

## **Minutes of a meeting of the Licensing Sub-Committee held on 8<sup>th</sup> December 2014 at Pippbrook, Dorking from 10.00 to 10.53**

Present: Councillors Paula Hancock, Stephen Musgrove and David Preedy.

### **1. Election of Chairman**

Councillor David Preedy 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: The Spotted Dog, 42-44 South Street, Dorking, 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 The Spotted Dog, 42-44 South Street, Dorking, Surrey.

Mr Duncan Cox (Premises License Holder) attended the hearing to represent his application.

Mr and Mrs Penman (local residents) were present as the Other Persons (Objectors).

Mr Murrae Hume (Licensing Officer for Surrey Police) was present on behalf of the Responsible Authority.

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

Mr Cox was invited to present his application.

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

The Responsible Authority was then invited to address the Sub-Committee.

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

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

The Applicant, the Responsible Authority and then Members of the Sub-Committee were given the opportunity to question the Responsible Authority.

Mr Hume was given the opportunity to sum up his case.

Mr and Mrs Penman were given the opportunity to sum up their case.

Mr Cox was then given the opportunity to sum up his case.

The Sub-Committee withdrew from the room to make its deliberations at 10.38.

The decision of the Sub- Committee was reported back to the Hearing at 10.50.

**RESOLVED:** That the application be granted subject to the conditions in the premises licence together with the following additional and deleted conditions as set out in the Surrey Police Report at page LC18 in the Licensing Officer's report;

#### Additional Conditions

- 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

#### Deleted Conditions

Conditions 3, 6 and 7 in annex 2 of the premises licence be removed as they either contradict new conditions or are covered by other legislation.

#### Amended Hours

The starting time for sale of alcohol and opening hours be 10:00hrs to 01:00hrs Monday to Saturday, and 12:00hrs to 23.30hrs on Sundays.

**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 Responsible Authority and Other Persons (Objectors).

The Sub-Committee was advised that prior to the hearing, The Local Authority and the Applicant had discussions, and that the Applicant had agreed to the proposed additional Conditions as detailed in the Police report.

The Applicant had explained that he made the application to vary the premises licence for two main reasons. Firstly, he felt that he was at a commercial disadvantage in comparison to his competitors who operated longer opening hours and secondly, the proposed extended trading hours would allow his customers to remain in the premises longer, without having to leave to find an alternative establishment that was open later. He confirmed that his application was primarily to allow his customers who are already in the pub to stay there beyond 11 pm, and he had no intention in advertising the new opening hours should the Application be granted.

The Sub-Committee noted that there had been no recorded incidents since the Applicant became the publican of the premises. The Local Authority was satisfied for the application to proceed subject to the conditions previously agreed.

Having heard the reasons for the application, the Other Persons stated that they understood the commercial reasons for the application. They expressed some concerns over the noise levels and asked the Applicant to look into sound proofing measures to reduce noise escape from the premises. The Other Persons concluded that they felt reassured by what they had heard from the Applicant and had no objection to the application.

In summary, having regard to the above, Members of the Licensing Sub-Committee agreed to grant the proposed variation to the licensing hours with the single exception that the starting time for the sale of alcohol be 10am on Monday to Saturday and subject to the additional and amended conditions proposed in the police report at page LC18 of the Licensing Officer's report. Members were aware of the fact that no other establishment in the vicinity had a licence to start sale of alcohol before 10am. Although the Applicant stated that he wished for the opportunity to open up earlier in case of some sporting event like the rugby and football World Cup, however Members felt that granting earlier hours would set a precedent for other establishments to follow, and they recognised that should the Applicant wish to open earlier than 10am, there was an opportunity to apply to the Council for a Temporary Event Notice.

The Sub-Committee was cognisant, in particular, to promote the licensing objectives of Public Safety and 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