

Minutes of a meeting of the Licensing Sub-Committee held on 8th March 2013 at Pippbrook, Dorking from 10.00am to 12.20 pm

Present: Councillors: John Northcott, David Sharland and Charles Yarwood

11. Election of Chairman

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

12. Disclosure of Interests

Non received.

13. Application to consider the Variation to a Premises Licence application with representations:- The Ceylon Tavern, 53-55 South Street, Dorking, Surrey.

The Sub-Committee considered a report that provided information to assist Members in their consideration of a contested application to vary a premises licence under the Licensing Act 2003 in respect of The Ceylon Tavern, South Street, Dorking.

The Sub-Committee heard from Mr Kanthan Thevarajah (Licence Holder) and Mr Anton Igneish (Manager of the Ceylon Tavern) who both presented the application. For the Interested Party (opposing the variation), the Sub-Committee heard from Mr Derek East (former Chairman of the Chartwood Place Residents Association) and Mr David Young (a resident at Chartwood Place) attended for the Chartwood Place Residents Association and spoke in objection to the application.

Mr Dan Miller (Licensing Officer for Mole Valley) was also in attendance on behalf of a Responsible Authority, Surrey Police.

The Senior Licensing Officer introduced the report as set out with the previously circulated agenda. The Licensing Officer noted the following amendments to the report:

- Agenda Item 3, paragraph number 5. should read:
5. The hours requested are: Music, Recorded Music & Dance-
Sunday to Thursday **19:00 to 23:00**
Friday to Saturday 19:00 to 01:00

Mr Anton Igneish and Mr Kanthan Thevarajah were invited to present their application.

The Interested Party and then the Members of the Sub-Committee were given the opportunity to question the Applicant.

Mr David Young and Derek East were then invited to address the Sub-Committee.

The Applicant, then the Members of the Sub-Committee were given the opportunity to question the Interested Party.

The Interested Party speakers were given the opportunity to sum up their case.

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

The Sub-Committee withdrew from the room to make its deliberations at 11.13am. The legal adviser joined the Members during the course of their deliberations to clarify a few points.

The decision and legal advice were reported back to the Hearing at 12.10pm.

RESOLVED: That the application be granted subject to the following modifications to its operating schedule and to the recommendation:

Operating hours:

1. The hours granted for regulated entertainment are:
 - Sunday to Thursday from 19:00 to 23:00 as requested
 - Friday to Saturday from 19:00 to 00:30 the next morning
2. The hours granted for regulated entertainment on Christmas Eve:
 - From 19.00 up to midnight (00:00) whichever day of the week Christmas Eve may fall on.
3. The hours granted for regulated entertainment for New Year's Eve:
 - From 19:00 to 02.00 the next morning.
4. After consultation with Surrey Police, the applicant asked that 23.30 instead of 00.00 be the time for last entry for new customers.

Amended Statement:

The Applicant also agreed to amend step b)5. regarding re-admittance on page LC9 of the published report as follows:

- There will be no admittance, other than for patrons bearing a stamp or other means of identification from the Licence Holder, on to the premises after 23.30.

Recommendation:

The Sub-Committee recommended that the applicant displays a notice at each premises exist requesting patrons to leave the premises and surrounding area quietly and to respect the neighbours.

Reason for Decision:

In reaching their decision to grant the application to the Licence, the Sub-Committee considered both written and oral representations from the Applicant and the Interested Party (Objectors). The Sub-Committee noted that the proposed operating hours for regulated entertainment for Friday to Saturday (19:00 to 01.00) are the same as those for alcohol sales permitted by the existing premises licence and the existing opening hours. It was felt that authorising regulated entertainment to stop half an hour before closing time will encourage gradual dispersion of patrons and thus preventing or minimising any public nuisance. The applicant had also stressed that it employs a doorman whose responsibility is not only to greet customers, but also to ensure that there are no problems outside the premises when customers leave or when they go outside to smoke.

Members were also in agreement to restrict the opening hours for regulated entertainment on Christmas Eve to midnight (00:00). It was felt that it was important to have a stricter tolerance of public nuisance on that day because many families tend to go out for Midnight Mass and establishments are generally closed on Christmas Day.

The sub-Committee also noted that although the applicant has been operating the proposed opening hours for regulated entertainment under a succession of Temporary Event Notices since January 2013, no representations or complaints had been received in these cases.

For these reasons the variations to the Licence were approved subject to the above modifications.

The Sub-Committee was also cognisant, in particular, to promote the licensing objective of Prevention of public nuisance, in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

There is a right to appeal within 21 days of receiving this written notice.

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Chairman