

Minutes of a meeting of the Licensing Sub-Committee held on 23rd March 2015 at Pippbrook, Dorking from 10.00 to 12.05

Present: Councillors Margaret Cooksey, Paula Hancock and David Mir.

1. Election of Chairman

Councillor Margaret Cooksey was elected as the Chairman for the Sub-Committee hearing.

2. Disclosure of Interests

None received.

3. Application for a Variation to a Premises Licence: Smith & Western Boxhill Road, Tadworth, Surrey.

The Sub-Committee considered a report that provided information to assist Members in their consideration of a contested application for a Variation to a Premises Licence under the Licensing Act 2003 in respect of Smith & Western Boxhill Road, Tadworth, Surrey.

Mr Troy Cox (Applicant), Mr Stephen Thomas (Solicitor) and Ms Cathetine Elkin (Restaurant Supervisor) attended the hearing to represent the application.

Ms Rosie Jordan (local resident) and Councillor David Preedy (District Councillor for Boxhill and Headley spoke on behalf of local residents) were present as the Other Persons (Objectors).

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

The Applicant and representatives were invited to present the application.

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

The Other Persons representatives were then invited to address the Sub-Committee.

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

The Applicant was given the opportunity to sum up his case.

The Other Persons representatives were given the opportunity to sum up their case.

The Sub-Committee withdrew from the room to make its deliberations at 11.08.

The decision of the Sub-Committee was reported back to the Hearing at 12.02.

RESOLVED: That the application be granted subject to the conditions in the premises licence together with the proposed variations 1, 2 (corrected below) 4 and 5 as set out in the application at LC5 of the report, and subject to the following additional condition;

Additional Condition

1. That additional signage will be displayed internally within the premises, in prominent positions, asking customers to have respect for the neighbours by leaving quietly.

Correction of a typographical error: variation 2

2. With the exception of New Year's Eve to permit the sale of alcohol daily for 10:00 to 00:00

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 Other Persons (Objectors).

The Applicant had explained that the purpose of the application to vary the premises licence was to tidy up and improve the premises license. It was explained that embedded restrictions which were applicable under the previous licensing legislation regime still remained on the license and were inappropriate since the introduction of the Licensing Act 2003. The Applicant also explained that, like any other business, they needed to adapt to the changing social climate and from their experience, people went out and dined out later. It was highlighted that under the current licence, the applicant was prevented from serving alcohol or hot food past 11pm to customers who may already be sitting having a meal or waiting for a Taxi for example.

The Applicant also confirmed that they wished to withdraw their request for the provision of recorded music from 10.00-23.00 hours daily. It was explained that recorded music was only incidental to the operation of the restaurant and was therefore not a regulated activity.

The Sub-Committee noted that the main concerns of the local residents were that by extending the hours which alcohol be served would change the clientele and it would be harder to manage as a result. Representatives of the Other Persons felt that this would potentially increase noise levels and disturbance to the local residents who were mainly retired and lived in a park home estate and the homes were not as sustainably constructed and may not be as sound proof as other conventional properties. They were also concerned over the potential increase of traffic in the village.

The Sub-Committee also noted that representations received regarding the Application were based on historical concerns which were dealt with in the past and there were no new evidence that suggested noise nuisance and other disturbances from the establishment.

In summary, having regard to the above, Members of the Licensing Sub-Committee agreed to grant the proposed variation to the licensing hours subject to an additional condition requesting customers to leave the premises quietly in order to promote the licensing objective of preventing public nuisance. Members also welcomed the Applicant's offer in closing off the outside decking area at 11pm to licensable activities. In making their decision, Members of the Sub-Committee placed great weight on the fact that the Applicant actively managed the establishment in a responsible manner by not admitting customers after 10pm unless they were having a meal and by marshalling the

car park to ensure that any customers that arrived after 9pm parked in the rear car park to avoid any noise disturbing the neighbours when leaving the premises.

The Sub-Committee was cognisant, in particular, to promote the licensing objectives of Prevention of Public Nuisance, 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.

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Chairman