

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 3 JANUARY 2018

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 15
JANUARY 2018

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

Present

Cllr Patricia Ellis (Chairman)
Cllr Michael Goodridge**

Cllr Peter Isherwood

Also Present

Councillor John Fraser and Jerry Hyman

** Cllr Goodridge was appointed as a substitute in place of Cllr John Fraser

20. ELECTION OF CHAIRMAN (Agenda item 1.)

Councillor Patricia Ellis was elected Chairman of this meeting of Licensing Sub-Committee A.

21. MINUTES (Agenda item 2.)

The minutes of the meeting which took place on 20 November were confirmed and signed.

22. DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no declarations of interest.

It was noted that although Cllr John Fraser was listed as a Member of the Sub-Committee he had to withdraw from participating in the hearing and Cllr Michael Goodridge was appointed in his place. This was because of his previous involvement with the Memorial Hall which could be perceived as impacting on his ability to act with an open mind and remain objective. Therefore, he was permitted to speak at the meeting in order to present the views of local residents but was not able to participate in the decision-making.

23. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - FARNHAM MEMORIAL HALL, WEST STREET, FARNHAM (Agenda item 4.)

The Sub-Committee received a report on an application for a new premises licence at the Farnham Memorial Hall, Farnham. The application for a new premises licence was made following major alterations to the building and an extension to the Hall. The application had received 16 relevant representations from 'other persons', four of these were outside the 28 day period but were accepted by the applicant. A number of those who had made representations attended the meeting, and, as well as the applicant, were allowed to speak.

The Licensing Manager indicated that the applicant sought a licence which would authorise the specified ground floor areas for regulated entertainment, late night refreshment and the sale of alcohol for consumption both on and off the premises. The timings requested for the activities were noted but the Sub-Committee was advised that the applicant sought a couple of amendments in view of the concerns expressed from local residents, specifically that

Supply of Alcohol: Current application proposes until 00.30 am on a Friday and Saturday – **proposed to reduce to midnight (00.00)**. Current application proposes until 01.30am on New Year's Eve **proposed to reduce until 01.00 am on New Year's Eve**. [No change to Mon-Thurs or Sunday.]

Hours premises open to public, Late night refreshment, Live and Recorded Music, Performances of dance (and anything of a similar description (Section H))– current application proposes until 01.00 am on a Friday and Saturday – **proposed to reduce to midnight (00.00)**.

The Sub-Committee asked the Licensing Manager if there had been any complaints of noise on the old premises licence. After consulting with Environmental Health it was noted that there had been 1 recorded complaint which was made in 2008 and no further action was taken. This was ten years ago and, without any further complaints or concerns raised with the Council there had been no reason to raise an objection to the application. One of the residents questioned this figure saying that he had complained numerous times to the Council on the out-of-hours number but as no action was taken on this, he hadn't continued to phone. Another resident advised that some of the complaints arose from the football club socials of which they had a number for the club secretary. Noting this, the Venue Manager advised that he would personally ensure that there was always a number for residents to call if there was an issue and he wanted to work in harmony with the residents and would keep an open dialogue.

Following the Licensing Manager's introduction, Councillors Jerry Hyman and John Fraser addressed the Sub-Committee. Councillor Fraser read out a statement from Councillor Beaman who was the Farnham Town Councillor for that ward. He spoke of concerns regarding the extending hours, particularly on a Friday and Saturday night and the new hours proposed for Sundays which they didn't have previously. He spoke of the distress for the local residents and that the times should not exceed those as previously allocated as this would cause even more harm to the residents. Lastly he spoke about on and off sales not being appropriate and the dangers it could cause from broken glass. Councillor Hyman asked numerous questions in relation to the operating schedule and conditions to be imposed on the licence if agreed. In particular he asked about the maximum capacity and whether a fire risk assessment had been carried out. He also queried how many people would be present and managing events and the capacity of the car park which he did not feel was enough on event days.

The applicant's representative provided the councillors with a detailed account of the reasons behind wanting to obtain the new premises licence and for the extension in timings to be able to facilitate a different number and type of event. An outline was given of what had been done to the building since its renovations and the new Venue Manager was introduced who had extensive experience in the hotel and catering sector. The applicant understood that there were concerns from local

residents and had, therefore, revised the application (as noted above). However, there had been no representations made from the responsible authorities so they would still be applying for a slight extension to the hours of operation. The applicant also confirmed that there would always be at least 3 attendants on duty during an event, one being on the front to ensure customers left quietly. The site would also be used by the Gostrey Centre who had their own staff and Waverley Training Services also would be relocating who had their own staffing arrangements in place.

The applicant's representative drew Members' attention to the operating schedule and highlighted the measures that the applicant would be taking to ensure that the venue addressed the four key licensing objectives. This included ensuring that there was an incident log maintained and reviewed by the Venue Manager. They also reassured Members that any customers hiring the venue would be required to complete a comprehensive "terms and conditions" document that clearly indicated the licensing objectives and what was required from them as customers. Other standard conditions would be kept, such as Challenge 25, staff training and clear notices ensuring customers left quietly and with respect. The applicant's representative also wanted to reassure residents that there was the facility to review a licence if there were problems, which there wasn't expected to be, and the Council being freeholders of the site was an extra safeguard.

The Sub-Committee asked the applicant about the area that was being asked for on the ground floor proposed to be licensed and the layout plan was clarified. The applicant added that there would be a smoking area to the front of the premises facing the road so to avoid noise nuisance to residents. The applicant also confirmed that drinks would not be allowed outside and it would be an area for smoking only. The applicant further confirmed that the windows on the south side of the building would be fixed shut which would further address issues of noise to residents.

The Sub-Committee asked about the request to have both on and off sales of alcohol. The applicant explained that this was because they wanted to organise events such as wine tasting where it was common that customers would want to take a bottle away from them. Consequently, they were not intending to allow drinking away from the premises but only for sealed containers only.

The Sub-Committee asked about the hours that had been requested and why they wanted the extensions. The applicant indicated that they wanted to be able to have the flexibility to hold different kinds of events. The Licensing Manager confirmed that the hours being requested (following the amendments) were in line with other existing drinking establishments along West Street, and this was also confirmed by the applicant's representative. There were not planning to have daily evening functions but to be commercially viable they needed to flexibility for when the venue was used. In relation to the question of car parking, the applicant's representative explained that a Travel Plan had to be submitted as part of the planning application process which outlined that 55 spaces, 4 disabled spaces and 2 public carrier spaces was adequate.

The Sub-Committee reviewed the operating schedule and noted that the applicant had agreed to ensure that there was a dedicated phone line for residents if there were problems to call as a condition of the licence. The Committee asked for clarification about the removal of rubbish, specifically bottles and cans. The

applicant agreed that this take place between the hours of 8am and 7pm to avoid noise disturbance to residents. The applicant also accepted that the condition regarding refresher training be every 6months.

Following questioning of the applicant, the Sub-Committee asked the residents who had attended the event to speak. A number of concerns were raised, particularly about the noise generated from events. There was a large concern about the extended hours and they spoke of events which had been intolerable at times. Concern was raised in relation to litter and particularly allowing off sales and the dangers of broken glass on the ground. Furthermore, there were only a few routine police patrols as there was no longer a police station in the Town so if there was crime and disorder there would potentially not be anyone available to attend promptly. The issue of having vulnerable children on site at the same time as the availability of alcohol, was also raised as a concern. Concern was expressed about the car parking despite the assurances of the Travel Plans calculations. They advised that on event days they were regularly blocked in and couldn't park themselves. Furthermore, the cars caused additional noise with people walking to them and, after drinking, could be loud causing additional disturbance and, with the extended hours, this could be even later than it had been previously.

It was noted that there may have been an issue with the display of the public notice and clarification was given by the Licensing Manager about the publication of deadline dates. It was clarified that the way the notices were presented was prescribed in law and, if they were notified that they had come down or the writing had faded, they would put a new notice(s) up as soon as they could. The date had been corrected and late representations were accepted.

The Sub-Committee clarified whether or not the bar would be open to the public of which the applicant confirmed it would be for private parties only. The applicant agreed that they would accept a condition around last admittance to the venue.

In closing the applicant's representative wanted to reassure the Committee and the residents that the applicants' objective was to make the venue a success for the community and would work with the residents to ensure that the disturbance that they previously endured was not repeated.

Following the conclusion of questions, the Sub-Committee then withdrew. In returning, the Council's Solicitor confirmed she had been asked to advise the Sub-Committee during their deliberation on the wording of their decision which was as follows:

The Sub-Committee carefully considered the application for a new premises licence, taking into account the representation(s) received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee agreed to grant the new premises licence in part as it did not consider that there was sufficient substantiated evidence to reject the application, as amended, in its entirety. In making its decision, it also noted that the Memorial Hall was under new management which wanted to make a success of its renovated venue. The applicant also indicated a willingness to work with the local community to prevent any problems and to listen to any concerns that they may have. The Committee also noted that there was an approved Travel Plan in place which confirmed that the number of car parking spaces was appropriate. Furthermore,

there had been no representations received from the Police or other statutory consultees in respect of this application and it was revealed upon enquiry that one complaint had been made to Environmental Health noted on the record in 2008 relating to the previous licence.

However, taking into account the significant concerns of the objectors, the Sub-Committee decided to amend the hours proposed and placed additional conditions on the new License. These were further to those put forward by the applicant in the operating schedule. The amended and additional conditions were proportionate and appropriate to address the concerns raised by the residents and for the promotion of the licensing objectives.

The hours which were agreed by the Licensing Sub-Committee were as follows:

- Opening hours:
0800 to 0000 Monday to Thursday
0800 to 0030 Friday and Saturday
0800 to 2230 Sunday
Non Standard timing on New Years Eve Until 0130
- Sale of Alcohol: (On and off the premises)
1200 to 2330 Monday to Thursday
1200 to 0000 Friday and Saturday
1200 to 2200 Sunday
Non Standard timing on New Years Eve Until 0100
- Regulated Entertainment: (Live & Recorded Music, Performance of dance and anything similar - Indoors only)
0900 to 0000 Monday to Saturday
1000 to 2200 Sunday
Non Standard timing on New Years Eve Until 0100 for Live & Recorded Music, Performance of dance
- Regulated Entertainment: (Plays & Films - Indoors only)
0900 to 2300 Monday to Thursday
0900 to 2330 Friday and Saturday
1000 to 2200 Sunday
Non Standard timing on New Years Eve Until 0100 for Films
- Late Night Refreshment: (Indoors only)
2300 to 0000 Monday to Saturday

Non Standard timing on New Years Eve Until 0100

The Sub-Committee accepted all the conditions proposed by the Applicant. However, for completeness and to address representations received, the relevant conditions are set out below:

conditions

1. A comprehensive Terms and Conditions document to be issued and signed by all the customers and hirers that clearly outline all of the Licensing Objectives.
2. Staff refresher training in the law regarding the sale of alcohol to be carried out every 6 months and appropriate records kept.
3. An Incident Log to be kept to include all incidences of antisocial behaviour or refusals to sell alcohol and any visit by a relevant authority or emergency service, which is to be reviewed by the Venue Manager on a weekly basis.
4. In relation to on sales, no drinks to be taken outside the building.
5. Off sales of alcohol will be restricted to private functions and alcohol must be provided and taken away in sealed containers.
6. A dedicated contact telephone number will be made available by the applicant whilst functions are in progress.
7. The number of staff in attendance should be at least 2 at any private function and 3 where alcohol is involved.
8. Health and Safety, Fire Safety and Food safety policies to be reviewed annually.
9. Any bottles and can waste from the building will be deposited outside between the hours of 0800 and 1900 only.
10. No new admissions are permitted after 2200 on any day of the week or occasion such as New Year's Eve.
11. Appropriate signage to be placed in the premises, at the exit and including the car park, to remind customers to leave quietly and with respect.
12. A Challenge 25 policy to be put in place to ensure that customers who may appear under the age of 25 are asked for photographic ID.

On closing, the Sub-Committee thanked the residents for attending and voicing their concerns. And, the Sub-Committee requested that the Venue Manager worked hard to regularly liaise with the Local Residents Association to ensure that there was open dialogue and any concerns were addressed.

The Sub-Committee was advised of a right of appeal to the Magistrates' Court within 21 days of the decision being received in writing.

Chairman