

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 13 DECEMBER 2021

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

**Present**

Cllr Michael Goodridge  
Cllr Anna James

Cllr Jacquie Keen

35. ELECTION OF CHAIRMAN (Agenda item 1.)

Councillor Michael Godridge was elected Chairman for the purposes of the meeting.

36. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - 8 DOWNING STREET, FARNHAM, SURREY, GU9 7PB (Agenda item 2.)

The application made for a premises licence under the Licensing Act 2003 in respect of 8 Downing Street, Farnham, was granted as below :-

<u>Licensable activity</u>	<u>Hours</u>
Regulated entertainment (recorded music)	Sunday to Thursday 11:00 to 23:00 Friday to Saturday 11:00 to 00:00
Supply of alcohol (on premises)	Sunday to Thursday 11:00 to 23:00 Friday to Saturday 11:00 to 00:00
Opening hours	Sunday to Thursday 11:00 to 23:20 Friday to Saturday 11:00 to 00:20

1. Conditions

The operation of the premises under the licence shall be subject to the relevant mandatory conditions, conditions derived from the operation schedule highlighted in the application form and those agreed with Surrey Police and Environmental Health.

2. Reasons

The reasons for the decision are as follows:-

The licensing sub-committee heard from the applicant who outlined her plans in relation to the premises, and intention to operate a premium table service venue, similar to the Australian concept of 'supper club'. The licensing sub-committee noted that the restaurant expected to seat 50 covers. The applicant acknowledged that the premises was surrounded by residential properties, and reiterated that they

did not wish or intend to operate as a nightclub venue. The applicant mentioned that she had been residing at the upstairs living accommodation for the past three months whilst the refurbishment had been taking place, and understood the concerns raised but wished to operate their business in a neighbourly way. It was confirmed that their application was made for extended hours on the basis that the business would be offered a degree of flexibility, avoiding the need to apply by way of temporary event notice and to allow dispersal of guests over a more gradual period. The applicant set out her significant experience in the trade and explained that she had operated at another venue in Farnham situated at the Borough successfully for some three years, which was run in a sympathetic way, considerate of those surrounding properties. It was clarified that the properties to the immediate left and right of the premises did not have any residential element (a tattooist and clinic rooms respectively), that the accommodation directly above the premises was under the control of the applicant and the previous use of the premises had been retail (a window blinds shop).

The licensing sub-committee considered all of the oral and written representations before it, received from both nearby residents as well as Farnham Town Council with regards to the licensing objective of prevention of public nuisance. During the hearing, it was clarified that there was no specific outdoor smoking area at the site and patrons would be able to smoke at the front of the premises. An objector confirmed that one immediately adjacent property did include an element of accommodation currently and was not a clinic room as the applicant had suggested. The committee noted the commentary provided by the representative of the Town Council with regards to the character and neighbourhood of this part of the town, which was notably formed of small terraced properties including in nearby Lower and Middle Church Lane with smaller frontages and pavements and a narrow roadway when compared with The Borough. It was suggested that some twelve residential properties situated in the vicinity would be directly affected by the premises by general noise and those exiting the premises, which included working and young families, and which along with the observations of those other interested parties was compelling.

The licensing sub-committee noted that the responsible authorities had not objected but conditions had been agreed with both Surrey Police and Environmental Health, including with regards to disposal of waste (including bottles). It was felt that this condition was proportionate to the arrangements in view of the proximity, style and density of nearby residential addresses.

The Licensing sub-committee considered the Home Office's section 182 guidance and in particular paragraphs 1.19, and 2.19 in relation to noise nuisance. The sub-committee noted that licence conditions should not duplicate other statutory provisions and that appropriate conditions should focus on the most sensitive periods such as at night when residents in adjacent properties may be sleeping eg 11pm to 8am.

The sub-committee felt that in light of the comments and local knowledge it was necessary to reduce the hours of operation for licensable activity in order to promote the licensing objective of prevention of public nuisance – in order to protect residents from noise nuisance, particularly during sensitive hours. This was felt to be appropriate and proportionate.

The sub-committee recognised the important role of licensed premises in the community, noting the good record of the existing premises but was obliged to consider the application on its merits which in this case included an element of dense residential accommodation (recognised in Waverley's statement of licensing policy). The sub-committee noted that the Statement of Licensing Policy at paragraph 8.1 confirmed that it should focus on 'the impacts of the licensable activities on persons living and working [...] in the vicinity that are disproportionate or unreasonable' and at paragraph 8.3 this may include 'in appropriate circumstances, the reduction of the living and working amenity and environment of any other person'. Further, at paragraph 8.10 that it is appropriate to take into account 'the style and characteristics of the premises'.

The sub-committee was made aware by the Licensing Manager of hours of licensable activity for nearby premises including the Lost Boy, which was distinguished from this application on the basis of it being a detached property.

It was explained that the applicant would be entitled to make an application by way of temporary event notice (TEN) in relation to further licensable activity outside those granted, and an advisory was given that for the calendar years 2022/23 a premises is able to apply for up to 20 TENs per annum, rather than the current 15.

In reaching this decision, the sub-committee had regard to all of the relevant considerations and the four licensing objectives and considered that the decision was appropriate and proportionate.

**The meeting commenced at 10.00 am and concluded at 11.03 am**

**Chairman**