

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE C - 28 FEBRUARY 2022

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING -
<DATE>

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

Present

Cllr Robert Knowles
Cllr Ruth Reed

Cllr Martin D'Arcy

6. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Robert Knowles was elected as Chairman for the purposes of this meeting.

7. LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING LICENCE-
MILFORD & WITLEY LTD, CHURCH ROAD, MILFORD, GODALMING, GU8 5JA
(Agenda item 2.)

The Sub Committee proceeded to grant the street trading consent as applied for by Milford and Witley Limited for a period of 12 months

Licensable activity	Timings	Days
Permitted trading hours	17 00 hours to 23 00 hours	Monday to Sunday

Conditions

Standard Consent Conditions only

Reasons

After taking into account the written representations from the parties and the oral representations from parties at the hearing, the Sub Committee considered the concerns raised in the objections to the application from Surrey Police as well as the comments in support from the Parish Council. The Sub Committee also considered the material in support (petition) provided by the applicant which in summary confirmed that many customers and local residents were in support of the business at this location, that it provided a valued service locally, and that they did not perceive there to be any direct link or association with the business to the anti-social behaviour in the area.

It was noted that the concerns related to the perceived public nuisance arising from anti-social behaviour in the area, although no substantiated evidence was provided to the Sub Committee to this effect.

In reaching its decision the Sub Committee considered the Street trading policy and the Local Government (Miscellaneous Provisions) Act 1982 - Schedule 4 Street Trading.

Right to appeal

A person aggrieved by the decision of the Licensing Sub Committee may make an application to the High Court for judicial review of the decision.

8. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - HILLTOP KITCHEN, COMBE FARM BUILDINGS, ALLDENS LANE, GODALMING, SURREY, GU8 4AP (Agenda item 3.)

The Sub-Committee carefully considered the application for a new premises licence, taking into account the representation(s) received, representations made, statutory guidance and the Council's Statement of Licensing Policy (August 2018 to July 2023).

Decision

That the application made by Pickle and Wedge Limited for a new premises licence be granted under the Licensing Act 2003 in respect of the premises known as Hilltop Kitchen, Combe Farm Buildings, Alldens Lane, Godalming, Surrey GU8 4AP as follows:-

Sale of Alcohol: (on the premises only)
1200 to 1800 Monday to Wednesday
1200 to 2300 Thursday to Sunday

Opening hours:
0900 to 1800 Monday to Wednesday
0900 to 2300 Thursday to Sunday

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 section M of the application form and the additional conditions agreed by the applicant with Surrey Police (set out on page 42 and subsequent pages of the Committee report). In addition, the Sub-Committee accepted the applicant's offer set out below in relation to storage / disposal of glass:-

1. The premises licence holder will ensure that glass bottles will not be placed in external refuse receptacles after 1900 hours

Reasons

The reasons for the decision are as follows:-

The licensing sub-committee heard from the applicant who through his advocate 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 events and provide flexibility for the business. The applicant in its written application clarified that were the committee minded to grant the application, it would be their intention to surrender the licence which was already in place.

The licensing sub-committee considered all of the oral and written representations before it

It was apparent to the sub-committee from the committee papers and representations made that the applicant had engaged with the representative of Surrey Police (Licensing Officer) in advance of the hearing. It was noted that a number of conditions had been agreed to address concerns regarding the licensing objective of crime and disorder (as well as others).

The sub-committee noted in line with the s182 statutory guidance the Police should be viewed as the main source of advice and expertise on this licensing objective. The sub-committee noted that in addition to addressing the licensing objective of prevention of crime and disorder, the Police had not felt it necessary to suggest further conditions beyond those agreed with the applicant regarding the separate licensing objectives of public safety, prevention of nuisance (which had been raised by objectors) and or protection of children from harm.

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 noted by way of further support that there had already been a significant number of 'pop up events' at the site which had previously operated on the basis of temporary event notices (TENs) all of which had taken place successfully and without issue. 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 effectively only on a fortnightly basis, 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 a number of individuals who had provided references and or attended the hearing in support.

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, and with regards to the narrow road access generally. 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.

The Licensing Act 2003 has a key protection for communities that allows at any stage, following the grant of a premises licence or Club certificate, a responsible authority, such as the police or the fire authority, or 'other persons', such as a local resident, to ask the Licensing Authority, to review the licence, if they consider that one or more of the four licensing objectives are not being met.

Licensing Objectives;

1. Prevention of Crime & Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from Harm

9. LEGAL ADVICE (Agenda item 4.)

The Committee received legal advice whilst considering the application.

The meeting commenced at 10.00 am and concluded at 11.58 am

Chairman