

**VARIATION OF PREMISES LICENCE - BLENHEIM ARMS, 7 MANOR  
GREEN ROAD, EPSOM, KT19 8RA**

**Head of Service:** Rod Brown, Head of Housing & Community  
**Wards affected:** Court Ward;

**Appendices (attached):** Appendix 1:- Current Premises Licence  
Appendix 2:- Application vary premises licence  
Appendix 3:- Plan attached to application  
Appendix 4:- Redacted copy of representation  
Appendix 5:- Location Map

**Summary**

The Licensing (Hearing) Sub-Committee (“the Sub-Committee”) is being asked to determine a variation application made under the Licensing Act 2003.

**Recommendation (s)**

**The Sub-Committee is asked to:**

**Have regard to the relevant representations made during the consultation period, and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:**

- **To impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations; or**
- **To reject the application.**

**1 Reason for Recommendation**

- 1.1 In carrying out its licensing functions, the Licensing Authority must have regard to its statement of licensing policy and any statutory guidance issued under s 182 of the Licensing Act 2003.
- 1.2 The Council may dispense with holding a hearing if the applicant and all persons who made valid representations agree that such a hearing is unnecessary and give notice to the authority to that effect.

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### 2 Background

- 2.1 The supply of alcohol is a licensable activity under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on the activity at a premises within the Borough.
- 2.2 Under the scheme of delegation adopted by the Council the Sub-Committee is responsible for the exercise of many of the functions of the Council as a licensing authority, including determination of applications where representations have been received.

### 3 Details of application

- 3.1 On 27 October 2023, Greene King Retailing Limited (“The Applicant”) applied to vary a premises licence for the premises known as Blenheim Arms 7 Manor Green Road Epsom KT19 8RA. This is an application to vary the starting time for the opening hours of the premises and the hours when the premises is licensed for the sale of alcohol. The new hours are as follows:

#### **Opening Hours**

Sunday to Thursday 09.00 – 00.00 (currently the start time is 11.00)

Friday to Saturday 09.00 – 01.00 (currently the start time is 11.00)

#### **Sale of Alcohol (On & Off Sales)**

Sunday to Thursday 09.00 – 23.00 (currently the start time is 11.00)

Friday to Saturday 09.00 – 00.00 (currently the start time is 11.00)

The new hours shall apply to all seasonal variations and non-standard timings. The closing time and the end time for the Sale of Alcohol are not changing.

All other hours and activities currently permitted by the premises licence are to remain unchanged by this application. A copy of the application is attached at **Appendix 2**, and a copy of the plan of the premises is attached to **Appendix 3**.

### 4 Representations

- 4.1 The Council received one relevant representation from a local resident as shown in **Appendix 4**.
- 4.2 No representations from any responsible authority were received.

### 5 General principles to be followed

- 5.1 When determining applications, the Sub-Committee is required to carry out its functions with a view to promoting the licensing objectives, which are:

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- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

5.2 In considering the licensing objections the Council must have regard to its statement of licensing policy, and to the statutory guidance (Revised Guidance April 2018) issued under section 182 Licensing Act 2003.

## 6 Policy Considerations

6.1 A copy of the Council's Statement of Licensing Policy (December 2018) has been sent to the Applicant and Interested Parties together with this report. The Sub-Committee will note there are no policy presumptions against the grant of the licence.

6.2 Section 4 of the Licensing Act 2003 stresses that in carrying out its functions, a licensing authority must "have regard to" guidance issued by the Secretary of State under Section 182. This implies looking at the guidance, factoring in its relevance and/or weight, if any, as those matters appear to the licensing authority. The Section 182 Guidance document was reissued by the Home Office in December 2022, however none of the updates effect the determination of review applications. Paragraph 9.4 to 9.9 of this guidance may provide assistance to members of the Sub-Committee in considering whether the representation are relevant, vexatious or frivolous representations.

## 7 Legal Implications

7.1 Decisions on licensing matters engage issues of human rights, in particular, Article 1 of the First Protocol, the peaceful enjoyment of possessions, Article 6, the right to a fair hearing, and Article 8, respect for private and family life. However, interference with Convention rights is permitted where lawful and necessary in the interests of public safety, the prevention of disorder or crime, the protection of health and morals or for the protection of the rights and freedoms of others.

7.2 Due regard must also be had to the public sector equality duty enshrined in Section 149 of the Equality Act 2010, which aims to eliminate unlawful discrimination, having regard to the nine protected characteristics. The nine protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 All applications for new or varied Premises Licences or Club Premises Certificates must be advertised by the display of a notice at the premises and by a public notice in the local newspaper. Pursuant to the Council's constitution the Council's licensing department has determined that there is a valid application that complies with the requirements of the Licensing Act 2003.

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- 7.4 Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the Sub-Committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

- a) any variation made ought not to have been made, or,
- b) on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way,

they may appeal against the decision.

- 7.5 Legal Officer's Comments: When considering licence applications the Sub-Committee shall carry out its functions with a view to promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee must ensure that all licensing decisions have:

- taken into account all relevant representations
- a direct relationship to the promotion to the promotion of one or more of the four licensing objectives
- regard to the Council's statement of licensing policy
- regard to the Secretary of State guidance
- there must not be a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

Applications must be considered with regard to the principles of fair process and the Human Rights Act 1998.

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When considering an application for the variation of an existing licence, only the variation is subject to determination. No changes can be made to a licence or conditions attached unless they are subject to the variation application.

The applicant has the right of appeal against the decision made by the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

### 8 Background papers

8.1 The documents referred to in compiling this report are as follows:

#### **Previous reports:**

- None

#### **Other papers:**

- [Code of Conduct and Practice in Licensing Procedures and Hearings](#)
- [Statement of Licensing Policy, dated 11 December 2018](#)
- [Guidance Issued under Section 182 of the Licensing Act 2003](#)