

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 20 NOVEMBER 2017

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 15  
JANUARY 2018

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

**Present**

Cllr Patricia Ellis  
Cllr Peter Isherwood

Cllr Robert Knowles  
Cllr Martin Lear

**Also Present**

Councillors Carole Cockburn and Martin Lear

16. ELECTION OF CHAIRMAN (Agenda item 1.)

Councillor Patricia Ellis was appointed as Chairman of this meeting of Licensing Sub-Committee A.

17. MINUTES (Agenda item 2.)

The minutes of the meeting which took place on 2 May 2017 were confirmed and signed.

18. DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no declarations of interest.

19. LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE - THE FOX, 21 FRENHAM ROAD, LOWER BOURNE, FARNHAM, SURREY, GU10 3PH. (Agenda item 4.)

The Sub-Committee received a report on an application for the variation to an existing premises licence for The Fox, 21 Frensham Road, Lower Bourne, Farnham. The application had received 14 representations from 'other persons' as well as a representation from Environmental Health as a responsible authority. A number of those who had made representations attended the meeting, and, as well as the applicant, were allowed to speak.

The Sub-Committee was advised that the applicant sought a number of amendments, specifically:

- Permit licensable activity on the first floor
- Permit the hours for licensable activity to extend on New Year's Eve Terminal hour until 0200 on New Year's Day.
- Permit alcohol sales for an extra 30 minutes after existing alcohol hours on Monday to Saturday with 30 minutes thereafter for closing.
- Non-standard timings for the Sunday preceding a Bank Holiday Monday, Christmas Eve and Boxing Day (where these days fall on Sunday) are

- proposed from 08.30 until 23.30 for licensable activities with 30 minutes thereafter for closing.
- Remove all conditions on the operating schedule under further details except mandatory conditions, and replace with new ones, please see application attached at Annexe 2.

The Committee asked a number of questions in relation to the use of the outdoor Space and particular concerns regarding noise emanating from the premises. The Applicants representative explained how the premises had changed in management and they were looking to attract different clientele. A significant amount of money had been spent to update the premises as well as the outdoor space and they were looking to attract people both in the morning for teas and coffees and in the evening for events. They would have good management in place to prevent inappropriate behaviour/nuisance and they would ensure that noise was carefully managed. They wanted to work closely with the community to ensure that the premises did not cause any problems and they would like to have an open dialogue with residents to speak with them if they ever did have any concerns.

It was noted that there had been problems with parking but the applicants representative confirmed that this was outside of their curtilage and you couldn't confirm that those people were actually customers of The Fox. Furthermore, the concerns expressed about rubbish and people relieving themselves in close proximity to the premises the applicants representative again advised that they could not confirm that these were their customers but could be from people walking from other areas. In closing the applicants representative advised the Sub-Committee how dedicated the team was at The Fox to turn it around and be a successful venue for the community. They understood the concerns of the residents and would work hard to ensure that conditions/management were in place to mitigate any problems or issues if they arose.

Following the conclusion of questions, the Sub-Committee then withdrew at 1.57pm. They returned at 3.50pm and the Council's Solicitor confirmed she had been asked to advise the Sub-Committee during their deliberation on the wording of their decision which was as follows:

The Sub-Committee agreed to grant the variation to the licence in part as it did not consider that there was sufficient substantiated evidence to reject the application in its entirety. However, taking into account the significant concerns of the objectors and those raised by Environmental Health, the Sub-Committee amended the conditions put forward by the applicant in the operating schedule and added further conditions. The amended and additional conditions were proportionate and appropriate to address the licensing objective(s) relating to Prevention of Nuisance.

The Committee considered each variation in turn and its decisions are noted below as well as the additions imposed:

- To permit alcohol sales for an extra 30 minutes after existing alcohol hours on Monday to Saturday with 30 minutes thereafter for closing.

For the sale of alcohol it would not permit the additional hours requested in the morning, nor those requested in the evening. This was because of the significant concerns raised about noise nuisance from residents and Environmental Health – concerns shared by the Sub-Committee. To confirm, the timings were as follows:

Supply of alcohol

1030 – 2300 Monday to Thursday  
1030-2330 Friday and Saturday  
1100 – 2230 Sunday

Opening hours

0830 – 2330 Monday to Thursday  
0830-0000 Friday and Saturday  
1100 – 2300 Sunday

- Permit licensable activity on the first floor  
The Sub-Committee would not permit licensable activities on the first floor but do agree to the consumption of alcohol and alcohol being served as ancillary to dining use. This was because of the concerns expressed by residents regarding the noise and windows being close to residential buildings.
- Permit the hours for licensable activities to extend on New Year's Eve  
Terminal hour until 0200 on New Year's Day.  
The Sub-Committee did allow for licensable activities to extend on New Year's Eve Terminal hour until 0200 on New Year's Day.
- Non-standard timings for the Sunday preceding a Bank Holiday Monday, Christmas Eve and Boxing Day (where these days fall on a Sunday) were proposed from 08.30 until 23.30 for licensable activities with 30 minutes thereafter for closing.  
The Sub-Committee, noting the residents raised no objection to this variation, and no other representations were received, accepted this variation.
- Remove all conditions on the operating schedule under further details except mandatory conditions, and replace with new ones

The Sub-Committee accepted all the conditions submitted by the Licensee. However, to address representations received, imposed the following variations and additional conditions:

Additional conditions

1. A written Garden and Terrace Management Policy ("The Policy") will be drawn up by the DPS and/or the Operator and agreed with the Environmental Health and Licensing Teams and implemented by the DPS by no later than 22 December 2017.
2. A written Dispersal Management Plan ("The Management Plan") will be drawn up by the DPS and/or the Operator and agreed with the Environmental Health and Licensing Teams and implemented by the DPS by no later than 22 December 2017.

3. Only 6 additional events will be permitted outside the premises, not the 15 that were requested (but in addition to the permissible TENS).
4. All doors and windows will be shut after 2300 (except for access and egress).
5. The designated smoking will be closed to customers carrying drinks after 2300.

The applicant was advised that they had a right of appeal with the Magistrates Court within 21 days of the decision being received. The objectors were encouraged to make sure they made a note of any noise nuisance if this did arise and to raise this with Environmental Health.

**The meeting commenced at 10.30 am and concluded at 3.58 pm**

**Chairman**