

**Minutes of a meeting of the Licensing Sub-Committee held on  
Tuesday 17 September 2013 at Pippbrook, Dorking  
from 10.05 to 13.05**

Present: Councillors: Iain Murdoch, David Sharland and Charles Yarwood

**7. Election of Chairman**

Councillor David Sharland was elected as the Chairman for the Sub-Committee review hearing.

**8. Disclosure of Interests**

None received.

**9. Review of a Premises License: The Lincoln Arms, Station Approach, Dorking, Surrey, RH4 1TF**

The Sub-Committee considered a report that provided information to assist Members in their consideration of a review of a Premises Licence under the Licensing Act 2003 in respect of The Lincoln Arms, Station Approach, Dorking, Surrey.

Inspector Andy Rundle, Sergeant Bert Dean, Mr Dan Miller (Licensing Officer for Mole Valley) and Miss Amy Clarke (Barrister) attended the hearing on behalf of the Applicant (Surrey Police).

Mr Piers Warne (from TLT Solicitors), Mr Matt Pocock (on behalf of Punch Tavern Plc) and Mr Nick Greene (DPS and tenant of the Lincoln Arms) attended on behalf of the Premises Licence Holder. Mrs Greene and Mr Mathew Greene were also in attendance in support of the Premises Licence Holder.

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

Miss A. Clarke, Inspector A. Rundle, Sergeant B. Dean and Mr D. Miller were invited to present the application.

The Premises Licence Holder and their representatives and then the Members of the Sub-Committee were given the opportunity to question the Applicant.

The Premises Licence Holder and their representatives were then invited to address the Sub-Committee.

The Applicant, then the Members of the Sub-Committee were given the opportunity to question the Premises Licence Holder and their representatives.

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

The speakers on behalf of the Premises Licence Holder were then given the opportunity to sum up their case.

The Sub-Committee withdrew from the room to make its deliberations at 12.05pm. The legal adviser joined the Members during the course of their deliberations to review the proposed conditions.

The decision and legal advice were reported back to the Hearing at 1.00pm

**RESOLVED:**

That the terms of the existing licence be amended in line with the recommendations made by the Police, together with additional amendments to conditions agreed by the Sub-Committee. The additional and amended conditions attached to the Licence of the Lincoln Arms, Dorking are as follows:

1. A comprehensive digital colour CCTV system of an evidential standard agreed with the Police Crime Prevention Officer must be installed on the premises and fully operational at all times. The system must cover the public areas of the front and back bars as well as external areas where the consumption of alcohol occurs. All CCTV footage must be retained for a minimum of 28 days and made available either for viewing or in a format that can be downloaded within 24 hours of any request made by a Police officer or authorised person (Subject to the requirements of the Data Protection Act 1998). Notices will be displayed at all entrances to the premises and at each bar advising that CCTV is in operation.
2. A personal Licence Holder must be on duty on the Premises from 2100 hours until closing when any licensable activity is taking place.
3. The age verification policy required by the mandatory conditions shall specify the age of 25 instead of 18 so as to require that any person who appears to be under the age of 25 shall be asked to provide proof of age in the required format before being served alcohol. A refusals log is to be maintained and made available to any responsible authority upon request.
4. Training must be given to all persons involved in the sale of alcohol regarding offences under the Licensing Act 2003, the Challenge 25 policy and acceptable forms of ID (photographic driving licence, passport. Or cards bearing the PASS hologram). Written records will be kept for all training including that is carried out and such records will include details of the names of staff trained including their signatures and a summary of the matters covered by the training. Training records will be kept on site for a minimum of TWO years and will be available for inspection at the request of the police and local authority officers. Refresher training will be provided ever SIX months and recorded on the training records.
5. The premises Licence Holder shall implement a Zero Tolerance Drug Policy that includes signs placed visibly at all entrances to the premises and visibly in all male and female toilets. The signs shall indicate that no illegal drugs are allowed on the premises and that anyone being in possession of such drugs will be ejected from the premises. The Zero Tolerance Drug Policy is to be agreed with Surrey Police within one month of the date of the hearing.
6. An incident log shall be kept at the premises. A record of all incidents relating to crime and disorder and anti social behaviour shall be logged showing the date and time of the incident, details of the nature of the incident and the individual(s) involved and the name of any member(s) of staff involved. The log shall be kept up to date and on the premises at all times and made available for inspection on request by officers of the licensing authority and/or Police.

7. At each exit located at the premises, signs shall be erected which are easily visible to customers and which request customers to leave quietly. The size, lettering, wording and location of such signs shall be agreed in writing with the Licensing Authority within one month of the date of the hearing.
8. Any events or outside promoted events will be risk assessed by the DPS or suitably trained persons to ensure that they provide adequate staffing and control to ensure that the event does not undermine the licensing objectives. The risk assessment will be kept for a minimum of 14 days after the event and will be available for inspection on reasonable demand by the licensing officer/police.
9. All windows and doors will be closed by 2000 hours when there is regulated entertainment except for ingress and egress.
10. Regular checks are made of the garden, car park and toilet by staff every hour and checks shall be recorded in the log book.
11. Regular checks are made of the exterior of the premises to ensure noise is kept to acceptable levels.
12. Customers are requested to leave quietly and not linger outside.
13. Children must be accompanied by an adult and are not permitted in the bar area.
14. Children are not permitted on the premises after 2100 hours.

**Reason for Decision:**

In reaching their decision, the Sub-Committee considered both written and oral representations from the Applicant (Surrey Police) and the Premises Licence Holder. The Premises Licence Holder representative informed the Sub-Committee that they have met with the Applicant prior to the meeting and have agreed to accept the proposed eight conditions detailed in the report on pages LC10 and LC11. However, the removal of the current Designated Premises Supervisor (DPS) and the reduction of the terminal hour of all licensable activities to 2300 hours Monday to Sunday as proposed by the Applicant had not been agreed.

Subsequently, the Applicant informed the Sub-Committee that they were happy to delete the proposed condition regarding removal of DPS should the Licensee agrees to the reduction of the terminal hour of sale of alcohol to 2330 hours, Thursday- Saturday.

Members of the Sub-Committee noted the Applicant's anxiety over the number and nature of incidents that took place at the premises in the last six months (from January 2013) and have attached much weight to their concerns regarding the lack of good management because best practice has been ignored and a number of attached conditions to the licence had been breached. It was noted that these incidents were mainly observed and noted following a licensing check by covert and overt Police Officers as detailed in the report. The Sub-Committee expressed some concerns about the lack of pro-active management at the establishment, however, they felt that the Applicant's request to remove the DPS was unnecessary, but improvements were clearly needed to ensure the Licensee respects all the conditions attached to the licence and to uphold the licensing objectives. To reflect this, the Sub-Committee agreed to amend Condition 2, ensuring that a License Holder must be on duty on the Premises from 2100 hours.

The Licensing Sub-Committee discussed fully the Applicant's further concession that the proposed reduction in the terminal hour from 00.00 Thursday-Saturday be revised to 23.30 for the sale of alcohol only. However, Members of the Sub-Committee felt that there would be little to be gained by reducing the terminal hour to 23.30 for alcohol sales only as the remaining licensable activities would continue until midnight, and that late night refreshment (indoors only) was permitted until 00.30, with closing hour of 00.30. Members also noted the potential financial damage the reduction of this terminal hour might cause to the business given that the premises also offered a function room which was booked for wakes, parties and weddings.

In addition, the Licensing Sub-Committee noted the eighth condition suggested by the Applicant as set out on page LC11 of the report, which recommended the premises to become a member for the Dorking 'Town Link' radio scheme. Members argued that, although they appreciated the Applicant's submissions on the scheme, such a condition was enforceable. However, Members agreed that it was best practice to become a member of such a scheme as this would be beneficial to both parties, and thus encouraged the Licensee to test and evaluate the 'Town Link' radio scheme, and consider its contribution in upholding the licensing objectives.

The Sub-Committee welcomed the additional condition offered by the Applicant, that required a risk assessment of events and of outside promoted events, to ensure that proper consideration is given to events prior to them coming up and help to focus on how best to ensure that events are properly managed. This was aimed at preventing and mitigating incidents of violence and crime and disorder, addressing the root cause of the incidents recorded by the police.

In summary, the Licensing Sub-Committee in principle accepted the conditions agreed between the parties, and together with the amended and additional conditions they have discussed at the meeting, they felt that these would be a means to improving the management of the establishment and upholding the licensing objectives. It was agreed that the terms of licence attached to the Lincoln Arms be amended subject to the conditions listed above.

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.

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Chairman