

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'
30 APRIL 2012

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
31 MAY 2012

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

* Cllr Maurice Byham Cllr Carole King
* Cllr Simon Inchbald * Cllr Patricia Ellis

* Present

Cllr Carole King was unable to attend the meeting and under delegated authority the Head of Democratic and Legal Services agreed that Cllr Patricia Ellis attend in her place.

1. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Simon Inchbald was elected Chairman for this meeting of Sub-Committee B.

2. DISCLOSURE OF INTERESTS (Agenda Item 2)

Cllr Patricia Ellis declared a personal interest as she was acquainted with one of the objectors and as a member of Cranleigh Parish Council on which another of the objectors was also a member.

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

3. LICENSING ACT 2003 - APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – OSCAR'S PIANO BAR, 180 HIGH STREET, CRANLEIGH, SURREY, GU6 8RG (Appendix A)

3.1 The Licensing Manager introduced the application and outlined the matter that the Sub-Committee was being asked to decide. The Licensing Manager said that following discussion with Surrey Police the application had been amended and this was attached to the agenda papers.

- 3.2 The applicant then outlined his application and explained that he was aware that the previous premises did not have a very good reputation with neighbours, but it was his intention to operate very differently as a lounge bar with no dancing, hen parties, disco, etc. The music would be acoustic/unplugged only so as to be kept at a level to enable customers to sit and chat and enjoy a drink.
- 3.3 Following questions from the Sub-Committee concerning the use of the balcony and opening windows, the applicant confirmed that he had installed a new air conditioning system and double-glazed windows which would mean that doors and windows would be kept closed at all times when music was played. He did not intend to have the doors open at other times, with the possible exception of the Cranleigh carnival and Bonfire parade when the balcony doors might be opened to allow customers to watch the parades.
- 3.4 The objectors present then gave their representation against the application. Their main concerns were the long opening hours of 7 days a week and the provision of music at any time the premises was open. They were particularly unhappy about the extension of music to Sundays. Also, because of the location of the premises the noise of people talking inside the premises could easily be heard from their house.
- 3.5 The Licensing Manager clarified that the opening hours were unchanged from that of the previous owner and that proposed conditions to the licence stated that all external doors and windows would be kept closed when any musical entertainment was taking place, except for access and egress. It was also suggested by members that it was inevitable that as objectors lived near the village High Street talking, would be heard from other locations and not just from the applicant's premises.
- 3.6 The Sub-Committee then withdrew at 11.41 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 12.43 p.m.

During the deliberations the Council's Solicitor and Legal Services Manager was asked to advise the Sub-Committee on suitable wording for their decision.

In conclusion, the Sub-Committee did not consider that the application conflicted with the Licensing Objectives relating to:

- Prevention of Crime and Disorder (LO1)
- Public Safety (LO2)
- Prevention of Nuisance (LO3)
- Protection of Children from Harm (LO4)

The Sub-Committee therefore decided to grant the application as applied for at Annexe 1 of the agenda papers, with the removal of embedded restrictions for Friday and Saturday (except Good Friday); removal of the public

entertainment embedded restrictions; and the removal of conditions attached after hearing by the licensing authority at Annexe 3 of the agenda papers, to be replaced with items in Box P at page 18 of the agenda papers.

The Sub-Committee wished to draw the objector's attention to the conditions at Annexe 3, pages 24 and 25 to be added to the licence, which should address the concerns raised with regard to Public Nuisance, with the following amendments to be added to Conditions 4 & 5 after the word "premises" - "which shall include the balcony".

The concerns raised by the objectors had been taken into account and the Sub-Committee wished to remind the objectors that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of the premises, leading to a possible review of the licence.

The meeting commenced at 11.03 am and concluded at 12.45 pm.

Chairman