

To: MEMBERS OF THE LICENSING COMMITTEE  
Councillors Connolly (Chair) Fitzgerald (Vice-Chair),  
Blake-Thomas, Dennis, Mills, Ridge, Rujbally, Steeds and  
Wren.

for any enquiries, please contact:  
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01883 722000

Substitute Councillors: Botten and Harwood.

c.c. All Other Members of the Council.

6<sup>th</sup> November 2018

Dear Sir/Madam,

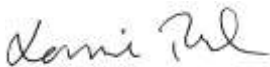
**LICENSING COMMITTEE**  
**WEDNESDAY, 14TH NOVEMBER 2018 AT 7.30 P.M.**

The Agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a Member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should Members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a Member of the Council, not being a Member of the Committee, proposes to attend the meeting, please let officers know by no later than noon on the day of the meeting.

Yours faithfully,



Louise Round  
**Chief Executive**

**AGENDA**

1. **MINUTES OF THE MEETING HELD ON THE 24<sup>TH</sup> MAY 2018 AFTER ANNUAL COUNCIL**  
(copy herewith)
2. **APOLOGIES FOR ABSENCE** (if any)
3. **DECLARATIONS OF INTEREST** – All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:
  - (i) any Disclosable Pecuniary Interests (DPIs) and / or
  - (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or his staff prior to the meeting.

continued.....

4. **TO DEAL WITH QUESTIONS SUBMITTED UNDER STANDING ORDER NO. 29 (2)**
5. **TO NOTE THE MINUTES OF HEARINGS CONDUCTED BY THE LICENSING SUB-COMMITTEE ON THE FOLLOWING DATES:**
  - (i) 10<sup>th</sup> July 2018 (page 3)
  - (ii) 26<sup>th</sup> July 2018 (page 6)
6. **PRESENTATION - AN EXPLANATION OF LICENSING FUNCTIONS CONCERNING THIS COMMITTEE**
7. **STATEMENT OF GAMBLING ACT PRINCIPLES REVIEW (page 9 and Appendix 'A')**
8. **ANY OTHER BUSINESS WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AT THE MEETING AS A MATTER OF URGENCY**

## THE DISTRICT COUNCIL OF TANDRIDGE

### LICENSING SUB-COMMITTEE

Minutes of the Sub-Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 10<sup>th</sup> July 2018 at 10:00 a.m.

#### **SUB-COMMITTEE MEMBERS PRESENT:**

Councillors Connolly (Chair) Fitzgerald and Harwood

#### **OTHER COUNCILLORS PRESENT:**

Councillors Childs and Farr (Godstone Ward)

#### **OFFICERS PRESENT:**

James Hitchcock – Legal Specialist  
Paul Holliday – Senior Licensing Officer  
Jeannette Pickles – Licensing Officer  
Vince Sharp - Committee Clerk

#### **IN ATTENDANCE :**

Lisa and Mark Courtney - on behalf of the John Fisher Sports Club (for Item 1 below)  
Paul Flegg - Warlingham resident / objector (for Item 1 below)  
Christopher Baldwin and Louis King - event organisers (for Item 2 below)  
Ian Sandwell – Licensing Officer, Surrey Police / objector (for Item 2 below)

#### ***SUB-COMMITTEE DECISIONS***

***(Under powers delegated to the Sub-Committee)***

### **1. APPLICATION BY JOHN FISHER SPORTS CLUB FOR A PREMISES LICENCE**

Since October 2005, the Club had held a Club Premises Certificate which authorised the supply of alcohol to members and guests only and to provide regulated entertainment. In May 2018, the Club applied for a Premises Licence in order to extend such supply / provision to the general public, i.e.:

*Sale of alcohol, regulated entertainment (indoors only) namely: live music, recorded music, provision of films performance of dance and the provision of anything of a similar description to live music, recorded, music or performances of dance– Monday to Sunday 11:00 a.m-02:00 a.m.*

*Supply of late night refreshment – Monday to Sunday 11:00 a.m-02:00 a.m.*

Surrey Police and the Council's Environmental Health department had no objections to the proposed licence following the addition of certain conditions that had been agreed between the relevant parties during the consultation period.

However, the hearing had been convened in light of representations from two members of the public (one of which was from Paul Flegg).

The Chair introduced the Sub-Committee and all those present and set out the procedures for the hearing.

Jeannette Pickles, the Council's Licensing Officer, addressed the Sub-Committee to present her report. The Chair then called on other interested parties to speak.

Mark Courtney explained that the club was community focused (with the primary objective of promoting junior football) and that the license was being sought to generate much needed revenue to ensure financial sustainability. In response to Councillors' questions, he confirmed that the Club would be willing to accept a reduction in the late night opening hours to be prescribed by the required licence. He also explained security measures in place at the Club, including the CCTV facilities and arrangements for supervising functions.

Paul Flegg (objector to the proposed licence) stated that he supported the Club's objectives but questioned the need for the social club to remain open until 2am. He recounted previous incidents of anti-social behaviour when users vacated the premises at night (e.g. abusive language, sounding of car horns and bottles thrown into gardens). He acknowledged that he had only complained once to the Club about such incidents in the previous nine years but considered that local residents had been 'suffering in silence'.

Lisa Courtney emphasised that the Club was keen to work with the community and welcomed feedback whenever anti-social behaviour occurred so that remedial action could be taken to avoid repeat incidents and to support neighbouring residents.

The Sub-Committee withdrew at 10.35 a.m. to consider its decision and returned to the hearing at 10:47 a.m.

The Chairman then delivered the Sub-Committee's decision.

**RESOLVED** – that a Premises Licence licence be granted but that the permitted hours be restricted to:

- 11pm on Sundays to Thursdays; and
- 12 midnight on Fridays and Saturdays

... for the sale of alcohol and other licensable activities covered by the application.

The reason for this decision was in pursuance of the licensing objective of preventing public nuisance.

## **2. APPLICATION FOR A TEMPORARY EVENT NOTICE (TEN) AT WHYTE GATE STUD FARM, SOUTH GODSTONE**

On the 23 March 2018, the Council had received a TEN application seeking permission for the sale of alcohol and the provision of regulated entertainment at an event to be held at the above location between the 20th and 22nd July 2018. The application stated that the event would not be publicly advertised. However, following information from Surrey Police, Licensing Officers became aware of a Facebook page providing information about the event which has been named as 'Tribal Rhythm Festival 2018'.

In accordance with the Licensing Officers' advice, the above mentioned TEN application was withdrawn and a new one submitted (dated 25th June 2018). This resulted in the objection from Surrey Police as attached at Appendix 'A'.

The Chair introduced the Sub-Committee and all those present and set out the procedures for the hearing.

Jeannette Pickles, the Council's Licensing Officer, addressed the Sub-Committee to present her report. The Chair then called on other interested parties to speak.

Louis King outlined the credentials of the event organisers, while acknowledging that this had been their first TEN application and that they had not organised an event of this type on their own before. He responded to the Sub-Committee's concerns about the suitability of the venue and explained that the event was intended to be private with attendees being over 18 and either:

- (i) known to the organisers; or
- (ii) close friends of those described in (i) above.

Louis King also explained the measures to:

- avoid noise nuisance (e.g. there would be no live music);
- provide effective stewarding; and
- ensure that the location remained undisclosed to all but the organisers and the relevant authorities until the day before the event.

He stated that he had not regarded the event as being 'publically advertised' and had never intended to mislead the police. He argued why the event should be regarded as private and nothing akin to a rave; and that unwelcome ticket purchasers would be refunded and denied entry. He also explained that any profit would be donated to a charitable cause. He did not anticipate that any attendees would arrive or leave on foot and confirmed that BBQ's and camp fires would be prohibited.

Ian Sandwell reinforced the concerns of the Surrey Police as set out in his written representations at Appendix 'A'. He asserted that the police has been misled and reiterated his fears about public safety given the nature of the site, the likelihood of the event attracting unwelcome visitors and the propensity for outbreaks of crime.

The Sub-Committee withdrew at 12.10 p.m. to consider its decision and returned to the hearing at 12:31 p.m.

The Chairman then delivered the Sub-Committee's decision.

***RESOLVED*** – that, on the balance of the evidence submitted, the application be refused on the grounds that the event would be contrary to two of the licensing objectives, namely:

1. Public Safety

The proposed 100 acre site is insecure and inappropriate. In particular, the security of the slurry pits has not been adequately addressed.

2. Crime & Disorder

There are insufficient security measures given the size of the site.

Rising: 12:32 p.m.

# THE DISTRICT COUNCIL OF TANDRIDGE

## LICENSING SUB-COMMITTEE

Minutes of the Sub-Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 27<sup>th</sup> July 2018 at 10:00 a.m.

### **SUB-COMMITTEE MEMBERS PRESENT:**

Councillors Connolly (Chair) Botten and Harwood

### **OFFICERS PRESENT:**

James Hitchcock – Legal Specialist  
Paul Holliday – Senior Licensing Officer  
Jeannette Pickles – Licensing Officer  
Barry Gilham - Committee Clerk

### **IN ATTENDANCE:**

Patrick Holohan – Premises Licence Holder– Whyteleafe Tavern  
Ian Sandwell – Licensing Officer, Surrey Police

### ***SUB-COMMITTEE DECISION***

***(Under powers delegated to the Sub-Committee)***

## **1. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT WHYTELEAFE TAVERN, WHYTELEAFE**

Since 2005, the Whyteleafe Tavern had held a Premises Licence. This authorised the premises to sell alcohol by retail, to provide regulated entertainment and provide late night refreshment. A copy of the Premises Licence was attached to the agenda. Prior to 2005, a Justices 'On' Licence had been issued under the previous licensing legislation.

Surrey Police had advised the Licensing Authority of a serious assault at the premises on 17th March 2018. The Sub-Committee was advised that the police investigation had been completed and no prosecution was pending.

Mr Ian Sandwell provided a report into the investigations that took place in respect of the serious assault and gave a summary of the steps taken in the investigation.

It was confirmed that on 18<sup>th</sup> June 2018, an application had been received for a minor variation of the Premises Licence to attach conditions which were agreed verbally between Surrey Police and the Licence holder.

The minor variation application was granted and the conditions added to the Premises Licence. Because of this variation, Surrey Police formed the view that it was no longer necessary to review the Premises Licence. However, once a review application has been submitted it cannot be withdrawn and a hearing must be held.

Representations were made by Mr Holohan, who was not the holder of the Premises Licence at the time of the incident, and he assured the Sub-Committee that the events leading up to the incident would not be repeated whilst he was in place at the establishment.

The Sub-Committee raised questions in respect of the opening hours of the establishment and queried whether this had contributed to the incident that occurred. The Sub-Committee discussed the possibility of changing the opening hours of the premises with Mr Holohan.

The Sub-Committee withdrew at 10.50a.m. to consider its decision and returned to the hearing at 11.10 a.m.

The Chairman then delivered the Sub-Committee's decision.

***RESOLVED*** – that the Premises Licence would not be removed but that the permitted hours be restricted to the days and times as set out in Appendix 'A'.

Rising: 11:25 a.m.

**Licensing Sub-Committee – 27th July 2018**

**Decision for Agenda Item 4 – Application for the Review of a Premises Licence at Whyteleafe Tavern, Whyteleafe**

It was the view of the sub-committee to alter the operational hours of the licenced premises as follows:

The sale of alcohol may take place during the following hours:

09.00am – 11.30pm Sunday to Thursday  
09.00am – 12.30am Friday & Saturday  
09.00am – 12.30am St. George's Day & St. Patrick's Day and from closing time on New Year's Eve until 3am on New Year's Day

Regulated entertainment may take place during the following hours:

09.00am – 11.30pm Sunday to Saturday

Indoor sporting events

From closing time on New Year's Eve until 3am on New Year's Day

Live & recorded music, terminal hour extended to 12:30am on St. George's Day & St. Patrick's Day and from closing time on New Year's Eve until 3am on New Year's Day

Late night refreshment

11.00pm – 11.30pm Sunday to Thursday  
11.00pm – 12.30am Friday & Saturday, St. George's Day & St. Patrick's Day  
11.00pm on New Year's Eve until 3.00am New Year's Day

The opening hours of the premises

09.00am – 12.00am (midnight) Sunday to Thursday  
09.00am – 1.00am Friday & Saturday  
09.00am – 1.00am St. George's Day & St. Patrick's Day and from closing time on New Year's Eve until 3am on New Year's Day.

It is also the sub-committee's recommendation that all future conditions imposed on licensed premises take into account future enforceability of those conditions.



<b>REPORT TO THE LICENSING COMMITTEE – 14TH NOVEMBER 2018 - AGENDA ITEM 7</b>	
<b>STATEMENT OF GAMBLING ACT PRINCIPLES REVIEW</b>	
Report of:	Paul Holliday – Senior Licensing Officer – 01883 732794 <a href="mailto:pholliday@tandridge.gov.uk">pholliday@tandridge.gov.uk</a>
Purpose of Report :	To agree a revised Statement of Gambling Act Principles as required by the Gambling Act 2005.
Publication status:	Unrestricted.
Recommendations:	That the Committee recommends to Council that the attached Statement of Gambling Act Principles be adopted for a period of three years commencing on the 1st January 2019.
Appendices:	Appendix 'A' - Gambling Act Statement of Principles (separate copy enclosed)
Relevant legislation:	Gambling Act 2005 <a href="http://www.legislation.gov.uk/ukpga/2005/19/contents">http://www.legislation.gov.uk/ukpga/2005/19/contents</a>  Guidance to licensing authorities 5th edition (September 2015) issued under the Gambling Act 2005 <a href="https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf">https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf</a>

## 1. Background

- 1.1 Tandridge District Council as the Licensing Authority for the District is obliged to compile and implement a Statement of Principles in accordance with the provisions of the Gambling Act 2005 and the “Guidance to Local Authorities” from the Gambling Commission issued under Section 25 of that Act.
- 1.2 The Statement has to be revised every three years, and was last reviewed 8<sup>th</sup> October 2015. The current Statement has been amended in accordance with changes to the legislation and the guidance to local authorities.
- 1.3 The draft Statement has been consulted on as detailed at paragraph 2.1 below.
- 1.4 Subject to comments, amendments or additions the Committee wishes to make to the document, the Statement of Principles will be submitted to Council on 6th December for adoption and the new Statement of Principles will be published in accordance with Section 349 of the Gambling Act 2005.
- 1.5 Once adopted the amended Statement of Principles will be published on the Council’s website.

## 2. Consultation

- 2.1 A public consultation was carried out in respect of this Statement of Principles from Monday 24th September until Monday 29th October 2018. Page 54 of the draft Statement of Principles (Appendix A) lists the bodies consulted with on the revised Statement of Principles, and the places where the draft Statement of Principles was available for inspection.

- 2.2 One responses (GambleAware) was received to the consultation. This was to say that they did not have any specific comment concerning the Statement of Principles. However, they did strongly commend two recent publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers.

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>

<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

- 2.3 Officers have considered these documents and will refer to them as necessary, however they do not themselves require any changes to the Council's Statement of Principles.

### 3. Financial / risk Implications

- 3.1 There are no financial or risk implications arising from the revised Statement of Gambling Act Principles.

### 4. Legal Implications

- 4.2 Tandridge District Council is required under section 349 of the Gambling Act 2005 to prepare and publish a Statement of the Principles it proposes to apply when exercising its functions under the Act and to review from time to time. Failure to adopt the Statement of Principles will result in Tandridge District Council being unable to consider the revised Statement when considering applications under the Act.

- 4.2 In preparing the Statement, the Council must consult the following people for its area:

- a) the chief officer of police
- b) people representing the interests of persons carrying on gambling businesses
- c) persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act.

- 4.3 Before the revised Statement of Principles come into effect, the regulations require Tandridge District Council to publish its new Statement for a period of four weeks on the Council's website and make the Statement available for public inspection. Tandridge District Council must also advertise the fact that the Statement is to be published by publishing a notice on its website, and one or more of the following places:

- a local newspaper circulating in the area covered by the Statement
- a local newsletter, circular, or similar document circulating in the area covered by the Statement
- a public notice board in or near the principal office of the authority
- a public notice board on the premises of public libraries in the area covered by the Statement.

### 5. Equality Impacts

- 5.1 The proposals within this report do not have the potential to disadvantage or discriminate against different groups on the community.

### 6. Data Protection Impacts

- 6.1 The proposals within this report do not have the potential to contravene the Council's Privacy Notice.

7. Conclusion

- 7.1 It is a requirement for the Licensing Authority to review its Statement of Policy at least every 3 years. During this review the Licensing Authority must consult on the Statement and take into account any representations. Having completed this consultation it is advised that the Committee recommends to Council that the attached Statement of Gambling Act Principles be adopted for a period of three years commencing on the 1st January 2019

----- end of report -----