

Minutes of a meeting of the Licensing Sub-Committee held on 6th November 2013 at Pippbrook, Dorking from 15.00 to 16.05

Present: Councillors: Paul Elderton, John Northcott and David Sharland.

7. Election of Chairman

Councillor Paul Elderton was elected as the Chairman for the Sub-Committee hearing.

8. Disclosure of Interests

All Members declared a non pecuniary interest as they all knew Mr Paul Newman, a fellow Member of the Council.

Councillor John Northcott declared a non pecuniary interest as he was acquainted with Mr John Pagella and his brother.

9. Application for a new Premises Licence: Old Habits, 17 Church Road, Bookham, KT23 3PG.

The Sub-Committee considered a report that provided information to assist Members in their consideration of a contested application for a Premises Licence under the Licensing Act 2003 in respect of Old Habits, 17 Church Road, Bookham.

Mr Altino de Canhan Graces (Applicant) attended the hearing to represent his application.

Mr John Pagella (Trustee of the Grange and on behalf of the Bookhams Residents Association) and Mr Paul Newman (proprietor of Ken Davey Butchers, next door to the Premises) who was also present on behalf of Mr David Fuller, were in attendance as the Other Persons (formerly known as Interested Parties)

There were no representations from a Responsible Authority.

Members of the Sub-Committee noted a letter from Mr David Fuller which stated that he would be willing to withdraw his objection for the application of a licence if the hours for sale of alcohol were restricted to normal opening hours as opposed to the extended hours of 18.00 to 22.00. It was also noted that Mr Paul Newman would be happy to withdraw his objection if the proposed supply of alcohol be reduced from 22:00 to 20:00. At this point, the Applicant agreed to reduce the proposed supply of alcohol hours from 22.00 to 20.00 Monday to Saturday.

The Senior Licensing Officer introduced the report as set out with the previously circulated agenda.

The meeting adjourned at 15.15 and Councillor John Northcott retired from the hearing as he was unwell. Councillors Paul Elderton and David Sharland reconvene the hearing at 15.24.

Mr Altino de Canhan Graces was invited to present his application.

Mr Pagella and Mr Newman (Other Persons) and then the Members of the Sub-Committee were given the opportunity to question the Applicant.

Mr Pagella and Mr Newman were then invited to address the Sub-Committee.

The Applicant, then the Members of the Sub-Committee were given the opportunity to question the Other Persons.

Mr Pagella and Mr Newman were given the opportunity to sum up their case.

Mr Altino de Canhan Graces was then given the opportunity to sum up his case.

The Sub-Committee withdrew from the room to make its deliberations at 15.45.

The decision was reported back to the Hearing at 16.00.

RESOLVED: That the application be granted subject to the following conditions:

1. The supply of alcohol is licensed between the hours of: **08:00 to 20:00** Monday to Saturday, and **08:00 to 18:00** Sundays
2. The Applicant shall implement a Challenge 25 age verification policy, as opposed to a Challenge 21 for the protection of children from harm.

Reason for Decision:

In reaching their decision to grant the application for the Licence, the Sub-Committee considered both written and oral representations from the Applicant and Other Persons (Objectors). The Sub-Committee noted the objectors' anxiety over the proposed hours for alcohol sales as they were beyond the current planning permission which limits the hours of opening to **08.00 to 18.00** Monday to Sunday.

The Applicant explained that the proposed licensing hours as set out in the application were not in fact the actual licensing hours that he required. He wished to supply alcohol on and off the premises between 08:00 and 20.00 Monday to Saturday in the summer months, and 08:00 to 18:00 in the winter months. The Applicant had spoken to Mr Paul Newman before the hearing and had taken note of his concerns that the supply of alcohol until 22:00 could undermine the licensing objective of the prevention of crime and disorder. The Sub-Committee also noted Mr Pagella's concerns about the proposed off-licence sale of alcohol into the evening and the potential for anti social behaviour creating a public nuisance as the Old Habits could sell alcohol to anyone, not just to customers dining at the premises. The Grange was also concerned about this application representing the first stage in obtaining extended evening opening hours and that the commercial drivers for the business may change over time.

The Applicant reiterated to the Sub-Committee that his business was a coffee shop and delicatessen and that he wished to give his customers the option of consuming wine to accompany their meals. The Applicant also assured that it was not in his interest or that of his business to sell cheap alcohol. As such, he agreed that supply of alcohol until 20.00 as opposed to 22.00 is a fair compromise. The Applicant also agreed to adopt the

Challenge 25 age verification policy instead of a Challenge 21 age verification policy for the protection of children from harm.

Members of the Sub-Committee advised the Applicant to note his current planning permission to open between 08:00 and 18:00 Monday to Sunday, and that he would need to apply and be granted a separate planning permission, to obtain permission to open until 20:00 before he could sell alcohol until the proposed hour of 20:00.

The Sub-Committee was also cognisant, in particular, to promote the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from harm, in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

The Chairman reminded the Parties that there was a right to appeal within 21 days of receiving the written notice of the Committee's decision.

.....
Chairman