

## LICENSING SUB-COMMITTEE

3 October 2019

<b>Application. Type:</b>	Application for the variation of a Premises Licence, number GUPLA0187	
<b>Ward:</b>	Ash Wharf Ward	<b>Ward Councillors:</b> Cllr Andrew Gomm Cllr Jo Randall
<b>Applicant:</b>	Punch Partnerships (PTL) Limited, Elsley Court, 20-22 Great Titchfield Street, London, W1W 8BE	
<b>Agent:</b>	Flint Bishop LLP, Flint Bishop LLP St Michaels Lane, Derby, DE1 3HQ	
<b>Premises:</b>	The Admiral (previously Napiers), 72 Vale Road, Ash Vale, Surrey, GU12 5	
<b>Proposal:</b>	The premises is a public house located in a residential area of Ash Vale. The application proposes to: <ol style="list-style-type: none"><li>1. Change the name of the premises.</li><li>2. Amend the licensing plan</li><li>3. Extend the opening hours</li><li>4. Extend the sale of alcohol on a Sunday only</li><li>5. Permit Late Night Refreshment and Provision of Films</li><li>6. Replace the conditions</li></ol>	

### 1. SITE LOCATION

- 1.1 The premises is a public house situated in a residential area of Ash Vale, on the ward boundaries between Ash Wharf Ward and Ash Vale Ward. A site location map is attached as **Appendix 1**. The dots on the map indicate residential properties. The blue line running down Vale Road is the Ward boundary.

### 2. LICENCE HISTORY

- 2.1 The current premises licence GUPLA0187 and the authorised plans are attached as **Appendix 2**.
- 2.2 The licence commenced on 24 November 2005 and was transferred to the current licence holder on 5 March 2018.
- 2.3 The designated premises supervisor (DPS) has been varied four times since the licence commenced. The last DPS requested to be removed from the licence on 29 January 2018, at which time the premises had been closed for several months. The premises have been closed to the public since the latter part of 2017.
- 2.4 The authorised plans attached to the licence have not changed since the licence first commenced on 24 November 2005. In 2006 the conditions on the licence were varied. Since 2005 there have been no changes to the authorised hours or activities.

### **3. APPLICATION**

The application form, a copy of which is attached as **Appendix 3**, gives the following information in relation to the variation proposal.

#### **3.1 Proposed hours and licensable activities:**

The application seeks to:

1. Extend the opening hours of the premises to open daily from 08:00, and
2. Extend the opening hours of the premises to allow the premises to close in respect of Sundays at 00:30 the following Monday, and
3. Extend the start time for the sale of alcohol on a Sunday from midday to 11:00, and
4. Extend the terminal hour for the sale of alcohol on a Sunday from 23:00 to midnight, and
5. Permit the provision of late night refreshment indoors on Sunday to Wednesday from 23:00 to midnight, on Thursday and Saturday from 23:00 to 01:00 the following day, and on Friday from 23:00 to 02:00 the following day.
6. Permit the exhibition of films on Sunday to Wednesday from 08:00 to midnight, on Thursday and Saturday from 08:00 to 01:00 the following day, and on Friday from 08:00 to 02:00 the following day.
7. To add non-standard timings for late night refreshment and exhibition of films to match the existing non-standard timings for the sale of alcohol, provision of recorded music, and opening hours.

#### **3.2 Conditions**

3.2.1 The applicant has proposed replacing the existing conditions with the conditions set out below.

1. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and other officers of Responsible Authorities at all times whilst the premises are open.
2. An incident log shall be maintained at the premises and details of all known incidents recorded within the log. The log shall be kept on the premises and be produced to an authorised officer on reasonable request
3. Full training shall be provided to all staff involved in the sale of alcohol on commencement of employment relating to prevention of underage sales of alcohol, proxy sales of alcohol to underage persons and sales of alcohol to a person who is drunk
4. Notices shall be prominently displayed at all public exits requesting customers to leave the premises and area quietly
5. When regulated entertainment, including live and recorded music, is taking place inside the premises after 22:00 all external windows and doors shall be kept closed, except in the event of an emergency and to permit access and egress
6. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers unless to an external area set aside for consumption

7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in external storage receptacles between 23:00 hours and 07:00 hours the following day
8. Children must be accompanied by an adult at all times whilst on the premises

### **3.3 Authorised Plan**

The application seeks to replace the authorised plan following refurbishment and extension to the property.

## **4. CONSULTATIONS**

### **(i) Consultation period**

The application was first submitted on 25 June 2019, and then amended on 4 July 2019 as the original application indicated that the provision of films would take place both indoors and outdoors. The revised application, for films taking place indoors only, was in consultation from 4<sup>th</sup> July 2019 to 1<sup>st</sup> August 2019. The application was advertised in accordance with the regulations.

### **(ii) Representations from Responsible Authorities**

A representation was received from Surrey Police on the grounds of prevention of crime and disorder. A copy of this representation is attached as **Appendix 4**.

In response to this representation, the applicant has indicated they are happy for the following conditions to be added to the licence. Surrey Police have indicated that these would address their concerns.

9. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
10. The system will incorporate a camera covering the main entrance door and will be capable of providing an image which is regarded as identification standard. The precise position of the cameras may be agreed with Surrey Police, subject to compliance with data protection legislation.
11. The system will incorporate a recording facility and any recording will be retained and stored, in a suitable and secure manner, for a minimum of 28 days, and will be made available, subject to compliance with data protection legislation, to the Police and other responsible authorities for inspection on request.
12. The system must be able to export recorded images to a removable means, e.g. CD/DVD/USB and have its own software to allow playback or review.
13. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
14. The system will display, on any recording, the correct time and date of the recording.

The proposed conditions above are copied from the representation from Surrey Police, and the committee may decide to amend the wording should they feel this is appropriate. For instance, condition 10 above does not identify who in Surrey Police would be best placed to agree the precise position of the cameras.

### **(iii) Representations from other persons**

A representation was received from a local resident. The representation on the grounds of prevention of public nuisance and prevention of crime and disorder is attached as **Appendix 5, together with a response from the Licensing Team.** Legal advice is that the concerns in respect of the removal of condition 18, requiring the garden to be closed to the public from 23:00 hours, do constitute a relevant representation. The Sub-Committee can determine whether it is appropriate to control the use of the garden by imposing a condition requiring it to close at a specific time.

The Sub-Committee will note that there is already a planning condition preventing the use of the garden after 10 pm which may address the concerns on this point.

The applicant has offered the following condition on the new licence, which addresses the concerns raised in respect of the potential for admission of customers after 11.00 pm.

15. The Pub closes its doors for admission after 23:00 hours

The Sub-Committee will note that the revised application does not now include the showing of films outdoors.

## **5. LICENSING POLICY**

The following sections of the Council's Licensing Policy are relevant:

- Section 4: (Fundamental Principles)
- Section 12.2: 12.2.1 – 12.2.14 (Prevention of Crime and Disorder)
- Section 12.4: 12.4.1 – 12.4.6 (Prevention of Public Nuisance)
- Section 13 (Licence Conditions)

## **6. NATIONAL GUIDANCE**

The following sections of the Guidance issued in April 2018 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.1 – 2.6 – Crime And Disorder

Paragraphs 2.15 – 2.21 – Public Nuisance

Paragraphs 9.31 – 9.41 – Hearings

Paragraphs 9.42 – 9.44 – Determining actions that are appropriate for the promotion of the licensing objectives

Paragraphs 10.1 to 10.66 – Conditions attached to premises licences

## **7. CONCLUSION:**

- (I) The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.

(III) Having regard to the relevant representations received, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:

- To modify the conditions of the licence, whether by alteration or omission of conditions or the addition of new conditions. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.

The applicant and Surrey Police have agreed that the imposition of conditions 9 to 14 would address the concerns raised by Surrey Police. The applicant has proposed the imposition of condition 15 to address the concerns of the local resident. If the Sub-Committee feel it is appropriate to promote the licensing objectives, they can impose the 15 conditions as set out above or amend them as they feel appropriate considering the representations received.

- To reject the application in whole or in part.

Originator:

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