

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 6 JUNE 2022

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 12
SEPTEMBER 2022

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

Present

Cllr Michael Goodridge

Cllr Anna James

Apologies

Cllr Roger Blishen

Also Present

Paul Hughes and Gillian Carson-Jones

37. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Michael Goodridge was elected as Chairman for the purpose of this meeting.

38. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE- THE PAVILION, HOLLOWAY HILL RECREATION GROUND, BUSBRIDGE LANE, GODALMING, SURREY. GU7 1PU (Agenda item 2.)

The Committee AGREED to approve the application for a new premises licence as set out in the paperwork submitted. Subject to the following:

1. Hours for the sale of alcohol (on/off) to be amended to the hours of noon to 22.30 hours on Sunday – with opening hours amended accordingly (to 23.00 hours)
2. Drinks will not be served in glasses or glass bottles for those to be consumed on the veranda or outside area / off site and drinks will otherwise be decanted into polycarbonate (or equivalent non-glass) serving or drinking vessels
3. A noise management plan is to be agreed between the premises licence holder and Environmental Health to include the condition that all doors and windows to be kept closed after 22.00 hours save for the purpose of entry and egress
4. A direct telephone number for the Licence Holder/DPS/manager of the premises shall be always publicly available when the premises is open. Details of any complaints to be recorded in an incident book including details of the action taken by the licence holder/DPS/manager.

Therefore the agreed licensable hours are:

- **Sale of Alcohol (Consumption both On & Off the Premises)**
Monday to Saturday 1100 to 2300
Sunday Midday to 22.30
Christmas Eve and New Year's Eve alcohol sales till 0030

- **Opening hours**

Monday to Saturday 0830 to 2330

Sunday 0830 to 2300

Christmas Eve and New Year's Eve Closing at 0100

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 Environmental Health.

The reasons for the decision are as follows:-

The licensing sub-committee accepted the applicant's suggested amendment to the hours on Sunday for the sale of alcohol from noon to 22.30 hours and their agreement to limit the service of alcohol in glass containers to those intending to consume alcohol on the veranda/in external spaces.

The licensing sub-committee noted that no representations had been made by any of the responsible authorities in relation to the advertised application. Further, that the applicant had worked together with Environmental Health to agree a way forward to address potential concerns relating to noise (public nuisance), including the agreement of a noise management plan.

The licensing sub-committee noted the objections raised by other persons who were not present and heard from a number of other persons during the hybrid hearing both remotely and in person. The concerns raised were in relation to the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee was made aware that a significant number of 'other persons' who had both raised concerns and had commented in support were those living within the general vicinity of the premises and attached appropriate 'weight' to their comments accordingly.

The sub-committee felt that the applicants were overall very sympathetic to the objections raised by 'other persons' and keen to promote and operate the site for the benefit of the community at large, and the furthering of sporting activities.

The sub-committee heard that there had been noise and anti-social behaviour complaints generally within the area primarily relating to people externally, vehicles and use of the nearby open space and car park by those not connected with the premises. In addition, possible concerns were raised in relation to parking and impact on the local community, which had already been curtailed by restricting access by use of a locked gate.

With regards to the licensing objective relating to the prevention of crime and disorder, the licensing sub-committee felt that any potential for anti-social behaviour in the area would have been identified by Surrey Police and noted that they did not object to the application. In accordance with the national guidance (section 182) licensing authorities should look to the police as the main source of advice on crime

and disorder. It was noted that the plan showed a number of cctv cameras which would serve as a deterrent to possible disorder, and nuisance at the site which were felt to represent adequate provision.

The licensing sub-committee considered carefully what constitutes public nuisance and what is appropriate to prevent in terms of conditions attached to a specific premises licence. The licensing sub-committee considered the effect of the licensable activities at the specific premises on persons living and working in the area around the premises which may be disproportionate and unreasonable, with particular focus on noise nuisance, and litter. The sub-committee acknowledged that environmental health had engaged with the applicant in order to prepare a suitable noise management plan.

However, members of the committee felt that it was appropriate to recommend that a condition be put in place in relation to noise nuisance in order to control the level of noise emanating from premises, given its position. It was felt appropriate to do so in order to ensure that doors and windows are kept closed except for egress and ingress after 10pm. The sub-committee heard from the licensing manager that conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. The sub-committee took account of comments made during the hearing about there being a perceived benefit to local residents to have a direct contact number for those operating the premises and that a condition would be appropriate in order to ensure that contact could be made by residents to address concerns at all times that the premises is open, and that a log should be kept to this end.

It was noted by the licensing sub-committee that where nuisance activity arises beyond the area immediately around the premises, these are matters for the personal responsibility of individuals under the law. To this end, the subcommittee confirmed that an individual who engages in anti-social behaviour is accountable in their own right, and where this does occur it may be a matter for investigation and action by the Police.

With regards to litter, the licensing sub-committee listened carefully to the comments made and felt that it was appropriate to impose a condition requiring alcohol and soft drinks to be decanted into plastic (or equivalent) non glass vessels or containers in order to reduce the risk of broken glass and litter where drinks were not consumed within the pavilion building.

The licensing sub-committee felt that the arrangements offered by the applicant including the provision of cctv, were adequate to ensure the safety of those using their premises as part of their duties under the Licensing Act 2003 with regards to public safety.

The licensing sub-committee noted that some of the concerns raised related to planning and highways issues (in particular parking onto local roads) which were not relevant to the licensing objectives and as such were disregarded in accordance with regulation 19 of the Licensing Act 2003 (Hearings) Regulations 2005.

The sub-committee noted that the national guidance recommends that consideration be given to the licensing objectives of the protection of children from harm, including the protection of children from moral, psychological and physical

harm and this includes wider harms. It was felt that no further conditions were necessary relating to the access of children, on the basis of the proposed offering of café and food in daytime and the provision of alcohol, and in light of the applicant's previous record at the site.

The licensing sub-committee took account of the fact that no adult entertainment was to be provided at the premises, and there had been no previous known issues relating to service of alcohol to minors and felt that the applicant was acutely aware of his proximity to youth clubs (scouts and brownies) on given days and times as well as licensing act responsibilities concerning other youth sports activity groups. As such, the licensing sub-committee felt that the steps proposed in the operating schedule were adequate in the circumstances. It was noted that the responsible authority in relation to child protection issues had not raised any concerns or presented evidence to the licensing authority in relation to the application made. During the hearing it was felt that the applicant displayed a responsible attitude in relation to unlawful sales and consumption of alcohol to minors and would ensure that his staff were suitably trained and would operate the 'challenge 18' arrangements as set out in the operating schedule.

The licensing sub-committee felt overall that the premises previously operated with similar hours and licensable activities under a club premises certificate being requested within this application without significant issue. It was understood that the applicant had not previously been subject to formal enforcement action. The sub-committee confirmed that the licensing legislation and national guidance aims to protect the public and local residents from crime antisocial behaviour and noise nuisance caused by irresponsible licensed premises.

The sub-committee understood the concerns raised within the hearing to noise nuisance relating to a temporary event notice in particular on 23 April 2022 which was confirmed as being run as a private event by an external provider, rather than the applicant. Further that the objections raised were based on possible concerns about how the premises may be operated and frequency of events. The sub-committee noted that observations included those made following the viewing of social media sites relating to a possible future partner and which appeared to be otherwise based on speculation.

In reaching its decision, the licensing sub-committee took into account information relevant to the application and the promotion of the licensing objectives.

After hearing from the applicant and considering the application together with the supporting documentation, the licensing sub-committee were satisfied to grant the application as amended, with a number of conditions in order to promote the licensing objectives.

39. LEGAL ADVICE (Agenda item 3.)

The sub-committee took into account all legal advice given in the meeting and during their deliberations.

The meeting commenced at 10.00 am and concluded at 12.57 pm

Chairman