

REPORT TO THE LICENSING SUB-COMMITTEE – 29TH NOVEMBER 2021**PREMISES LICENCE APPLICATION - GODSTONE INN & COACH HOUSE RESTAURANT, 87 HIGH STREET, GODSTONE RH9 8DT**

Report of:	Ian Garrod, Licensing Officer - 01883 732794 licensing@tandridge.gov.uk
Purpose of Report:	Consideration of an application for a Premises Licence in respect of Godstone Inn & Coach House Restaurant, 87 High Street, Godstone RH9 8DT
Publication status:	Unrestricted.
Recommendation:	<p>That, in accordance with its delegated powers, the Sub-Committee either:</p> <ul style="list-style-type: none">(a) grants the licence, subject to the conditions as consistent with the operating schedule accompanying the application, and as modified by agreement with the applicant, and the objector, or modified to such extent as the authority considers appropriate for the promotion of the licensing objectives; or(b) excludes from the scope of the licence any of the licensable activities to which the application relates; or(c) rejects the application. <p>Members of the Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Appendices:	<p>A: Previous Premises Licence for the Godstone Hotel</p> <p>B: Application for a Premises Licence</p> <p>C: Proposed Plan of Premises</p> <p>D: Map of the area around the Godstone Inn</p> <p>E: Note circulated throughout the village and comments from the applicant agreeing to amend certain licence conditions</p> <p>F: Representations from objectors</p> <p>G: Letter of support for application</p> <p>H: Relevant sections of guidance issued under Section 182 of the Licensing Act 2003</p> <p>I: Relevant sections of Tandridge District Council Licensing Policy</p>

1. Background

- 1.1 A person (including a business) may make an application for a new Premises Licence or a variation to an existing Premises Licence. Where representations are received, a Licensing Sub-Committee must consider the application. The Sub-Committee, when considering such applications, shall carry out its functions under the Licensing Act 2003 with reference to the Council's licensing policy, statutory guidance and the need to promoting the licensing objectives.
- 1.2 The Licensing Sub-Committee has responsibility for exercising the Council's powers in respect of the Licensing Act 2003. Determination by the Sub-Committee of the application appended to this report is required because representations have been received.
- 1.3 As valid representations have been received, the Sub-Committee must hold a hearing to determine the application within 20 working days, commencing the day following the last day for representations.
- 1.4 The Council must consider any representations made; providing that the representations are relevant to the promotion of the licensing objectives and are not frivolous or vexatious.
- 1.5 The applicant and persons making representations have been invited to attend the hearing meeting.

2. The application

2.1 **Original lapsed Premises Licence**

The former business operating from this site previously held a Premises Licence as the Godstone Hotel until March 2021 when the licence lapsed due to insolvency of the licence holder. This previous licence is attached at **Appendix 'A'** which permitted:

1. The sale of alcohol:
10:00 – 01:00 for non-residents
00:01 – 24:00 for hotel residents
2. Regulated Entertainment, Live music:
12:00 – 24:00
3. Late Night Refreshment
23:00 – 01:00 for non-residents
23:00 – 05:00 for hotel residents

2.2 **Application for new Premises Licence**

The application for a new Premises Licence was received on 8th October 2021. The application was made by Godstone Premises Ltd, 87 High Street, Godstone, RH9 8DT. A copy of the application is attached at **Appendix 'B'**, and a copy of the proposed premises plan is attached as **Appendix 'C'**

2.3 The application was for the provision of:

- Films, indoors & outdoors Monday – Sunday 1000 – 0000
- Live music, indoors & outdoors Sunday – Thursday 1200 - 0000 and Fridays and Saturdays 1200 – 0100
- Recorded music, indoors & outdoors Monday – Sunday 0800 – 0000

The following was also requested for both live and recorded music:

An extra hour to those detailed above on any of the following days:

Friday, Saturday Sunday

Monday on Statutory Bank Holiday Weekend periods

Thursday before Good Friday

Christmas Eve: 10:00 to 03:00

New Year's Eve: 10:00 to opening time the following day

Boxing Day: 10:00 to 02:00

- Late night refreshment both indoors and outdoors Monday – Sunday 2300-0100. The following request was also made:

Monday to Sunday: 23:00 - 05:00 for hotel residents

An extra hour to those detailed above on any of the following days:

Friday, Saturday Sunday

Monday on Statutory Bank Holiday Weekend periods

Thursday before Good Friday

Christmas Eve: 10:00 to 03:00

New Year's Eve: 10:00 to opening time the following day

Boxing Day: 10:00 to 02:00

- Alcohol on and off sales Monday – Sunday 1000 – 0100. The following request was also made:

An extra hour to those detailed above on any of the following days:

Friday, Saturday Sunday

Monday on Statutory Bank Holiday Weekend periods

Thursday before Good Friday.

Christmas Eve: 10:00 to 03:00

New Year's Eve: 10:00 to opening time the following day

Boxing Day: 10:00 to 02:00

The times above to apply for non- resident guests.

The following to apply to hotel residents & bona fide guests:

Monday to Sunday (inclusive): 00:01 to 24:00

2.4 The location of the premises is shown at **Appendix 'D'**.

3. Consultation

3.1 The application for a Premises Licence has been served on all the responsible authorities and it is confirmed that statutory notices were displayed on the site and advertised in a newspaper. An applicants' failure to comply with this requirement would invalidate the application. The application was available to view by members of the public on the Council's website.

3.2 There were no objections from the responsible authorities.

3.3 There were initially 38 objections from members of the public.

3.4 According to information supplied by two objectors and the applicant, a note outlining the application was circulated around the village. The applicant obtained a copy of the note and sent it to the Council – see **Appendix 'E'**. This Appendix also includes a record of subsequent amendments to the application.

3.5 **Amendments to the application**

3.5.1 On the 3rd November, the applicant advised that he had withdrawn 'regulated entertainment outdoors' from the application.

3.5.2 On 4th November, the applicant made the following additional concessions:

- Reduce the alcohol hours to

10:00 to 24:00 for non-residents and
00:01 to 24:00 for hotel residents

- Remove the request for all regulated inside entertainment
- Amend the late night refreshment to 23:00 to Midnight for non-residents.
N.B. late night refreshments for hotel residents are non-licensable under Schedule 2 of the Licensing Act
- All seasonal requests are also to be removed from the application.

3.6 As a result of these amendments, there were 30 withdrawals, leaving 8 remaining objections – see **Appendix 'F'**.

3.7 The applicant has received the objectors' contact details but has been unable to reach an amicable resolution.

3.9 There was one letter of support for the application - see **Appendix 'G'**.

4 Policy & Guidance – points for consideration

4.1 **Section 182 Guidance**

The most relevant paragraphs of the Section 182 Guidance issued by the Secretary of State in relation the Sub-Committees decision are set out below and must be considered by the Sub-Committee:

1.2 - 1.5	Licensing objectives and aims
1.16	Licence conditions – general principles
9.37 - 9.38	Hearings
9.42 - 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
13.10	Giving reasons for decisions

The relevant sections of Section 182 Guidance are provided at **Appendix ‘H’**

4.2 **Tandridge District Council – Licensing Policy**

The main sections of the Councils Licensing Policy which are particularly relevant to the Sub-Committees decision are set out below and should be considered when determining this application:

4	Fundamental principles
5	Decision making process
7	Premises licences
9	The prevention of crime and disorder
10	Public safety
11	Prevention of public nuisance

The relevant sections of Tandridge District Council Licensing Policy are provided at **Appendix ‘I’**.

5 Determination

The Sub-Committee is requested to determine the application in line with Section 4 above, giving full reasons for the decision.

6 Legal considerations

6.1 The licensing of premises for the supply of alcohol, regulated entertainment and late night refreshment fall within the provisions of the Licensing Act 2003.

6.2 When considering licence applications, the Sub-Committee shall carry out its function with a view to the Council's Licensing Policy, Statutory Guidance and promoting the licensing objectives. The licensing objectives are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

- 6.3 The Sub-Committee must ensure that all licensing decisions:
- Have a direct relationship to the promotion of one or more of the four licensing objectives
 - Have regard to the Council's statement of licensing policy
 - Have regard to the Secretary of State 182 Guidance
 - Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded
- 6.4 Applications must be considered with regard to the principles of fair process and the Human Rights Act.
- 6.5 The purpose of the Council's Statement of Licensing Policy is to make clear to applicants and relevant representatives the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications. However, the Sub-Committee must consider each application on its own merit and only allow exceptions to its own policy where the circumstances of the application justify it.
- 6.6 Subject to both the Council's Statement of Licensing Policy and Statutory Guidance having been properly considered, a Sub-Committee may depart from them if there are good reasons for doing so. Full reasons must be given and the Sub-Committee should be aware that such departures could give rise to an appeal or judicial review.
- 6.7 Where relevant representations are made, the Sub-Committee must in accordance with s18(4) of the Licensing Act 2003 have regard to the representations and take such steps (if any), as it considers necessary for the promotion of the licensing objectives. The steps are:
- (a) to grant the licence subject to the conditions as consistent with the operating schedule accompanying the application, and as modified by agreement with the applicant, the Police and Environmental Health, or modified to such extent as the authority considers appropriate for the promotion of the licensing objectives; or
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; or
 - (c) to reject the application.
- 6.8 The Sub-Committee must only consider relevant representations which are for the purposes of this application.
- 6.9 It is considered inappropriate for Officers involved in the administration of applications to make recommendations. However, officers from the responsible authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 6.10 The Sub-Committee must give full reasons for its decision.
- 6.11 The applicant and other persons who made representations in relation to the application have a right of appeals to the Magistrates' Court should they disagree with the Sub-Committee decision. This has to be lodged within 21 days beginning with the date of notification of the decision.