

REPORT TO THE LICENSING SUB-COMMITTEE – 28TH SEPTEMBER 2022**APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT NORTH DOWNS GOLF CLUB, NORTHDOWN ROAD, WOLDINGHAM, CR3 7AA**

Report of:	Ian Garrod, Licensing Officer - 01883 732794 licensing@tandridge.gov.uk
Purpose of report:	This report sets out details of an application for a premises licence at North Downs Golf Club, Northdown Road, Woldingham, CR3 7AA on which representations have been submitted by interested parties. The representations received have raised concerns that the licensing objectives under the Licensing Act 2003 ('the Act') have not been met. In accordance with S18(3) of the Act, the application must now be determined by a Sub-Committee of the Council's Licensing Committee.
Publication status:	Unrestricted.
Recommendation:	<p>That the application set out in the Appendix to this report be considered having regard to the Council's Licensing Policy, the licensing objectives under the Act and the representation received and that 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;(b) excludes from the scope of the licence any of the licensable activities to which the application relates;(c) refuses to specify a person in the licence as the premises supervisor;(d) rejects the application. <p>Members must give full reasons for their decision.</p>
Appendices:	<ul style="list-style-type: none">A Current Club CertificateB Application for the Grant of a Premises LicenceC Current proposed plan of the premisesD OS map of the area around the North Downs Golf ClubE Representations from the Woldingham AssociationF Notice of addition of conditions to the licence application

1 Purpose of Report

- 1.1 The supply of alcohol, regulated entertainment and late-night refreshment are licensable activities under the Act. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities within the District.
- 1.2 The Licensing Sub-Committee (“the Sub-Committee”) has responsibility for exercising the Council's powers in respect of the Licensing Act 2003. Determination by the Committee of the applications appended to this report is required because representation(s) to the application(s) have been received.
- 1.3 The Council must consider any representations made; providing that the representations are relevant to the promotion of the licensing objectives and in the case of those made by other persons are not frivolous or vexatious.
- 1.4 The applicant and persons making representations have been invited to attend the meeting.
- 1.5 The fees for premises and personal licences are prescribed within the Licensing Act 2003; in the case of Premises Licences, the fees are based on the business rate of the premises.

2 Background Information

- 2.1 North Downs Golf Club is located in Northdown Road, Woldingham CR3 7AA. It currently holds a Club Premises Certificate which was granted on 17th October 2005. A copy of this is attached at **Appendix ‘A’**. If this Licence application is granted it is intended to surrender the Club Certificate.
- 2.2 The application for a Premises Licence was received on 22nd July 2022 and was submitted by Get Golfing CIO, Redlibbets Golf Club, West Yorke, Ash, Kent, TN15 7HT.
- 2.3 The application is for: -
 - On sales of alcohol between the hours of Sunday – Thursday 0700 - 2330, Friday & Saturday 0700 – 0030
 - Provision of regulated entertainment – showing of films, live music, recorded music, provision of performance of dance (all indoors) Sunday – Thursday 1000 - 2330, Friday & Saturday 1000 – 0030
 - Late night refreshment (indoors) Sunday – Thursday 2300 - 2330, Friday & Saturday 2300 – 0030
 - A copy of the application is attached at **Appendix ‘B’** and a copy of the proposed premises plan is attached as **Appendix ‘C’**.
- 2.4 The position of the premises is shown at **Appendix ‘D’** on a map of the area.

3 Consultation

3.1 The application for a new Premises Licence has been served on all the responsible authorities and it is confirmed that statutory notices were displayed on the site. The Licensing Act 2003 requires applicants for licences to consult where applicable on the following:

- Fire Authority;
- Health & Safety Section;
- Noise Service;
- Police;
- Social Services
- Town Planning; and,
- Trading Standards

3.2 The application was available to view by members of the public on the Council's website.

3.3 Two objections from members of the public were received, one has since withdrawn. The remaining objection can be found at **Appendix 'E'**.

Objector's Name	Grounds
Woldingham Association	Prevention of Public Nuisance

3.4 The matter in the application being objected to is Prevention of Public Nuisance by noise and disturbance to the area.

3.5 No letters of support for the application have been received.

3.6 The applicant offered additional conditions:

- the email and telephone number of the designated premises supervisor shall be made available to the local residents
- staff shall be given appropriate instructions and training to encourage customers to leave the premise quietly and not to loiter in the vicinity of the premises so as to minimize disturbances to local residents

...as per **Appendix 'F'**.

3.7 Mediation between the applicant and persons who have submitted representation has been unsuccessful.

4 Policy & Guidance – points for consideration

4.1 **Section 182 Guidance**

The Sub-Committee must have regard to the Secretary of State's Guidance issued under S182 of the Licensing Act 2003 in April 2018, and pay particular attention to the following paragraphs: -

Chapter 1	Paras 1.2-1.5; 1.9; 1.16; 1.17; 1.19
Chapter 2	Paras 2.1–2.6; 2.15–2.21
Chapter 8	Paras 8.41–8.49; 8.78
Chapter 9	Paras 9.31–9.44
Chapter 10	Paras 10.10; 10.13-10.15
Chapter 13	Para 13.10
Chapter 16	Paras 16.6; 16.26; 16.28; 16.33; 16.36-16.41; 16.55; 16.56

4.2 **Tandridge District Council – Licensing Policy**

The main sections of the Council's Licensing Policy which are particularly relevant to the Sub-Committee's 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
12	Prevention of harm to children

5 Determination

5.1 The Sub-Committee is requested to determine the application in line with para 5.2 below, giving full reasons for the decision.

5.2 In determining the application, Members must have regard to the four licensing objectives on which the Licensing Act 2003 is based. These are: -

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

5.4 Councillors must have consideration to the representations and take such steps it considers appropriate for the promotion of the licensing objectives.

5.5 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 Members should be aware that such departures could give rise to an appeal or judicial review.

5.6 The Statutory Guidance, Chapter 10, states that only necessary, proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence if it is granted (paragraph 10.11). Members may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (paragraph 10.11) and should avoid straying into undisputed areas (paragraph 9.24). Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

6 Legal Considerations

6.1 When considering this matter, Members must have regard to government guidance. This makes it clear that the four licensing objectives should be “paramount at all times”. (Home Office Guidance 1.4). Where there are objections to an application, the Sub-Committee must have regard to these and to the “likely effect” on the licensing objectives of granting the application.

6.2 It is a fundamental principle of the Licensing Act that each application must be considered on its own merits. (Guidance 1.17).

6.3 If Members, having considered the application, believe that extra measures are required to promote the licensing objectives, it may attach additional conditions to the licence provided that these are appropriate, reasonable and proportionate or it may alter or amend any existing conditions. The Sub-Committee must not impose conditions which would be beyond the control of the licence holder. (Guidance 1.16). The Sub-Committee should also avoid imposing any conditions which would duplicate other statutory regulations (e.g. health & safety legislation, fire regulations, planning).

6.4 The Sub-Committee is advised to take the above matters into consideration when reaching their decision. Members are reminded that they should not consider any irrelevant matters and must confine their deliberations solely to the issues relating to the licensing objectives.

6.5 Under Section 18(4) of the Act, when determining this application, the Sub-Committee must – having regard to the representations received - take such steps as it considers appropriate to promote the licensing objectives.

6.6 The options are to:

- grant the licence subject to:
 - (i) the conditions mentioned in the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must, under section 19, 20 or 21, be included;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- refuse to specify a person in the licence as the premises supervisor;
- reject the application.

6.7 In determining the application, the Sub-Committee must give appropriate weight to:

- evidence presented at the hearing;
- guidance issued by the Home Office under s.182 of the Act;
- the Council's Statement of Licensing Policy;
- any advice given by the Council's legal advisor during the hearing.

6.8 Any party to the hearing may appeal to the Magistrates' Court against the decision of the Licensing Sub-Committee. The appeal must be made within 21 days of the date of notification of the Sub-Committee's decision.

6.9 The Sub-Committee must give full reasons for its decision.

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