



Police and the applicant had suggested Conditions to be added to the licence, but it was a matter for the Sub-Committee whether to accept, reject or alter them.

- 4.2 The Licensing Manager introduced the application and outlined the matter that the Sub-Committee was being asked to decide. The Licensing Manager explained that an out of date Annexe 5 had been included with the agenda papers and tabled the new version. He also explained that one of the five representations against the application had been withdrawn.
- 4.3 The Solicitor acting for the applicant then outlined the application and confirmed that planning permission for the overall development had been granted and that following liaison with Surrey Police conditions had been added for the Sub-Committee's approval.
- 4.4 Following a question from a member of the Sub-Committee regarding the request for Off-Sales of alcohol, the applicant's Solicitor said that the restaurant chain did offer a take-away service and it was to enable customers to purchase alcohol with their take-away meal.
- 4.5 The applicant's Solicitor then responded to a question regarding staff training and explained that it was their company policy to undertake staff training every 12 months rather than every 6 months and in their experience this was sufficient. However, all new starters would be trained whether they were part-time or temporary and would be required to sign a report form declaring they had undertaken and understood the training.
- 4.6 The Chairman requested clarification on Boxes F and L of the application and the applicant's Solicitor agreed to additional conditions for Box F, Recorded Music that all windows and doors to be kept closed except for exit and egress after 22.00 hrs to prevent noise escape and Box L, Late Night Refreshment to make this indoors only.
- 4.7 The objectors present then gave their representations. They did not object to the proposed opening of the restaurant, but had concerns regarding the off-sales of alcohol and the all night opening on New Years Eve. They also acknowledged the applicant's co-operation with Surrey Police, but were concerned that the new Brightwells development may have an unprecedented number of similar outlets in total which may disadvantage future applicants. There was also a concern regarding noise issues as these premises would be in the vicinity of the apartments in the development.
- 4.8 The Head of Democratic and Legal Services advised that the close proximity of homes to commercial outlets was a planning issue and not one that could be taken into consideration by the Sub-Committee. Overall planning permission for the development had been granted by Waverley.
- 4.9 The Sub-Committee then withdrew at 10.37 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 11.46 a.m.

During the deliberations the Council's Solicitor was asked to advise the Sub-Committee on the suitable wording of their decision.

The Sub-Committee did not consider that this application conflicted with the Licensing Objectives relating to

- Prevention of Crime and Disorder (LO1)
- Public Safety (LO2)
- Protection of Children from Harm (LO4)

And for the reasons given below have decided to allow the licensable activities requested in the application to go ahead.

The Sub-Committee did not consider that there was sufficient substantiated evidence to reject the application. However, taking into account the concerns of the objectors the Sub-Committee have added conditions to the licence. The reasons for the additional conditions are that they are proportionate and appropriate to prevent public nuisance.

The conditions are the 7 conditions agreed with the police as detailed in the Surrey Police letter dated 13/9/12 attached to the agenda papers, and the following further conditions:

8. All windows and doors to be kept closed except for exit and egress after 22.00 hrs to prevent noise escape.
9. Off-sales of alcohol permitted only with the sale of a meal from the menu.
10. With regard to Sections F, L and O, the premises will close at 02.00 on New Years Eve. The sale of alcohol will end at 01.30.
11. Late night refreshment is to be indoors only

Whilst representations were made on grounds relating to planning and disadvantaging other licensees, these were not relevant to the Sub-Committee's determination today.

The Sub-Committee wished to remind the objectors that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

**The meeting commenced at 10.00 am and concluded at 11.49 a.m.**

Chairman