

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE 'C' - 6 DECEMBER 2010

LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES LICENCE
- HEATH END NEWS, 97 FARNBOROUGH ROAD, FARNHAM, SURREY
GU9 9AL

[Ward Affected: Farnham Hale & Heath End]

Summary and Purpose

1. The purpose of the report is to enable the Sub-Committee to consider an application from Surrey Police for a review of the Premises Licence for Heath End News, 97 Farnborough Road, Farnham, Surrey GU9 9AL.

Current Licensed activities

2. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, Heath End News was granted a Premises Licence.
3. A copy of the latest Premises Licence is attached (Annexe 1) and summarised below:

1. Sale by Retail of Alcohol
Monday - Saturday 08.00 - 23.00
Sunday 10.00 - 22.30

3. Hours of opening:
As for the sale of alcohol.

Application for a Review of the Licence

4. An application for review of this premises licence has been made by Surrey Police as a responsible authority. The application has been advertised at the premises by the Licensing Authority, and elsewhere as required for this procedure.

A copy of the review notice is attached at Annexe 2, giving a deadline date of 8 November 2010 for any representations to be submitted to the Licensing Authority.

The application for a review is set out in full at Annexe 3.

Other Responsible Authorities - Responses to the Notice Procedure

5. A representation has been received from Trading Standards acting as a responsible authority in respect of the application, and is attached at Annexe4.

Interested Parties - Responses to the Notice Procedure

6. No representations have been received from interested parties.
7. Attached at Annexe 5 is a plan, showing the premises and surrounding area.
8. Annexe 6 to the agenda is an extract from the statutory Guidance issued under Section 182 of the 2003 Act, published in October 2010 regarding determining a Review (Paragraphs 11.1 - 11.29).

Licensing Objectives

9. The four Licensing Objectives of the Licensing Act 2003 are set out below. It is for the Licensing Sub-Committee to promote the Licensing Objectives in making any decision on the Application for Review.
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Nuisance
 - Protection of Children from Harm

The Purpose of the Hearing

10. Having regard to the application for review at Annexe 3, and the relevant representations submitted as a result of notice of the review (see Annexe 5), the Sub-Committee must take such of the steps mentioned below (if any) as it considers necessary for the promotion of the licensing objectives. It may hear from the applicant (Surrey Police), responsible authorities and from the representative(s) of the premises, Heath End News. The Sub-Committee may take steps as a result of a review hearing, which are also set out at paragraph 11.18 of the Government Guidance at Annexe 6, as follows:
 - Modify or add conditions to the premises licence
 - Exclude one or more licensable activity from the premises licence
 - Remove the Designated Premises Supervisor
 - Suspend the premises licence for not more than three months
 - Revoke the premises licence
 - Allow the licence to continue in its present form

Procedure at the Hearing

11. The applicant for the review (Surrey Police), Trading Standards and the subject of the review (Heath End News, with Mrs Jyotsna Vara as both the holder of the premises licence and the Designated Premises Supervisor) may call witnesses to support their respective cases. Each party has been asked to inform the Council if they intend to do so. The meeting will be advised further at the introduction to the hearing on this matter. Others making representations as part of the review (interested parties and responsible authorities) may do the same.
12. In determining the application for review, the Sub-Committee must focus on the steps needed to promote the Licensing Objectives. It must have regard

to the Guidance issued under Section 182 of the Act (Paragraphs 11.1 - 11.29 in Annexe 6 attached), as well as to its own Statement of Licensing Policy.

Human Rights considerations

13. The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following Convention rights:

Article 6 - Right to a Fair Trial/Hearing:

In the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 - Right to Respect for Private and Family Life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Subsequent Developments in this Application Procedure

14. Any subsequent developments in the procedure for the Review will be reported at the meeting.

Recommendation

It is recommended that the Application for Review of the Premises Licence for Heath End News, 97 Farnborough Road, Farnham, Surrey GU9 9AL be determined by the Sub-Committee in light of and having regard to:

- **the steps that are necessary to promote the Licensing Objectives;**
- **the representations made by responsible authorities and interested parties;**
- **the Guidance issued under Section 182 of the Licensing Act 2003;**
and
- **the Council's Statement of Licensing Policy.**

Background Papers

Application referred to above, representations referred to above.

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