

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'A'
7 DECEMBER 2009

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
9 FEBRUARY 2010

(To be read in conjunction with the Agenda for the Meeting)

* Cllr Mrs Gillian Beel
* Cllr Bryn Morgan

* Cllr Steven Renshaw

* Present

8. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Gillian Beel was elected Chairman for this meeting of Sub-Committee 'A'.

9. MINUTES (Agenda Item 2)

The Minutes of the Meeting held on 7 September 2009 were confirmed and signed.

10. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests raised under this heading.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

PART II – Matters reported in detail for the information of the Committee

11. LICENSING ACT 2003 – APPLICATION FOR REVIEW OF A PREMISES LICENCE – THE ROYAL ARMS, 172 FARNBOROUGH ROAD, FARNHAM, SURREY GU9 9AX (Agenda Item 4; Appendix A)

- 11.1 The Head of Democratic and Legal Services introduced the application and explained that the review had been initiated by Surrey Police and supported by Waverley Environmental Health Service and Surrey Trading Standards. He confirmed that the written submissions from objectors and supporters who were unable to attend the meeting would be taken into account.

- 11.2 The Solicitor representing the Designated Premises Supervisor (DPS) advised that his client had already put into place some of the steps proposed by Surrey Police to address the issues under review. On behalf of his client he also expressed the view that not all of the incidents logged by Surrey Police could have been prevented by the DPS as they were not in licensing hours.
- 11.3 The applicant, Surrey Police, then submitted their evidence of the incidents that had led to the initiation of the review and detailed the conditions they would wish to see attached to the licence.
- 11.4 The Council's Principal Solicitor then advised the Sub-Committee of the steps they may take to promote the Licensing Objectives.
- 11.5 Surrey Trading Standards advised that they were in attendance in support of Surrey Police and to respond to questions regarding test purchases undertaken at the premises.
- 11.6 Waverley Borough Council Environmental Health Service gave evidence of the complaints they had received since July 2006. A number of complaints had been received regarding noise nuisance from loud music and shouting and screaming from users of the inflatable play equipment in the premises garden.
- 11.7 The Waverley Environmental Health Service then gave details of the conditions they had proposed to address those issues, which included the installation of a noise limiting device.
- 11.8 The Solicitor representing the DPS advised that his client was generally in agreement to the conditions proposed by Surrey Police and the Environmental Health Service. However, he did have concerns over the cost involved in the immediate installation of the full CCTV system required by Surrey Police.
- 11.9 Following questions from the Sub-Committee and final submissions, the Sub-Committee withdrew at 11.38 a.m.
- 11.10 Following the Sub-Committee's deliberation the meeting resumed at 12.53 p.m.
- 11.11 The Chairman of the Sub-Committee informed the hearing that during the Sub-Committee's deliberations the Council's Solicitor was asked to advise the Sub-Committee on the wording for conditions.
- 11.12 In conclusion, the Sub-Committee considered that the Licence Holder had not conformed with the Licensing Objectives relating to:
 - Prevention of Crime & Disorder (LO1)
 - Public Safety (LO2)
 - Prevention of Nuisance (LO3)
 - Protection of Children from Harm (LO4)

However, the Sub-Committee anticipated the establishment of a better relationship between the Designated Premises Supervisor and the relevant authorities and had therefore decided to

- modify the licence by including the following conditions.

The conditions to be added to the licence with effect from 21 December 2009 were as follows:-

1. The Licence Holder shall maintain a comprehensive digital colour CCTV system at the premises, initially to cover the main building and car park and then from 31st March 2010 to ensure all public areas of the licensed premises are monitored, including all public entry and exit points, car park and garden. The system to enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and video recordings shall be available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the requirements of the Data Protection Act 1998).
2. A personal licence holder shall be on duty at the premises at all times when alcohol is being sold.
3. Staff to be trained in the basic law relating to the sale/supply of alcohol and drug awareness and written records will be kept for inspection. This will include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There is to be an ongoing training regime.
4. The premises to operate a Challenge 21 policy and will only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.
5. A log shall be kept detailing all refused sales of alcohol. The log to include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by police or an authorised officer of the Borough Council or Trading Standards.
6. An incident log shall be kept at the premises and made available on request to an authorised officer of Waverley Borough Council or Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder

- e. seizure of drugs of offensive weapons
 - f. any faults in the CCTV system
 - g. any visit by a relevant authority or emergency service
7. When the premises is booked for a private event then written records will be kept of the name, address and contact details of the person making the booking. These records will be made available to the police on request.
 8. No licensable activities shall take place in the garden or outside areas after 19.00.
 9. A lock and an alarm shall be fitted to all external windows/fire doors which alerts staff when they are opened without authorisation.
 10. If by 31 March 2010 the noise nuisance from music has not been controlled by the closure of doors and windows, a noise limiting device shall be installed, fitted and maintained in such a manner and to the satisfaction of Waverley Environmental Health Service, as to control all sources of amplified music at the premises so that it will be inaudible at neighbouring properties
 11. No inflatable play equipment, and associated plant or machinery, shall be used after the hours of 19.00 and a timeswitch be fitted to ensure the equipment deflates by that time.

The conditions applied to the current licence to be amended, as follows, to delete the following, as they are covered by the new conditions:

1. A personal licence holder shall be present on the premises whenever there is trading after 22.30
2. All windows shall be kept closed
3. The licensees and staff shall have regard to the restrictions set out in the Licensing Act 2003. Photographic proof of age shall be required to be shown by anyone seeking to purchase alcohol who appears to be under 20 years of age.

The reason the Sub-Committee has made their decision is to help ensure the prevention of crime and disorder, public safety, noise and disturbance in the local area and to protect children from harm (Licensing Objectives 1, 2, 3 and 4).

The meeting commenced at 10.00 am and concluded at 1.00 pm.

Chairman