

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 10 October 2022 at 7:30pm.

ATTENDEES:

Sub-Committee members:

Councillors C.Farr, Groves and North

Council Officers

Aneurin Hughes – Senior Licensing Officer

Ian Garrod – Licensing Officer

Lidia Harrison – Head of Legal and Democratic Services

Alex Berry – Lead Democratic Specialist

Relevant parties

Andrew Dawson – applicant

Timothy Dawson – applicant's business partner

Councillor Liz Lockwood – objector on behalf of Lingfield Parish Council

Martin Edwards – objector

Dr Graham Staunton - objector

1. ELECTION OF CHAIR

Councillor Groves was elected Chair of the meeting.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - VINO V LTD - WALSALL HOUSE, 24 GODSTONE ROAD, LINGFIELD RH7 6BW

The Sub-Committee considered an application for a premises licence in respect of Walsall House, 24 Godstone Road. The applicant, Andrew Dawson, wished to turn the premises into a delicatessen with the capability of selling alcohol for consumption on and off the premises.

The applicant had previously submitted an application for a premises licence at Walsall House, which had been considered at a Sub-Committee hearing on 18 August 2022. The application was refused.

The application under consideration by the Sub-Committee was for on and off sales of alcohol between the hours of 10:00 and 20:00 Monday to Sunday. The premises included a rear garden area with boundaries adjacent to the gardens of residential properties.

The Licensing Officer presented the report.

The applicant presented his case for the application and responded to questions from Councillor Lockwood, Dr Graham Staunton, Martin Edwards and the Sub-Committee.

Councillor Lockwood presented the Parish Council's objections and responded to questions from the applicant and the Sub-Committee. Martin Edwards and Graham Staunton presented their objections and answered questions from the applicant and the Sub-Committee.

Closing statements were made by the applicant, Councillor Lockwood and Martin Edwards.

The Sub-Committee retired to consider its decision assisted by the Head of Legal and Democratic Services and the Lead Democratic Specialist.

The Sub-Committee resolved to grant the application for a new premises licence with the following conditions and amendments:

- i) That the rear garden be excluded from the premises licence, and there be no outside bar.
- ii) During hours that the premises is open to the public, the doors to the rear garden be shut, and only to be used in an emergency. The use of the rear garden and side alleyway (if in use) shall be by staff only. Staff will not congregate, loiter, or smoke in the rear garden or rear alleyway. Suitable signage to be clearly signed.
- iii) Signage to be clearly displayed notifying customers that it was a residential area and for them to leave the premises quietly and to not idle engines or loiter in the surrounding area.
- iv) All access to the premises to be via the front entrance.
- v) Any rear windows to the premises be kept closed after 6pm.
- vi) The operational hours of both the shop and licensable premises be from 10am to 4pm on Sunday. The other hours of operation are as per the application.
- vii) That licensable good deliveries into the shop only be made up to 6pm.
- viii) That digital CCTV captures be stored for 31 days.

The Licensing Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act. The Sub-Committee did not take into account representations which did not relate to one or more of those licensing objectives and acknowledged that any representations which were received must have been relevant and evidenced-based.

Reasons for Decision:

The Sub-Committee were reminded that certain issues raised in the representations such as planning, house values and parking did not fall under the remit of the Licensing Authority and therefore had to be disregarded.

The Sub-Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The Sub-Committee was satisfied from the representations that the noise from customers and delivery drivers could cause a public nuisance to residents.

In deciding the application, they considered the fact that no Responsible Authorities had objected to the application. They also considered the steps put forward by the applicant to promote the licensing objectives, both in the application and at the Sub-Committee hearing.

The Sub-Committee felt that, given that the premises are in a residential area and in very close proximity with residential properties, it was proportionate to impose the above conditions so as

to promote the prevention of public nuisance and protecting children from harm licensing objectives.

Although the premises are close to residential properties, the Sub-Committee took the view that the hours granted were those put forward by the Applicant.

The Sub-Committee recognised the concerns expressed by objectors and offered its sympathies to them but a large number of issues raised did not fall within the remit of the licensing authority and therefore not open to the Sub-Committee for consideration.

The Sub-Committee were satisfied that the extra conditions would help alleviate some of the issues raised in the representations.