

Minutes of a meeting of the Licensing Sub-Committee held on 5 September 2019 at Pippbrook, Dorking from 10.30am to 11.17am

Sub-Committee Members Present: Councillors Daly, Loretto and Reilly

Also Present: Paul Holiday (Mole Valley District Council – Senior Licensing Officer), Kate Singleton (Mole Valley District Council – Principal Solicitor), Stephanie Webb (Mole Valley District Council – Principal Solicitor), , Lucy O’Connell (Mole Valley District Council - Principal Democratic Services Officer)

On behalf of the Applicant: Ben Williams, Applicant’s Counsel, Kings Chamber, Birmingham and Corrigan Lockett, Applicant’s Agent

On behalf of the Interested Parties: Sheena Boyce, Representative of Buckland Parish Council and Mandy Cooper, Tranquil Vale Residents’ Representative.

1. Election of Chairman

Councillor Elizabeth Daly was elected as Chairman of the Sub-Committee.

2. Disclosure of Interests

None

3. Application for a Premises Licence

Shell Waitrose Buckland, Reigate Road, Buckland, Reigate RH3 7ET

The Sub-Committee received the report which asked it to consider the granting of a Premises License at Shell Waitrose Buckland, Reigate Road, Buckland in light of and having regard to the application and representation received.

Mr Holliday presented the report of the Licensing Authority. In summary, he advised that since the Applicant had amended their application and additional conditions had been agreed, a further 6 parties had withdrawn their representations leaving just 5 who have not withdrawn.

This strengthened his recommendation in the report that the amended application be granted subject to those conditions, as set out in paragraph 5.1 of the report.

Mr Williams presented his client’s case noting that following the initial application and objections there had been extensive discussions. The weight of the objections had been in relation to the length of the proposed licensing times and request for a late night refreshment licence. The times have been amended and the request for late night refreshment withdrawn.

As a result of the continued discussions, the vast majority of those who made representations have responded positively to the agreed conditions leaving a small discreet number who have not responded at all. But for those, this application would be granted without the need for this hearing. There is therefore no reason not to grant the amended application.

Members of the sub-committee questioned condition 6, namely how the contact details of the Retailer would be made available. In response, Mr Lockett said that a telephone number would be available at the counter at all times.

Mrs Boyce, representing Buckland Parish Council addressed the committee, stating that there had initially been safety and public nuisance concerns but that through positive dialogue with Shell about the application, the residents now had a greater understanding of how the franchise would operate. Residents felt in a better position now than before the application.

Mrs Boyce advised that the operator and Lockett & Co would be meeting with the local residents after the licensing hearing and she commended the Applicant's agent.

Mrs Cooper added that there had been numerous discussions and that the additional 10 conditions that had been agreed would be beneficial to the local community.

The Sub-Committee subsequently withdrew from the room to consider its decision at 10.47am, in light of and having regard to the evidence put forward at the hearing.

The Sub-Committee returned to the Council Chamber to deliver its decision at 11.13am.

Legal assisting in developing reasons for decisions.

Resolved:

Having considered the written and oral representations made by Interested Parties and the Applicant's Counsel and agent, and having considered the Council's own Licensing Policy, the Licensing Sub-Committee decided to grant the Application (with the sale of alcohol hours reduced to 06.00 to 23.00 hours and the request for late night refreshment withdrawn) subject to strict adherence to the additional conditions agreed between the parties attached to this decision, as set out in paragraph 5.1 of the report.

Reason for Decision:

The reason for the decision is that the Sub-Committee were satisfied that the parties have entered into positive dialogue and conditions had been agreed. They had regard to the representations of the parties who have not withdrawn their objections and are satisfied that any relevant objections had been addressed by the conditions agreed.

The Sub-Committee were extremely impressed with the dialogue that both parties had engaged in and were encouraged that the resulting future relations between the parties would continue to be as positive and co-operative.

The Sub-Committee was cognisant of the need to uphold the fundamental licensing objectives of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 in making this decision.

Rights of Appeal

There is a right to appeal to the Magistrates' Court within 21 days of receiving this written decision notice. The premise licence will take effect from 5 September 2019.

Date: 5 September 2019

Signed
Chairman