

## **APPENDIX F**

### **MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'A'** **10 AUGUST 2009**

### **SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING** **5 OCTOBER 2009**

(To be read in conjunction with the Agenda for the Meeting)

- \* Cllr Mrs Gillian Beel                      \* Cllr Peter Isherwood
- \* Cllr Mrs Elizabeth Cable

\* Present

Cllr Steven Renshaw had been unable to attend the meeting and under delegated powers the Head of Democratic and Legal Services had agreed that Cllr Peter Isherwood attend in his place.

1. **ELECTION OF CHAIRMAN** (Agenda Item 1)

Cllr Mrs Gillian Beel was elected Chairman for this meeting of Sub-Committee A.

2. **MINUTES** (Agenda Item 2)

The Minutes of the Meeting held on 23 March 2009 were confirmed and signed.

3. **DISCLOSURE OF INTERESTS** (Agenda Item 3)

There were no interests declared under this heading.

### **PART I – RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

### **PARTS II AND III – MATTERS OF REPORT**

#### **Background Papers**

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

### **PART II – Matters reported in detail for the information of the Committee**

4. **LICENSING ACT 2003 - APPLICATION FOR VARIATION TO A PREMISES LICENCE – THE SWAN INN, PETWORTH ROAD, CHIDDINGFOLD, GU8 4TY** (Agenda Item 4; Appendix A)

4.1 The Licensing Manager introduced the application and the Head of Democratic and Legal Services advised the meeting that an email had been received from

the applicant's solicitor amending the application with revised operating times and suggested amendments to the conditions proposed amending the application with Environmental Health. These changes were intended to meet the concerns expressed by residents in their objections. Copies were distributed to those present at the meeting and time was allowed to read it.

- 4.2 The Chairman advised those present that any proposals for changes or amendments prior to the meeting could only be confirmed by the Sub-Committee at that meeting.
- 4.3 The applicant's Solicitor outlined the application and confirmed that the revised times and amendments to conditions had been proposed to alleviate the concerns of local residents. The applicant had recently taken over the licence of the premises and was seeking to improve facilities and encourage clientele that would appreciate entertainment in the proposed style.
- 4.4 The Council's Acting Head of Environmental Health outlined the conditions proposed by his service. The applicant's solicitor was content to accept the conditions, with the exception of the number of external performances and the ability for a singer to use a microphone and amplification, as they would prefer to be able to have around 20 throughout the summer.
- 4.5 Chiddingfold Parish Council attended as an interested party. Although they wished to support local businesses they were concerned that the proposed variation should be in keeping with a village community and did not cause nuisance to local residents.
- 4.6 The main concern of the local residents making representations was noise from the proposed music particularly open-air performances and how this would affect their quality of life. Following discussion the applicant's solicitor offered to include an amended condition that would ensure that no noise emanated from the premises that would cause nuisance or annoyance to neighbours.
- 4.7 Following closing statements by all parties present, the Sub-Committee then withdrew at 11.49 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 12.51 p.m.

The Chairman informed the hearing that during their deliberations the Solicitor to the Council was asked to advise the Sub-Committee on suitable wording for a condition.

The Sub-Committee did not consider that the application conflicted with the Licensing Objectives relating to the Prevention of Crime and Disorder (LO1), Public Safety (LO2) and Protection of Children from Harm (LO4).

The Sub-Committee RESOLVED to GRANT the application as amended and with conditions to meet the Licensing Objectives.

For clarification, the permitted hours for the licence is as follows:

Live Music: (indoors and outdoors)

10.00 - midnight Monday - Saturday  
12.00 – 23.30 Sunday

Recorded Music: (indoors)

10.00 – midnight Monday - Saturday  
12.00 – 23.30 Sunday

Facilities for making Music and for Dancing (indoors)

10.00 – midnight Monday – Saturday  
12.00 – 23.30 Sunday

Hours open to the public:

10.00 – 00.30 Monday - Saturday  
12.00 – midnight Sunday

Sale of Alcohol: (remains as previous licence)

10.00 - midnight Friday and Saturday

Late Night Refreshment: (remains as previous licence)

23.00 – midnight Friday and Saturday

The conditions proposed by Waverley Borough Council Environmental Health Office on page 31 of the agenda papers are to be applied to the licence with the following amendments:

3. External performance shall only be held on:  
Friday and Saturday evenings within the licensed area and between the hours of 19.00 and 22.00 and Sunday afternoons between the hours of 13.00 and 15.00 and only in the style of classical, jazz or similar.

New no. 5.

No sound to be emitted from the premises that would cause nuisance or annoyance to neighbours.

6. All external doors and windows must be kept closed, other than for access and egress, in all rooms when amplified music or speech are taking place, with the exception of the security exit door.

New Condition

Quarterly meetings to be arranged by the applicant with local residents and the Parish Council to discuss any issues or concerns they may have.

The reason for the above decision is to prevent noise and disturbance in the local area and to help address the concerns raised locally. (Licensing Objective 3 – Prevention of Nuisance)

The Sub-Committee reminded the objectors that should they have cause for concern in the future the legislation allowed for members of the community to contact Waverley Licensing Authority with complaints over the operation of

any future events at the premises which might lead to a possible review of the licence.

**The meeting commenced at 10.00 am and concluded at 1.02 pm.**

Chairman