Licensing Act 2003, attached as Annex A to this report.

Background of the Premises Licence Application

- 4.2 The application is for the supply of alcohol for consumption on the premises of the new restaurant and off the premises of the food hall, the provision of live and recorded music indoors and outdoors from 0800 to 2300hrs daily in the restaurant. The provision of late night refreshment is not included in the application.
- 4.3 Following meetings between the applicant and local residents, the residents requested significant amendments to the application, to which the applicant has agreed. Therefore the licence application has now been amended to the following hours:

Restaurant		
Amended Opening Hours	Monday - Wednesday 0900 to 1800 reduced from 0800-2330 Thursday – Saturday 0900 to 2300 reduced from 0800-2330 Sunday 0900 to 1600 reduced from 0800-2330	
Licensable activity	New times	Amendment
Sale of alcohol for consumption on the premises	Monday – Wednesday 0900-1730	reduced from 0800 to 0900 reduced from 2300 to 1730
	Thursday – Saturday 0900-2230	reduced from 0800 to 0900 reduced from 2300 to 2230
	Sunday 0900-1530	reduced from 0800 to 0900 reduced from 2300 to 1530
Provision of live music indoors and outdoors	Monday – Wednesday 0900-1730	reduced from 0800 to 0900 reduced from 2300 to 1730 indoors only
	Thursday – Saturday 0900-2230	reduced from 0800 to 0900 reduced from 2300 to 2230 indoors only
	Sunday 0900-1530	reduced from 0800 to 0900 reduced from 2300 to 1530 indoors only
Provision of recorded music indoors and outdoors	Monday – Wednesday 0900-1730	reduced from 0800 to 0900 reduced from 2300 to 1730 indoors only
	Thursday – Saturday 0900-2230	reduced from 0800 to 0900 reduced from 2300 to 2230 indoors only
	Sunday 0900-1530	reduced from 0800 to 0900 reduced from 2300 to 1530 indoors only
Food Hall		
Amended opening times	Monday to Saturday	0900 to 1800 increased from 0900-1730
Sales of alcohol for consumption off the premises	Mon-Sat 0900-1730	increased from 1730 to 1800
	Sunday 1000-1600	No change

Statutory Background

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

Relevant Government Policy

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

Relevant Council Policy

- 4.6 Statement of Licensing Policy (effective from 24 February 2016).

5. DETAILS OF REPRESENTATIONS RECIEVED

Grounds for the Hearing

- 5.1 Representations were received from 4 local residents and a local councillor. Concerns were raised that the carrying on of licensable activities at the premises could lead to the following licensing objectives being seriously undermined

iii) Prevention of public nuisance

These representations are attached as annex C to this report

Representations from Responsible Authorities

Police

- 5.2 Although the Police Licensing Officer did not make a representation he did require additional conditions to be placed on the licence, these were agreed to be implemented by the applicant and these are attached at Annex Bi.

Fire

- 5.3 No representations were received although the applicant's attention was drawn to the need for appropriate fire safety risk assessments in place, attached as Annex Bii.

Local Planning Authority

- 5.4 No representation were received from the Local Planning Authority however an email was received relating to a change of use of the site, attached as Annex Biii

Licensing Authority

- 5.5 The application was submitted on 9th January 2020. The application was completed correctly and advertised as required by the Licensing Act 2003.

Other Responsible Authorities

- 5.6 No representations were received from Environmental Health, the Health and Safety Executive or the Child Protection Agency.

Representations from Interested Parties

- 5.7 Representations have been received from 5 interested parties, all being local residents or Councillors. Copies of these representations are attached at Annex C. These representations are relevant to the prevention of public nuisance, licensing objectives and in support of the application.

Further evidence submitted regarding the Application

- 5.8 Following receipt of the representations from Interested Parties and the submissions from Responsible Bodies set out above the applicant made a number of amendments to their application and these are set out at Annex D.

Policy Considerations

- 5.9 Details of relevant policy considerations, including local policy statement:

Paragraphs 31, 32, 33, 54, 57, 69, 70, 71, 72, 73, 74, 75, 121, 122, 123 and 124 of the Council's Licensing Policy Statement are applicable to the consideration of this application.

6. NEXT STEPS

- 6.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.
- 6.2 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.
- 6.3 The Sub-Committee must have regard to all the representations made and the evidence it hears.
- 6.4 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 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
- 6.5 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 necessary in order to promote the licensing objectives.

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

- 7.1 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.
- 7.2 The imposition of conditions should be proportionate having regard to the competing rights referred to above and will only be imposed where necessary to achieve this aim.

Report Author:

Paula Barnshaw, Licensing Administration Officer
licensing@surreyheath.gov.uk

Attachments:

Annex A: Application for a Premise Licence

Annex B: Representations from Responsible Authorities

 Bi – Surrey Police

 Bii – Surrey Fire and Rescue Service

 Biii – Local Planning Authority

Annex C: Representations from Interested Parties

Annex D: Response from Applicant to Representations