

TANDRIDGE DISTRICT COUNCIL

LICENSING SUB COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 18 August 2022 at 6.00pm.

ATTENDEES:

Sub-committee members:

Councillors Botten, Robinson and Stamp

Council Officers:

Aneurin Hughes – Senior Licensing Officer

Ian Garrod - Licensing Officer

Lidia Harrison - Head of Legal Services

Barry Gilham - Democratic Services Officer

Vince Sharp - Democratic Services Officer

Relevant parties

Andrew Dawson - applicant

Councillor Liz Lockwood – objector on behalf of Lingfield Parish Council

Martin & Claudette Edwards - objectors

1. ELECTION OF CHAIR

Councillor Botten was elected Chair of the meeting.

2. APPLICATION FOR A PREMISES LICENCE - DRUNKEN COW, WALSALL HOUSE, 24 GODSTONE ROAD, LINGFIELD RH7 6BW

The Sub-Committee considered an application from Vino V Ltd for a premises licence in respect of Walsall House. The applicant (represented at the hearing by Andrew Dawson) wished to convert this former coffee shop into a delicatessen. The purpose of the required licence was to enable the sale of alcohol for consumption on the premises, which included a rear garden area with boundaries adjacent to the gardens of residential properties.

The original application sought the sale of alcohol between the hours of:

10:00 – 21:00 Monday to Thursday

10:00 – 23:00 Fridays and Saturdays

10:00 – 20:00 Sundays

Following representations from Lingfield Parish Council and neighbouring residents, the applicant had agreed to curtail the opening hours to 20:00 each day. Two individuals then withdrew their objections, although seven remained, i.e., one from Lingfield Parish Council and six from local residents.

Ian Garrod presented his report.

Andrew Dawson presented his case for the application, as amended, and responded to questions from Councillor Lockwood, Martin & Claudette Edwards and the Sub-Committee. He

explained that the proposed business would constitute Class E planning use (as currently permitted) and expressed disappointment that the Parish Council and certain residents had not responded to his offers of engagement regarding the intentions of the licence application. Aneurin Hughes confirmed that objections remained in force, regardless of whether offers of mediation were taken up. A discussion took place regarding the ability of the police to respond swiftly to any disorder at the premises, although the Chair reminded attendees that the application had not prompted any police representations. Andrew Dawson believed the application would not contravene any of the four licensing objectives. He reflected on the concessions he was willing to make and his willingness to engage positively with affected residents.

Councillor Lockwood presented the Parish Council's objections and responded to questions from Andrew Dawson and the Sub-Committee. She considered that the wellbeing of residents was paramount and that use of the outside space should, at least, be restricted due to the close proximity of residential gardens.

Martin & Claudette Edwards presented their objections and responded to questions from Andrew Dawson and the Sub-Committee. They had only recently moved into their property and described how the licence, if granted, would have a major adverse impact on the family's enjoyment of their garden. They acknowledged the positive intentions behind the offer to reduce opening times (to 20:00) but stated this would make no difference to their objections given the young ages of their children. They meant no disrespect to Andrew Dawson but were unwilling to compromise on the prospect of any part of their garden adjoining licenced premises, which was why they had declined to engage prior to the hearing. Andrew Dawson said it would not be financially viable for the business to lose 80% of its garden space and he would only take out a lease if the licence was granted.

Andrew Dawson, Councillor Lockwood and Martin & Claudette Edwards then gave their closing statements.

The hearing closed at 6.50 pm, upon which the Sub-Committee, assisted by Lidia Harrison and Vince Sharp, remained to consider its decision.

The Sub-Committee resolved that: *"the application is refused on the grounds that the use of the garden area would fail to uphold the licensing objectives of:*

- *preventing public nuisance; and*
- *protecting children from harm.*

The reason for this is that the neighbouring residents are highly likely to be severely, adversely affected as a result of the associated noise and potential disruption to family life arising from the daily use of the garden."

* The decision notice, issued to all interested parties on the 19th August 2022, is attached at Appendix A.

Rising 7.09 pm

DECISION NOTICE

Licensing Sub-Committee of Tandridge District Council

Date of Hearing – 18th August 2022

Members of the Licensing Sub-Committee

Councillor Chris Botten (Chair)
Councillor Vicky Robinson
Councillor David Stamp

Determination of an application for a premises licence for 24 Godstone Road, Lingfield RH7 6BW (to trade as ‘The Drunken Cow’) under section 18(3) of the Licensing Act 2003.

In coming to its decision, the Licensing Sub-Committee has considered the following: -

1. The Licensing Act 2003;
2. The Statutory Guidance issued under section 182 of the Licensing Act 2003 (re-issued in April 2017);
3. The powers of the Licensing Authority to deal with this application contained within section 18 of the Licensing Act 2003;
4. The obligation to promote the four licensing objectives as set out in Section 4(2) of the 2003 Act; and
5. The Council’s Statement of Licensing Policy referred to in the Licensing Officer’s report.

The Licensing Sub-Committee is cognisant that there have been no representations in regard to the application from other Responsible Authorities, specifically the Surrey Police.

The Licensing Sub-Committee must carry out its functions with a view to promoting the four licensing objectives -

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Licensing Sub-Committee has focused its decision making on the likely effect of the grant of the application on the promotion of those objectives.

In its promotion of the four licensing objectives, the Licensing Sub-Committee has had to balance the interests and concerns of the Responsible Authority against the business interests of the applicant.

The Sub-Committee has carefully considered everything that it heard on 18th August 2022 and its decision is set out below.

Decision

It is the decision of the Licensing Sub-Committee that the application is refused on the grounds that the use of the garden area would fail to uphold the licensing objectives of:

- preventing public nuisance; and
- protecting children from harm.

The reason for this is that the neighbouring residents are highly likely to be severely, adversely affected as a result of the associated noise and potential disruption to family life arising from the daily use of the garden.