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To: All Members of the **LICENSING SUB COMMITTEE**

The following papers have been added to the agenda for the above meeting.

They were not available for publication with the rest of the agenda.

Yours sincerely

Damian Roberts

Chief Executive

SUPPLEMENTARY PAPERS

	Pages
Additional information and submission from the Applicant.	1 - 20

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IN THE MATTER OF:

VARIATION OF PREMISES LICENCE LAVERSHOT BARNES, LONDON ROAD, WINDLESHAM

WOOLDRIDGE PARTNERSHIP

APPLICANT

BUNDLE OF DOCUMENTATION ON BEHALF OF THE APPLICANT

1. Entrance to Garden Centre/Retailers
2. Photos of Seasons Kitchen
3. Season Kitchen Menu
4. Plan showing parking after 6 p.m.
5. Photos of Seasons Garden
6. Seasons Garden Menu
7. Hospitality Team
8. Email of Mr. & Ms Walters

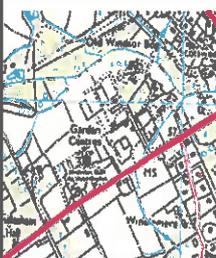


Home and Plant Centre
Seasons Farm Shop
Seasons Kitchen

- **Surrey Hills Butcher**
- **Maidenhead Aquatics**
- **Lakeland**
- **White Stores**
- **Pavilion Interiors**
- **Replay Golf**
- **Sherborne**
- **Pools & Spas**
- **Lilys Florist**





Organization Name	
	
LEGEND	
	Restaurant Parking after 6pm
KEY MAP	
	
Windlesham Garden Centre London Road Windlesham GU20 6LL	
SCALE	SHEET NUMBER
1:500@A1	001
PLOT DATE	
01 July 2020	
FILE NAME	
CarParkMgmtpin	





AIRSTREAM

From the Land

- BBQ BEEF SHORT RIB TACOS** £9
Burnt Corn, Avocado and Pickled Shallot
- SFC WINGS** £6
Soy, Honey and Gochujang
- DRY AGED BEEF RIB CAP SLIDER** £7
Seasons IPA, Onion Ring, Seasons Relish and Black Garlic Ketchup

From the Sea

- SWORDFISH CARPACCIO** £7
Mango, Ponzo and Lotus Root
- ROPE GROWN MUSSELS** £8
Leeks, Bacon and Seasons IPA
- DORSET CRAB ARANCINI** £9
Wild Garlic Aioli

@seasonssurrey
SeasonsKitchenandFarmShop
www.seasonssurrey.co.uk

To experience our Seasons Garden menu we recommend a minimum of 4-5 dishes shared between 2 people

From the Ground

- GRILLED ASPARAGUS** £7
Pangrinate, London Burrata and Rapeseed Mayonnaise
- DIRTY CORN** £6
Crispy Onion, Burger Sauce and Bourbon
- POLENTA CHIPS** £6
Garlic, Rosemary and Smoked Chipotle Mayonnaise



Please inform a member of the team of any allergies or intolerances before placing an order. Note that not all the ingredients are listed on the menu and we cannot guarantee the total absence of allergens. A list of all identifiable allergens are available on request.
A discretionary service charge of 10% will be added to your bill

PRESERVED LEMON, GARLIC & ROSEMARY OLIVES £3

BLACK GARLIC HUMMUS, TOASTED FLATBREAD £4

Eclairs £4 each or 3 for £10

PICK ME UP
Blackberry and Lime Cheesecake

PORNSTAR MARTINI
Vodka, Passion Fruit and Prosecco

THE FERRERO ROCHE
Milk Chocolate and Crunchy Hazelnut Praline

PROSECCO CREAM
ADD A SHOT OF PROSECCO FOR £3

Homemade Ice Cream
3 mini cones for £6

THE COCONUT ONE
Coconut Milk Ice Cream, Pineapple Puree and Shaved Coconut

THE LEMON ONE
Lemon and White Chocolate Ice Cream and Mini Meringues

THE CHOCOLATE ONE
Valrhona Chocolate Ice Cream, Caramel Sauce and Crunchy Pearls



The Wines

	125ml	175ml	Btl
Prosecco BIO Brut, Vinumterra, Veneto (ITA)	£7		£38
Greyfriars Classic Cuvee, Surrey (UK)	£9		£42
Greyfriars Rose, 2019, Surrey (UK)		£10	£38
Sauvignon Blanc, Vulcais, Inama 2019 (ITA)		£12	£42
Carmenere PIU', Inama, 2017 (ITA)		£12	£42

Something to share

	1/2 ltr jug
Seasons Pimms	£25
Botanical Ice Tea	£25
Nature Spritzer	£28
Rose by Neve	£30
Non-Alcoholic Mocktail of the Day	£14

Draft Selection

	Half	Pint
Asahi Lager	£3.5	£6
Seasons IPA	£3.0	£6
Regional Cider	£3.5	£6

Bottle Ole

Estrella 5.4%	£4.5
Binary Botanical 4.5%	£3.5
Binary 0.5%	£3

Tea & Coffee

Tea	£3.8
Cappuccino	£3.2
Latte	£3.6
Americano	£3.6
Macchiato	£3
Cortado	£3
Iced Latte	£3.5
Hot Chocolate	£3.8
Frozen Vanilla/Hazelnut/Caramel Latte	£3.5
Flavoured Syrup	£1

Soft Drinks

Coke	£3
Diet Coke	£3
Fever Tree Lemonade	£3
Still/Sparkling Water	£4
Juice Selection	£3
London Essence Selection	£3

The Hospitality Team

Restaurant Manager & Head Sommelier - Marco Nardi

Our sunny, dynamic Restaurant Manager and Head Sommelier Marco began his prestigious career in his native Italy. A passion for haute cuisine took him to the Palace Hotel in Gstaad where he discovered his true calling, wine. Marco has since dedicated himself to oenology, the study of wine, moving to the UK in 2015 to further his journey at the Chewton Glen hotel, under mentor Francesco Gabriele and then to Michelin starred L'Ortolan, Reading. Marco joined the Seasons family in 2020 where he is working towards his Master Sommelier final certification, making him one of (currently) only 269 Master Sommeliers in the world.

Executive Chef - Dan Lee

The brainchild of our Executive Chef – Dan Lee the Season Kitchens menus champion sustainability and hero smaller, local producers. A delicious voyage into the finest produce Surrey and the UK has to offer, Dan has collaborated with Surrey Hills Butchers to create the ultimate, modern seasonal British menu; bursting with fresh . Dan began his career at the tender age of 19 as First Commis at Hand Picked Hotels, a move to Brooklands hotel Weybridge under locally renowned Nick Sinclair followed and then a progression to Junior Sous Chef at the respected Buford Bridge. Dan rose through the ranks quickly becoming Sous Chef at the the 5 star luxury hotel, Penny Hill Park and was soon promoted to Head Chef of their Brasserie restaurant. Dans menus are visionary and of the exceptional quality you would expect from Seasons Kitchen.

Seasons Garden Head Chef - Scott Hammond

Starting at a very early age our Seasons Garden head Chef Scott Hammond was a regular visitor to his family owned butchers shop which is where he formed a culinary fascination with low and slow cooking, maximising the flavour of the less favoured meat cuts such as brisket and turning them into something magical. This skill made him the ideal choice for our new alfresco restaurant Seasons Garden with its 'sliders' and 'dirty corn' dishes Scott started at Wagamamas, Windsor and then became Sous Chef for the Brunning & Price group. A move to Pearmain Pubs saw him in the position of Senior Sous where he remained for 5 years. Scott joined us as Head Chef just as we were going into the first lockdown however with the creation of the menu for Seasons Garden and along with Executive Chef Dan Lee, designing a delicious new range of sandwiches for the Farm Shop.

Pastry Chef - Ellen de Jäger

With creations lauded by The Sunday Times, who placed her desserts in the top 10 in the UK, it goes without saying that Ellen de Jager is an incredible talent in the world of pastry and patisserie. Inspired by grandmother's farm cooking, Ellen completed an intensive training course at Christina Martin: a private chef school in South Africa. After moving to England, Ellen started her career at The White Room in the Seaham Hall Hotel, Durham. She then progressed to work for Nigel Howarth at Northcote Manor, for the Duke and Duchess of Devonshire in the Michelin-starred Burlington restaurant at the Devonshire Arms, and – following a relocation to Jersey – at the renowned Bohemia, one of the top 15 restaurants in the UK. Ellen's journey has brought her back to England and to the Seasons Kitchen, where she will develop beautiful freshly baked goods alongside Executive Chef Dan Lee.

Farm Shop Beers & Wines - Fred Domellof

Our wines and spirits section is unrivalled in the local area. We specialise in international beers and local spirits, we even have our own "Seasons Gin," created for us by The Gin Kitchen, based in Surrey. Swedish by origin, Fred travelled extensively at a young age, trained as a Chef and Sommelier at Le Richemond Hotel in Geneva. Followed by management training with Intercontinental Hotels, London. Fred has opened business across the world, from a Brasserie and Cocktail Bar in Edmonton, Canada to The Magpie Hotel in Lower Sunbury, England –he has over 40 years of experience in the hospitality business

Seasons Farm Shop Manager - Po West

From working as an airhostess, running a self owned cleaning business and managing two popular and renowned airport lounges a first class customer experience has always been top of Po's priorities. Po has been part of Seasons Farm Shop from the start and her clear vision of what the business could and should achieve was perfectly aligned with ours. Unrivalled customer service, quality products and a modern take on a traditional British farm shop,

From: Sarah Walters
To: development control
Subject: SHBCPR-20377 Lavershot Barns GU20 6LL
Date: 25 April 2021 11:38:08

Dear Sirs, I am writing with regard to the above licence application / extension submitted by Wooldridge.

I live in Lavershot Cottage, the property with the most extensive shared boundary with Lavershot Barns, and immediately adjacent to the Seasons Kitchen Restaurant.

I have supported the application by Wooldridge, and attended the first licence application in order to show that support. I was concerned when I was there, that Councillor Wheeler said that she was speaking on behalf of local residents, when at no time has she garnered our opinion and certainly does not represent it in her objections to the original application or indeed this application.

One of the comments made during that initial application was that Wooldridge could have demonstrated more neighbourliness, and I can confirm that they took this on board very seriously and have subsequently been extremely communicative in terms of their plans. Mr Charlie Wooldridge has asked us to meet with him on site a number of times to talk through and show us their plans, and has asked for and responded to our feedback with consideration. Mr David Holmes attended a meeting in the grounds of our property specifically to understand our perspective given our proximity to the site.

The concerns we had and what we requested from Wooldridge with regard to this licence extension application, and which have all been responded to, were:

1) No outside dining outside Seasons Kitchen (and therefore no music)

Wooldridge have confirmed there will be no outside dining or music in that area.

2) No smoking / no mobile phones in the area outside Seasons Kitchen.

Wooldridge have confirmed that the smoking hut will be completed imminently, and there will be both signage and staff management to ensure that this area is no smoking / no phones.

3) Outdoor Music in Seasons Garden - speakers to be turned away in the opposite direction to our property in the direction of woodland, and no later than 8pm.

Wooldridge have confirmed that they will do this and will monitor this with us. We do understand that there may be a few times a year when an extension to this is requested and have no issue.

In summary, we have no objection to this licence extension application and are pleased to support a local business bringing employment to the area.

Yours sincerely, Sarah and Christopher Walters

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IN THE MATTER OF:

VARIATION OF PREMISES LICENCE LAVERSHOT BARNES, LONDON ROAD, WINDLESHAM

WOOLDRIDGE PARTNERSHIP

APPLICANT

WRITTEN SUBMISSION ON BEHALF OF THE APPLICANT

1. This is an application for a variation of an existing premises licence pursuant to Section 34 Licensing Act 2003. The premises has been traded by The Wooldridge Group since August 2018. The premises is a Garden Centre with ancillary retail facilities along with a sophisticated high quality hospitality offer.
2. The applicant sublets retail units operated by Surrey Hills Butcher, Maidenhead Aquatics, Lakeland, White Stores, Pavilion Interiors, Replay Golf, Sherborne Pools and Spas and Lily's Florist but operate themselves the Home & Plant Centre, Seasons Farm Shop, Seasons Kitchen and the proposed Seasons Garden in respect of the latter a Premises Licence exists numbered SHBCPR-20377. That Licence allows different elements of the hospitality and retail offer to operate to different times as is appropriate for the nature of the style of operation. The location of each element which is licensed is identified on the plans annexed to the Licence and shown at page 37 and 38 of the Sub Committee Report. Page 39 of the Sub Committee Report shows the overall layout of the Garden Centre. Page 51 of the Report shows the Garden Centre in context to the main road and those properties which are in its vicinity.

The premises is currently permitted to operate under the following hours:

Farm Shop – Monday to Saturday 09:00 to 18:00 hours
Sunday 09:00 to 15:30 hours

Seasons Kitchen/Restaurant: Monday to Wednesday 09:00 to 17:30 hours
Thursday to Saturday 09:00 to 23:00
Sunday 10:00 to 16:00

3. Application is made to amend the Licence as follows:

Seasons Farm Shop – No change.

Seasons Restaurant – To allow the same hours of operation throughout the week until 23:00 hours

In respect of Retail Sale of Alcohol, Recorded Music and Live Music.

To license additional area Seasons Gardens

Monday to Saturday 09:00 to 21:00 hours

Sunday 09:00 to 17:00 hours.

In respect of Retail Sale of Alcohol, Live and Recorded Music.

The premises is already permitted to open between 07:30 and 23:30 during the course of the week. All hours sought fall within the current approved hours, no application is made to extend hours beyond that which is currently permitted.

4. A hearing is required to determine the application, following receipt of three representations.
5. The Wooldridge Group are responsible and experienced operators of licenced premises with robust systems in place for the exercise of due diligence to ensure that their premises are properly and responsibly run in accordance with the law and to ensure the avoidance of the commission of regulatory offences. As a Company they have sought to recruit the highest level of persons and at page 7 of the Applicants bundle is a list of the main members of the hospitality team all of whom have excellent credentials and experience.
6. As a Garden Centre Lavershot Barns has been permitted by the Government to continue trading during periods of lockdown and during that period of time the premises has been visited by those undertaking Covid checks. The Covid Secure

Risk Assessment for the premises and its implementation has not been subject to criticism and the premises has ensured that it has operated in compliance with social distancing requirements and compliance with the Government guidelines thereby providing a safe place during the course of the pandemic.

7. Page 2 of the Applicants bundle provides photographic illustration of the external area to Seasons Kitchen which is sought to be allowed to trade until 23:00 hours it should be noted that the area is covered having a retractable roof but also having the benefit of air cooling systems in the form of fans and air cooling equipment. The structure thereby providing sound attenuation properties in the latter part of the evening which may not have been anticipated for an area described as external. Details of the menu offered in the Seasons Kitchen is at Page 3 of the Applicants bundle being a range of breakfast quick meals and substantial food all of which is of the highest quality.

Page 4 of the Bundle illustrates the location of parking generally and as proposed for when the premises hospitality element operates after 6 p.m.

8. Page 4 of the Applicants bundle contains a photograph of the new Seasons Garden area which will be serviced from an Airstream an illustration of which is also contained within the Applicants bundle along with the proposed menu for that area. The menu is intended to be a combination of small dishes and remains of the highest standard having been designed by the chef dedicated to the garden area.

The Licensing Objectives.

9. Central to the statutory regime are the four licensing objectives which are the only relevant areas for consideration and licensing objectives. They are as follows
 - Prevention of crime and disorder.
 - Public safety
 - Prevention of public nuisance.
 - Protection of children from harm.

The Guidance

10. Under Section 182, the Secretary of State is required to issue Guidance to Licensing Authorities on the discharge of their functions under the Act. Section 4(3) requires Licensing Authorities to have regard to the Guidance.

11. So whilst the requirement to have regard to the Guidance is binding on Licensing Authorities, paragraph 1.9 of the Guidance recognises that :

“This Guidance cannot anticipate every possible scenario such as circumstances that may arise and, as long as Licensing Authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an Appeal or Judicial Review and the reasons given will then be a key consideration for the Courts when considering the lawfulness and merits of any decision taken”.

Statement of Licensing Policy

There is no cumulative impact area designated within the Statement of Licensing Policy.

The Application Process

12. Section 34 sets out the procedure for making a variation of Premises Licence Application and Section 35 sets out the provisions for determination of that application where representations have been made by the Responsible Authorities or other persons.

13. Section 35 provides that where an application for a variation of a Licence is properly made, following receipt of relevant representations, the Licensing Authority must hold a hearing following which it may, if it thinks it is necessary, take such steps necessary for the promotion of the licensing objectives. The Licensing authority can determine that no steps are required as it should seek to

focus on the steps appropriate to promote the particular licensing objective.(9.37)

14. The premise already has the benefit of the activities but seeks to extend the period of time for their use to mirror time already permitted in relation to the Seasons Kitchen and allow a lesser period time for the new external area known as Seasons Garden. The reduced hours of operation for Seasons Garden is so as to minimise the potential impact of noise nuisance from the extended area.

The Role of the EHO/Police

15. At paragraph 9.12 of the Guidance it is stated that in their roles as a Responsible Authorities, the Police and Environmental Health Officers are experts in their fields and will be the Licensing Authority's main source of advice. The Licensing Authority must determine on an evidential basis and justified on the evidence before it and taking into account the evidence that is not before it. Neither the Police nor the Environmental Health Team have objected to the application. Both were consultees to the Application and will have reviewed their data in relation to the operation of the premises, in relation to this application along with a view of the immediate trading position of the premises following receipt of this application.

16. Both the Police and Environmental Health Officer will be aware that the premises has previously secured a Temporary Event Notice for extended hours prior to Christmas 2020 and had looked to have further Temporary Event Notices. However due to the implementation of lockdown 3 these did not proceed.

17. At paragraph 10.8 of the Guidance the Licensing Authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing it is appropriate to impose conditions to promote one or more of the four licensing objectives. It should be noted that at paragraph 10.9 the Guidance confirms that it is possible in some cases no additional conditions will be appropriate to promote the

licensing objectives. It is submitted in this case that no additional conditions are required in view of those already endorsed upon the licence.

18. At paragraph 10.10 of the Guidance it is confirmed thatthe Licensing Authority should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

19. It is submitted in this case that the potential risk arising has been proportionately addressed by the existing conditions and to add more would be a disproportionate response as would be to reduce the hours sought pursuant to this variation.

Applicant's Case

20. The premises seeks a change to the hours of operation of its Licence but that change makes no impact on the:

- a. overall operation of the premise,
- b. the customers it attracts
- c. occupancy of the premise
- d. licensable activities

The bundle provides details of the menus offered and price range of both food and drink. The bundle also provides evidence of the quality of the hospitality elements of the premises. The external area has historically been used by customers to the Garden Centre, the external areas of the Garden Centre are always densely occupied by customers migrating between the different retail offers or considering the plants, gardening equipment which is the principle draw of customers to the premises. The hospitality areas by comparison are limited.

21. The new external area will not cause any additional persons to be outside other than those which may potentially be at the premises in any event nor does it operate until hours which would be generally considered to be of a sensitive nature seeking to cease at its latest at 21:00 hours. The external areas will always be subject to direct supervision from the sales point in addition to which there will be waiting staff.

22. The Seasons Kitchen area is not sought to be licensed for longer hours but to permit hours to be extended to those already granted in respect of Thursday, Friday and Saturday.
23. The Applicant's case is that Seasons Kitchen and Garden are premium hospitality provision within a garden centre setting and are well managed premises and provide a range of carefully risk assessed policies and training and positively address noise issues if and when these arise. Mr David Holmes has actively liaised with local residents along with the Environmental Health Team and Planning. No representations have been received from Responsible Authorities.
24. The Licensing Authority will be familiar with the guidance issued under Section 182 by the Secretary of State and that the regimes of licensing and planning operate as two separate and distinct regimes. At page 53 of the Licensing Sub Committee Report is confirmed by Sorita Bishop the principal Planning Officer that they make no formal representation and Planning applications have been received and are under consideration.

Representations

Representations have been received from two residents and Councillor Wheeler.

Mr Creswell of 2 Holm Place makes reference to the triggering of alarms. This point has been noted and new systems deployed to ensure as best as possible this does not take place going forward. Mr. Creswell made no adverse comment against the external area known as Seasons Garden.

A representation has been received from Jane Creswell of Bear House, this property being some distance from the Seasons Garden location and makes no reference to the new area.

Councillor Wheeler's comments are principally as to matters of Planning Law.

25. The Applicant will rely upon the decision in the case of Daniel Thwaites plc –and- The Wirral Borough Magistrates Court (2008 EWHC 838), in particular paragraph 63.
26. “The fact that the Police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they have appeared to have dismissed the Police's view because it did not agree with their own.....they proceeded without proper evidence and gave their own views, excessive weight and their resulting decision, limiting the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives..... .” In this application there is no evidence to illustrate that the current operation at the premises impacts adversely upon the licensing objective of public nuisance. It is understood that those raising representations have made complaint to Environmental Health as to the noise and light pollution. It is understood that such complaints have been investigated and that the Environmental Health Officer has made an objective assessment and has elected not to raise objection in this instance. Indeed at page 7 of the Applicants bundle is correspondence from Sarah and Christopher Walters who occupy the most proximate property to the Seasons Kitchen confirming constructive dialogue has been undertaken and that they do not oppose the application.
27. For the reasons outlined above the Applicant submits that the proposed changes to the Premises Licence will not adversely impact upon the licensing objective of prevention of public nuisance and that relevant, appropriate and proportionate steps so as to address potential noise nuisance are contained within the conditions stipulated within the Planning Permission.

John Gaunt & Partners

April 2021

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