

**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE held  
at Surrey Heath House, Camberley  
on 26 January 2015**

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+ Cllr Mrs Vivienne Chapman  
+ Cllr Pat Tedder

+ Cllr Ian Sams

+ Present

Legal Adviser to the Sub-Committee

Mrs Jessica Harris-Hooton (Legal Representative for Surrey Heath Borough Council as Licensing Authority)

Democratic Services Officer

Mr Andrew Crawford

Surrey Heath Borough Council as Licensing Authority

Mr Derek Seekings (Licensing Officer)  
Mrs Paula Barnshaw (Licensing Administrative Officer)

Responsible Authorities

Mr James Robinson, Senior Environmental Health Officer, Surrey Heath Borough Council

Applicant

Mr Graeme Cushion , Poppleston Allen Solicitors, representing the applicants  
Mr Carl Button – Area Manager, Stonegate Pub Company Ltd - applicant  
Mr Richard Heap – Designated Premises Supervisor – The Cambridge Hotel.

All Other Persons

Mr M Tierney, representing himself and Messrs McLaughlin and Samson

**13/LS Election of Chairman**

**RESOLVED, that Councillor Mrs Vivienne Chapman be elected as Chairman for the meeting.**

**PART I  
(public)**

**12/LS The Cambridge Hotel, 121 London Road, Camberley, Surrey.**

The Sub-Committee considered an application for a new Premises Licence relating to The Cambridge Hotel, 121 London Road, Camberley, Surrey GU15 3LF.

The Licensing Officer presented his report to the Sub-Committee and notified representatives of the parties who had a right to speak at the meeting. He referred Members to the Licensing Objectives and noted that relevant objections had been submitted.

The Legal Advisor reminded Members that any material which had not been circulated in advance to all parties could only be considered at the meeting if all parties present agreed.

All relevant parties present introduced themselves and stated their reason for attending the Sub-Committee.

The Licensing Officer noted that the application was for:

- (i) The provision of regulated entertainment, indoors only, from 0700 to midnight daily, but until 0100 on Friday and Saturday evenings;
- (ii) the supply of alcohol for consumption both on and off the premises and from 1000 until midnight daily, but until 0100 on Friday and Saturday nights; and
- (iii) the provision of late night refreshments, indoors only, from 2300 daily until the same terminal time as the other licensable activities listed above.

The Licensing Officer reported that one representation had been received from a responsible authority and three representations had been submitted by other persons which contended that the carrying on of licensable activities at the premises could breach the following licensing objectives:

- (i) The prevention of crime and disorder;
- (ii) Protection of Public Safety;
- (iii) Prevention of Public Nuisance; and
- (iv) Protection of children from harm.

The Senior Environmental Health Officer reported that, following discussions with the applicants, he had established that the application referred to the Cambridge Pub and Hotel only and not the attached Nightclub (121). The Service had not received any formal complaints regarding noise nuisance at the Hotel/Bar. Subject to the Sub-Committee agreeing to a condition that *'Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties'*, Environmental Health would be satisfied and would withdraw their objection.

Mr Cushion explained on behalf of the applicants that the application to the Sub-Committee matched the previous application except in that the 121 Nightclub was not included in the application and additional hours were sought a.m. to permit provision of a breakfast service. The applicants had accepted the condition proposed by Environmental Health.

Mr Tierney referred to the noise and disruption experienced by St George's Court residents, particularly on Karaoke nights, due to the poor seal on windows, smokers standing on the High Street talking loudly and clientele making noise when leaving the premises, adding to the cumulative noise of the night time economy.

The Sub-Committee adjourned from 11.15 a.m. until 11.45 a.m. for deliberation.

Following deliberations on the application, the legal Advisor reported on the advice she had given to the Sub-Committee and that Members had taken into account:

- Section 18 of the Licensing Act 2003 and the Secretary of State's Guidance under section 182 of the Act.
- The Council's Statement of Licensing Policy, particularly paragraphs 1-85 and 87-99; and
- The written and oral evidence presented at the hearing.

The Sub-Committee had heard evidence from the Licensing Officer, Applicant, the Senior Environmental Health Officer, on behalf of the Responsible Authority and one other person who had made submissions.

Members recognised that the Licensing Act imposed a light touch approach and encouraged them to allow premises to trade unless there was a reason not to. The Act allowed for review if, at a later stage, it was suggested that any action had resulted in the Licensing Objectives not being met.

The Sub-Committee had concluded that the premises licence should be granted, with conditions, to be agreed by the Licensing Officer in consultation with the Chairman.

RESOLVED, that the Premises Licence for The Cambridge Hotel, 121 London Road, Camberley, be granted, subject to the conditions attached in the Decision Notice at Annex A.

## **CHAIRMAN**

Note: The meeting commenced at 10.00 a.m., adjourned from 11.15 to 11.45 a.m. and closed at 11.50 a.m.

**SURREY HEATH BOROUGH COUNCIL**

**LICENSING ACT 2003**

**Application for a new Premises Licence**

**The Cambridge Hotel, Camberley**

**Decision Record**

**LICENSING SUB-COMMITTEE – 26<sup>th</sup> January, 2015**

**The Application**

This is an application by Stonegate Pub Company Limited trading as The Cambridge Hotel for a new premises licence at 121 London Road, Camberley, Surrey, GU15 3LF.

Representations have been received from Environmental Health and three “other persons”.

At the hearing of the application in attendance were:

Mr Derek Seekings (Surrey Heath Licensing Officer)  
Mrs Paula Barnshaw (Surrey Heath Licensing Administrator)  
Responsible Authorities:  
Mr James Robinson (Senior Environmental Health Officer)

For the Applicant:

Mr Graeme Cushion (Representing the Applicant)  
Mr Richard Heap (Designated Premises Supervisor)  
Mr Carl Button (Area Manager)

Other Persons:

Mr Mike Tierney (representing himself, Mr Ian McLaughlin and Mr Samson)

**Evidence before the Sub-Committee**

Representations have been received from Environmental Health and three Other Persons. Mr McLaughlin and Mr Samson had requested prior to the hearing that Mr Tierney was to act as their representative at the Committee.

Oral representations have been made by Mr Robinson on behalf of Environmental Health. He stated that on receipt of the application he was initially concerned with the potential impact of Public Nuisance. Mr Robinson confirmed that once he had understood that the application was splitting the building into two separate premises, being the Hotel/ bar and nightclub, he had not received any formal complaints

regarding noise nuisance at the Hotel/ bar. Mr Robinson confirmed that he had been in much discussion with the Applicant and a condition has been agreed. If the Committee were minded to accept the condition, Environmental Health would be satisfied and subsequently withdraw their objection.

Oral representations were made by Mr Cushion who commenced by addressing the reason for the submission of the application. The building currently holds a current premises licence encompassing the Hotel/ Bar and Nightclub under one licence. The freehold of the land was purchased by the Applicant and the decision was made to separate the ground floor within the building into two licenses, it was never their intention to seek to licence all businesses under one licence. Mr Cushion confirmed that there had previously been noise issues associated with the nightclub and when the Applicant became aware of this, the decision was taken to temporarily close that part of the premises. Historically it was the nightclub which gave rise to concerns of public nuisance. Mr Cushion stated that the Applicant had recently commissioned acoustic reports on the nightclub and a discussion will take place in the future with the Council's Environmental Health Officers before any application for the nightclub is submitted.

Mr Cushion explained that the Applicant was seeking to extend the licensing hours in the morning to enable a breakfast service to be provided at the premises. The terminal licensing hours will be no later than the existing licence. He further stated that the Applicant was not aware of any concerns regarding the operation of the Hotel/ bar had been received. He further confirmed that the Designated Premises Supervisor, Mr Heap, has purchased a noise level meter for the site to enable noise from the premise to be monitored externally and that his mobile number has been provided to those persons who made representations who can contact him at any time should issues arise.

Councillor Pat Tedder asked Mr Cushion how the Applicants controlled patrons from taking their drinks outside the premises. Mr Heap responded that no drinks were to be taken outside unless in a sealed container. Mr Cushion confirmed that the Applicant would be happy to accept this as a condition.

Mr Tierney told the Committee that about a year ago, when the noise nuisance became a problem at Club 121, he had met with Mr Heap to discuss the issues and they had been in close contact ever since. Mr Tierney stated that if the music and patrons could be contained within the premises; the problems would be significantly eased.

Mr Heap spoke to explain that at the time when the noise became an issue, the Applicant was using a promoter which did not play the type of music which the Applicant wanted. They had since parted company with this promoter.

Mr Tierney explained that he was previously confused as to what parts of the premises were subject to this application and agreed to limit his representations to the Cambridge hotel, not club 121.

Mr Tierney stated that at least 6 complaints had been made by residents in relation to karaoke night directly to the Applicant. He stated that the premises have lead windows and these are left open which allows noise to escape from the premises. Mr Tierney requested that smokers be directed to the entrance doors which open onto the A30 at night instead of allowing people out directly onto the High Street. Mr Tierney confirmed that the music is turned down towards the end of the evening but that patrons do not disperse immediately when the premise closes but instead congregate outside.

Mr Heap responded to the representations of Mr Tierney. He stated that smokers do use both premise entrances but that door supervisors are present at both and do remind patrons to keep noise levels down and request that after the premises is closed, they move on. He confirmed that historically the premises has received complaints from residents who live on the A30 side of the premises and that because of this they would not wish to restrict the use of the door on the High Street.

Mr Heap also confirmed that with the purchase of the noise level meter, regular checks are being made from outside the premises to monitor noise levels in an attempt to minimise the impact on residents. Mr Cushion further confirmed that the Applicant would investigate the possibility of installing double glazing or secondary glazing into the premises to further reduce the risk of noise emanating from the premises.

### **The Decision**

The Licensing Act encourages us to view our powers and responsibilities in the light of the community as a whole. The regime under the Act has a light touch approach to regulation and we carry out functions with a view to promoting the licensing objectives, having regard to the statutory guidance and to the Statement of Licensing Policy.

If the sub-committee is minded to attach any conditions to the proposed licence, these must be appropriate to promote one or more of the licensing objectives. They must be proportionate in that they are tailored to the activities taking place, the size, location, type and characteristics of the business and do not repeat those which duplicate other statutory provisions.

We will consider the licensing objectives in the following order:

#### **Prevention of Crime and Disorder**

No objection was raised by the Police as a statutory responsible authority with regards to crime and disorder. We note the concerns of the 'Other Persons' regarding crime and disorder but the Committee are satisfied that no evidence has been provided that this objective will be undermined. It was noted by the Committee that the Police had not submitted a representation. The Committee feel that the conditions proposed by the Applicant in the Operating Schedule are adequate to address any concerns and will be enforceable subject to minor amendment. We are also mindful that any Licence granted can be reviewed under the Act.

## **The Protection of children from harm**

We have had regard to the Council's Statement of Licensing Policy which states that the Council will have particular regard to the safety of children when considering licence applications. It is a mandatory condition that all premises must have an age verification policy. The applicant operates a 'Challenge 25' policy and has numerous procedures and checks in place which the Committee believe are more than satisfactory to meet the requirements of the Statement of Licensing Policy and legislation.

## **Public Safety**

There is no evidence before us upon which we can consider that this objective is not likely to be promoted.

## **Prevention of public nuisance**

An objection was raised by Environmental Health as a statutory responsible authority with regards to public nuisance. This objection was overcome by agreement with the Applicant upon the imposition of a condition which was satisfactory to both parties. The issue of restricting patron's ability to take drinks outside was also discussed and the Applicant confirmed they were happy to accept a condition restricting this ability.

Whilst the written concerns of 'other persons' have been noted, there is no evidence before us that the premises will not be able to contain the disturbance with the conditions as proposed.

We therefore grant the Licence subject to the following conditions:

### **Conditions**

We have had regard to whether conditions are appropriate in accordance with the guidance and the licensing policy and note those offered by the Applicant in the operating schedule and those agreed between the applicant and environmental Health. We also note that the applicant will accept a condition to restrict the taking of drinks from the premises outside.

In summary, we find it is appropriate that the following conditions be added to the licence in addition to those proposed by the operating schedule.

- Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties
- Alcoholic and other drinks shall not be removed from the premises unless in sealed containers

The wording of the conditions in the operating schedule is to be determined by the Licensing Officer and Chairman of the Committee in order to ensure enforceability.