

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 12 SEPTEMBER 2022

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 14  
NOVEMBER 2022

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

**Present**

Cllr Jerome Davidson  
Cllr Patricia Ellis

Cllr Roger Blishen

61. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Patricia Ellis was elected as Chairman for the purpose of this meeting.

62. DISCLOSURE OF INTERESTS (Agenda item 2.)

Cllr Jerome Davidson declared a non-registerable interest in Item 4 – Application to vary premises Licence – Carlo Italian Bistro.

He advised that he was a regular patron to this establishment but that he had an unbiased and open mind to the application.

63. THE LEATHERN BOTTLE, 77 MEADOW, FARNCOMBE, GODALMING, SURREY GU7 3JG (Agenda item 3.)

The police representative requested a deferment of this item due to the barrister for the police calling in sick that day. The Committee considered the request and decided that in consideration of justice being served they would allow the deferment.

It was agreed with all parties to defer the item to the 17<sup>th</sup> October 2022.

64. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE- CARLO ITALIAN BISTRO, 3 HAMPTON TERRACE, BEACON ROAD, BEACON HILL, SURREY GU26 6NR (Agenda item 4.)

The licensing sub-committee heard from the applicant who outlined the application in summary and provided further detail. The applicant confirmed the extension of hours and arrangements sought were with a view to allowing evening clientele to remain on the premises longer and provide flexibility for the business.

The licensing sub-committee considered all of the oral and written representations before it made its decision.

The sub-committee noted concerns raised in the written representations regarding planning issues, which were distinct from considerations of and the remit of the

licensing sub-committee, as confirmed in the Council's statement of licensing policy at paragraph 18.4.

In relation to the written representations made relating to noise nuisance, the sub-committee noted and considered carefully the comments received, however, felt that the issues were based on possible concerns only, and within the licensing policy the suggestion was that appropriate focus ought to be on the most sensitive periods (2300 hours to 0800) which were outside the proposed hours of operation of the establishment in any event. The sub-committee also considered the character of the area and nature of the proposed activities, noting that the establishment was intended to primarily operate as a restaurant venue, with evening sittings, rather than being considered as a drinking establishment.

In relation to general noise concerns raised (public nuisance), the Sub-Committee was satisfied overall with the arrangements in place and responsible attitude of the applicants and it was felt that further conditions would not be necessary in order to promote the licensing objectives on the basis of the evidence before the sub-committee. Further, the sub-committee recognised the important role of the business in the local community, acknowledged within the statement of licensing policy, and as evidenced by individuals who had provided references.

With regards to the licensing objective of public safety, the sub-committee noted that some concerns had been raised about safety of those in the general vicinity of the premises. However, the Council's statement of licensing policy recognises that the licensing objective of public safety concerns the physical safety of people at the premises, rather than further afield and the policy expressed an intention to work closely with other agencies such as Surrey Police (who notably did not raise any particular concerns to this end).

In reaching this decision the sub-committee had regard to all the relevant considerations including the statutory guidance and Waverley's statement of licensing policy as well as the four licensing objectives and considered that this decision and the single additional condition offered was appropriate and proportionate for the promotion of the licensing objectives.

65. LEGAL ADVICE (Agenda item 5.)

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

**Chairman**