

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE held at
Surrey Heath House, Camberley on 22
May 2012**

+ Cllr Bill Chapman
+ Cllr Ian Sams

+ Cllr Pat Tedder

+ Present

In attendance: Cllr Joanne Potter (as reserve)

Legal Adviser to the Sub-Committee Mrs Laura James (Interim Principal Solicitor)

Democratic Services Officer Mr Andrew Crawford

Surrey Heath Borough Council as Licensing Authority Miss Jessica Harris (Licensing Officer)

Applicant – George's Coffee Shop Mr George Duffy on behalf of Mr Michael Duffy

Responsible Authorities Mr Tim Pashen– Head of Neighbourhood Services, Surrey Heath Borough Council

All Other Persons Mrs Kerry Bell

01/LS Election of Chairman

RESOLVED, that Councillor Ian Sams be elected as Chairman for the meeting.

PART I (public)

02/LS George's Coffee Shop, 1 The Square, Lightwater

The Sub-Committee considered an application for a new premises licence in respect of George's Coffee Shop, 1 the Square, Lightwater.

The Sub-Committee was addressed by the Licensing Officer, who set out the material aspects of the application.

The Licensing Officer reported that the Sub-Committee had before it an application for a new premises licence for George's Coffee Shop, 1 The Square, Lightwater.

Mr Tim Pashen, Head of Neighbourhood Services, representing Surrey Heath Borough Council's Environmental Services, outlined his objections to the application. The objections related to the Licensing Objectives concerning the prevention of public nuisance, which he did not consider to have been adequately addressed and in particular, in relation to amplified music and karaoke.

Mr George Duffy, representing the applicant, Mr Michael Duffy outlined the proposed activities contained in the application. In response to the Environmental Health concerns, He agreed to remove, live music, karaoke and Disc Jockeys at the weekend from the application. He also agreed to consider joining Pub Watch.

The Sub-Committee heard from Mrs Kerry Bell as another party, who submitted concerns in respect of highways, public safety and prevention of crime and disorder, particularly in respect of unsafe parking, people drinking outside in the evening and the impact on young people.

Members enquired about parking arrangements, who would be the designated premises supervisor and what types of alcohol would be on sale.

Mr Duffy reported that permission had been given from Budgens to use its 20 vehicle car park, which would be checked every three hours. It was intended to serve wine and bottled beer only and both the applicant, Mr Mike Duffy and the Manager, Mr Chris Crews, were licenced as designated premises supervisor.

Mr Pashen confirmed that the removal of live music, karaoke and weekend DJs, would satisfy the Environmental Health concerns and that its representation could be withdrawn.

After being addressed by the applicants, Responsible Authority and the other party, the Sub-Committee retired to consider its decision and was accompanied by Mrs James who gave Members legal advice. Upon return, the Chairman announced the Sub-Committee's decision.

RESOLVED that the application be approved subject to the conditions as set out in the decision notice attached at Annex A to these minutes.

CHAIRMAN

Note 1: The hearing commenced at 10.00. The Sub-Committee retired at 10.35 and re-convened at 13.15. The hearing concluded at 14.00.

LICENSING COMMITTEE – 22nd MAY, 2012**The Application**

This is an application by Mr M Duffy of Duffy's Stores Ltd for a new premises licence at George's Coffee Shop, 1 The Square, Lightwater, Surrey. Representations have been received from "any other persons", namely a local resident who runs the Red Lion Public House and a responsible authority comprising Environmental Health.

At the hearing of the application in attendance were:

Mr Tim Pashen (Head of Neighbourhood Services)
Jessica Harris (Licensing Officer)
Mr George Duffy (For Applicant)
Mrs K Bell ('any other person')

Evidence before the Sub-Committee

Representations were made by Mr Pashen that the application did not include sufficient information or measures to address noise nuisance if amplified music and karaoke entertainment took place, because of the close proximity of residents. He said a sound limiter would not assist because of the noise escaping when patrons opened the door to the premises.

Mr G Duffy spoke on behalf of Mr M Duffy. He said that in view of the objection from Mr Pashen for the responsible authority he would withdraw from the application the provision of live music and music with a DJ or karaoke. This would leave the application for performance of dance and the supply of alcohol both on and off the premises. He said he intended to supply only wine and bottled beer.

Mrs Bell referred to her written representations. In summary, her concerns related to the grant of planning permission for the café and a refusal for nearby premises because of highways concerns. It was perceived by her that there would be nuisance associated with persons leaving the premises and their cars in the area overnight, possibly on street in restricted areas or in the public house car park. She also referred to the presence of other licensed premises in Lightwater and had concerns about children seeing alcohol being consumed outside the premises and noise problems for local residents. She alluded to a problem in Lightwater with youngsters loitering around in the street and alcohol problems there. She regarded the location of the premises at the heart of the village.

All parties then summarised the issues they had advanced. Mr Pashen confirmed that he would withdraw his representation in the light of Mr Duffy's agreement to withdraw the application for live music and music with a DJ or karaoke.

Mrs Bell reiterated her concerns over the parking issues.

Mr Duffy said that the premises had an arrangement with the nearby Budgens store, whereby patrons were able to park there. He said this car park was monitored for usage by patrons and this person would continue monitoring in the evening. He said the car park was in his opinion the largest in the village with 20 to 30 spaces. He did not envisage having more than 15 to 20 customers at the premises at one time.

He confirmed his father, Mr M Duffy and a manger hold personal licences and would operate the Challenge 25 scheme. Staff would be over 20 years of age. He would consider joining a Pubwatch scheme.

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 and having regard to the statutory guidance and to the statement of licensing policy.

If the sub-committee is minded to attach any conditions to a 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 size, location, type and characteristics of the business and do not repeat those which duplicate other statutory provisions.

We note the concerns of Mrs Bell regarding planning issues. We recognise the degree of tension between planning and licensing law and that they employ different, although related criteria. We are also mindful that any Licence granted can be reviewed under the Act.

We will consider the licensing objectives in the following order:

Prevention of crime and disorder;

No objection was raised by the Police and no evidence provided upon which we can conclude that this objective is not met. The applicant has installed a CCTV system as referred to in the operating schedule. The premises currently host police surgeries monthly.

The protection of children from harm;

Issues were raised concerning the sale of alcohol outside the building in a seated area in the view of children. We understand this area is privately owned. The statement of licensing policy states that there is a balance to be struck between the needs of those to enjoy refreshments in the open air and the need to promote licensing objectives. It refers to tables and chairs enhancing the attractiveness of premises.

Public safety;

We have had regard to the availability of the supermarket car park to patrons of the premises and feel that it is unlikely as a result that harm will occur by patrons using the highway or other land on which to leave vehicles overnight.

Prevention of public nuisance;

The parties made representations in respect of noise nuisance caused by patrons outside and nuisance arising from the consumption of alcohol. In our view, there is insufficient evidence before the Committee to support such objection, following the withdrawal of the representation from Mr Pashen. Local residents near the premises had not made representations. The statement of licensing policy aims to strike a balance between preventing nuisance and patrons enjoying refreshments outdoors.

We conclude that having regard to all the evidence before us today that the premises Licence should be granted and comprising the revised application made by Mr G Duffy. This also takes into account that the licensed hours should be reduced by a half hour on each day to allow for drinking up. If nuisance, in particular, occurs the Licence may be reviewed

under the Licensing Act and there are separate environmental health powers to assist in dealing with complaints. .

We therefore grant the Licence subject to the following conditions:

Conditions

1. We have had regard to whether conditions are appropriate in accordance with the guidance and the licensing policy and note those offered by the applicants in their operating schedule. In summary we find it is appropriate that the following conditions be imposed on the Licence which we believe are readily enforceable, as follows;
2. A valid proof of age scheme using photographic identification shall be adopted and proof of identity shall be required to be produced by any person appearing to those selling or supplying alcohol to be under 25 years old.
3. The applicants shall display in a prominent place behind the bar area a copy of the policy on checking age.
4. Staff shall advise anyone purchasing alcohol that drinks are not to be taken further than the area where tables and chairs are delineated by a barrier outside on the paved area. Such area shall at all times the premises are licensed be roped off or other similar barrier used for delineation purposes.
5. There shall be a sign on roping/ barriers to the outside area stating no alcohol is to be taken beyond that point.
6. Signage shall be permanent and have a font size agreeable to the Local Authority and displayed behind the bar area and the outside area to read "Please respect our neighbours and leave quietly and safely. Thank you".
7. Training records of all staff shall be kept which show the date of training. This record shall be available on request to the appropriate authorities and this record is to be signed by the member of staff receiving the training and countersigned by the Designated Premises Supervisor.
8. A refusal book shall be kept on the premises at all times. All refusals shall be documented in the refusals book by the person refusing the sale showing time, date and reason for refusing the sale, such information to be retained for not less than twelve months. A brief description of the person refused, if possible the name of the person refused and the reason for the refusal shall be recorded.
9. There shall be CCTV on and in operation during the hours that the premises are open for licensable activities.
10. The CCTV shall continually record all areas to which the public have access to the building with the exception of the toilets. One camera shall be directed at the entrance/exit and record the faces of all persons and be available in any light conditions.
11. The CCTV recordings to be kept on the premises, unedited and for a period of no less than 31 days.
12. At any time when a licensable activity is being carried on, there be on the premises a person able both to operate the CCTV system fully, to download the footage on

request and to provide facilities for viewing.

13. There be displayed clearly in the entrance to the premises and in other prominent positions a notice stating that CCTV is on and in operation.
14. No person who appears to be intoxicated and/or behaving in a disorderly manner shall be permitted to enter the premises.
15. All records that are required to be made in these conditions are to be made and kept within an A4 bound paged diary.
16. No unaccompanied children under the age of 18 years shall be allowed on the licensed premises.
17. Tables and chairs shall be removed from the outside by 10.15pm pm Sundays, Mondays to Thursdays and 10.45pm Fridays and Saturdays
18. All alcoholic drinks shall be cleared from the outside area by 9pm each night.
19. Written records will be kept of the name address and contact telephone number of private bookings and those details made available to responsible authorities on request. Such records shall be kept for six months.