

The Spotted Dog, 42 – 44 South Street Dorking, Surrey, RH4 2HQ

Decision Notice: Application for a Variation to a Premises Licence

Background

1. Mr Duncan Cox (**Applicant**) being the premises licence holder submitted an application for a variation of a premises licence (**Application**).
2. As relevant representations in respect of the Application were submitted, a hearing was arranged to take place on 8<sup>th</sup> December 2014 at 10.00 in the Council's Chamber to enable the Council's Licensing Sub-Committee, consisting of Councillor David Preedy, Councillor Paula Hancock and Councillor Stephen Musgrove to determine the Application. The hearing was chaired by Councillor David Preedy.

Attendance and Participation

3. The hearing was attended by:

On behalf of the Applicant	Mr Duncan Cox	Applicant
On behalf of the Responsible Authorities	Mr Murrae Hume	Surrey Police Licensing Officer
On behalf of Other Persons	Mr & Mrs Penman	Residents of Victoria Terrace

4. With the exception of Mr Penman, the Licensing Sub-Committee heard from each of those attending.
5. The Licensing Sub- Committee is satisfied that notice of the hearing was served on all relevant parties, and that all those entitled to speak at the hearing had an opportunity to do so.

Summary of Discussion

Applicant

6. The Applicant explained that he made the application to vary the premises licence for two reasons. Firstly, he explained that he is at a commercial disadvantage in comparison to his competitors who operate longer opening hours. Secondly, the extended trading hours would mean his customers could

- remain on the premises longer without having to find an alternative establishment after closing time thereby increasing customer satisfaction.
7. The Applicant confirmed that if his application was granted he would not advertise the extended opening hours and he does not envisage that any new customers would enter the pub after 11pm. His application is primarily to allow customers who are already in the pub to stay there after 11pm.
  8. He explained to the Sub-Committee that, unlike the previous landlord, he lives at the premises with his family and therefore he didn't want to be up until 1am in the morning.
  9. The Applicant also confirmed that he has recently renewed his PRS for Music licence which means he will not be having live music past 11pm. The Sub-Committee questioned the Applicant on how loud the recorded music is at the premises as some of the objections from the Other Persons complained of noise nuisance from the pub. The Applicant explained that the music comes from a juke box which he and the bar staff control how loud it is.
  10. The Applicant explained that he has only been a premises licence holder for 4 months, having worked previously in customer service for Waitrose. He explained that he is learning new things all the time. He mentioned that he made a mistake once of allowing customers to drift on the street when there was a live band performing. He explained that he now checks the doors are shut when live music is playing.
  11. The Applicant was then questioned by the Sub-Committee as to why he wanted to vary the premises licence so he could sell alcohol at 9am in the morning. He explained that he had no specific plans to open up before 11am; however, he wanted the opportunity to open up earlier if there was some sporting event like the rugby and football World Cups, although he admitted that he couldn't think of an event where he would want to open at 9am.
  12. The Other Persons questioned the Applicant whether he would consider sound proofing the premises. The Applicant explained that as the building is listed he is very restricted with what he can do although he offered to consider what sound proofing options may be available. He was asked by the Sub-Committee whether there was a double door entrance which would prevent noise escape. The Applicant confirmed that there is not a double door entrance and he doubted whether it would be possible to install one.
  13. The Sub-Committee asked the Applicant whether he had considered hiring a doorman. He explained that the sight of a doorman would give the wrong impression of the premises and suggests that problems are expected. The Applicant explained that in the past he has hired a doorman where he felt it was necessary. He explained that he hired doormen for his daughters 18th birthday.
  14. In response to questions from the Sub-Committee, the Applicant confirmed that there are signs inside the premises asking customers to leave quietly. He also confirmed that he refuses to sell alcohol to those who do not have ID when asked or if it clear they have had too much to drink.

#### Responsible Authority – Surrey Police

15. Mr Hume explained that he had had discussions with the Applicant prior to the hearing and the Applicant had agreed to conditions being added to the Premise Licence due to the increase in trading hours.
16. During these discussions Mr Hume informed the Applicant that he has no objections to the removal of conditions 3,6, and 7 in Annex 2 of the Premises Licence as they are either covered by legislation or contradict new conditions.

17. In response to questions from the Sub-Committee, Mr Hume confirmed that there had been no recorded incidents since the Applicant took over running the pub.
18. Mr Hume added that he was satisfied for the application to proceed subject to the conditions previously agreed.

### Other Persons

19. Mrs Penman is a resident of Victoria Terrace, she spoke on behalf of herself and her husband. She explained that she would prefer that the trading hours of the premises would not increase. Although she said she feels reassured by what she has heard from the Applicant.
20. She said that she understands why the Applicant has made the application from a commercial point of view but feels the lack of sound proofing exacerbates the problem.

### Decision

21. The Licensing Sub-Committee considered the Council's own Licensing Policy and the written and oral representations made by the Other Persons, the Applicant and the Responsible Authority. The Sub-committee commended the Applicant for his responsible attitude and hope that the dialogue created with the Other Parties would continue.
22. The Licensing Sub-Committee was mindful that in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003 they are under a duty to uphold the fundamental licensing objectives of public safety and the prevention of public nuisance.
23. Having regard to the above, the Licensing Sub-Committee decided to grant the variation applied for by the Applicant with the exception that the sale of alcohol should be from 10am Monday to Saturday. Particular weight was given to the fact that the Sub-Committee did not wish to set a precedent for other establishments to follow. Should the Applicant wish to sell alcohol at 9am, as requested in the application, he has the opportunity to apply to the Council for a Temporary Event Notice if necessary.
24. The Licensing Sub-Committee's decision is subject to the additional and amended conditions proposed to the Premises Licence as set out in the Surrey Police Report at page LC18 in the Licensing Officers report. The additional conditions are as follows:
  - a. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 14 days with date and time stamping. Viewing of the recordings shall be made available immediately upon the request of the police. The premises must be able to provide copies of CCTV images or data with the absolute minimum of delay when requested.
  - b. No drinks in glass containers to be taken from the premises (except off sales in sealed containers).
  - c. The premises to join and maintain membership of the local Pubwatch or other local crime reduction scheme approved by the police.

- d. A record shall be kept detailing all refused sales of alcohol. The record should indicate the date and time of the refused sale, reason and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police.
  - e. An incident log shall be kept at the premises, and made available on request of the police, which will include the following:
    - i. All crimes reported to the venue
    - ii. All ejections of patrons
    - iii. Any complaints received concerning crime and disorder
    - iv. Any incidents of disorder
    - v. Any faults in the CCTV system or searching or scanning equipment
  - f. Late night refreshment to finish Monday to Saturday at 00.30 hours and on Sunday at 23.00 hours
  - g. Sale of Alcohol to finish Monday to Saturday at 00.40 hours and on Sunday at 23.10 hours
25. The conditions removed from the premises licence as they either contradict new conditions or are covered by other legislation are as follows:
- a. Conditions 3,6 and 7 in annex 2 of the premises licence

#### Rights of Appeal

26. The Applicant, Other Persons and/or Responsible Authorities have a right to appeal to the Magistrates' Court within 21 days of receiving this written decision notice.