

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 22 MARCH 2021

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 14  
JUNE 2021

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

**Present**

Cllr Jerome Davidson  
Cllr Patricia Ellis

Cllr Robert Knowles

38. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Robert Knowles was elected as Chairman for the purposes of this committee.

39. DISCLOSURE OF INTERESTS (Agenda item 2.)

There were no declarations of interest submitted for this meeting. Cllr Michaela Martin who is a member of the Licensing Sub Committee A had removed herself from this application due to a conflict of interest as she was part of Farnham Town Councils Committee who had objected to this application. Cllr Robert Knowles was substituting in her place.

40. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE- THE ROYAL ARMS, 172 FARNBOROUGH ROAD, HEATH END, FARNHAM, SURREY GU9 9AX (Agenda item 3.)

The Licensing officer outlined the application for a variation application, the application sought to amend the licence to remove all the conditions placed on the licence over 10 years ago (any conditions added on the licence before February 2011). With the exception of the mandatory conditions that are required to be included on the Licence under the 2003 Act, all other conditions on the licence are over 10 years old.

The Sub-Committee carefully considered the application taking into account the representation(s) received, statutory guidance and the Council's Statement of Licensing Policy August 2018 to July 2023.

The applicant was not seeking any variation in respect of the licensable activities, and hours and days of operation are to remain the same.

The Committee considered fully the nature of the application and noted the papers submitted and comments made by other persons who were understood to live in the general neighbourhood of the premises, as well as the applicant and responsible authorities.

A representative of Environmental Health was present and gave evidence on previous complaints received and set out the proposed amendments to the conditions which they felt were acceptable. The committee acknowledged the work carried out by the applicant to mitigate noise nuisance from the establishment and noted additional proposed conditions set out by Surrey Police.

The Sub-Committee **REFUSED** the application to a blanket removal of all conditions but felt that Environmental Health officers had taken into account changes in the current economic climate and **AGREED** to the variation of conditions set out in their report as well as the proposed conditions set out by Surrey Police (set out below). The Sub-Committee had heard about Noise concerns regarding the premises and did not feel it was appropriate to remove all the conditions set out.

### **Variations of Conditions:**

#### **Condition 1. REMOVE CONDITION**

The licensee shall install a lobby to the main entrance, so as to provide two sets of doors separating the bar area from the outside of the premises. All doors shall be fitted with self-closers and maintained in good working order. The distance between the inner and outer doors shall be sufficient to ensure that one door set is normally closed as people pass through the lobby.

#### **Condition 2. AMENDED WORDING**

External doors and windows serving the licensed area shall be kept shut during all licensable activity after 8pm. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter, self-closers shall be maintained in good working order.

#### **Condition 3. REMAINS AS SET OUT.**

The outside seating area shall not be used for any purposes between 23:00hours and 08:00 hours.

#### **Condition 4. REMAINS AS SET OUT**

The licensee shall display notices at all public exits requesting customers to take all steps to minimise noise once they have left the premises. The wording and size of such notices shall be agreed in writing with the Environmental Health Section at Waverley Borough Council.

NOTE: Notice sizes would usually be between A4 and A5 size, and must be clearly legible.

#### **Condition 8. REMAINS AS SET OUT**

No licensable activities shall take place in the garden or outside areas after 19:00.

#### **Condition 9. AMENDED WORDING**

All external fire doors shall remain closed unless in an emergency.

**Condition 10. REMOVED**

If by 31st 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.

**Condition 11. AMENDED WORDING**

No inflatable play equipment, and associated plant or machinery, shall be used after the hours of 19:00.

**Conditions as agreed with Surrey police:**

**General- all four licensing objectives (b,c,d,e)**

The manager/DPS fully understands his/her role and responsibilities concerning the four licensing objectives obtained within the 2003 licensing act. A comprehensive breakdown of these objectives & how to ensure they are met are detailed below. The manger/DPS of the Premises shall ensure that all staff who work behind the bar have full knowledge of the challenge 25 rule. Challenge 25 posters will be displayed.

**PREVENTION OF CRIME AND DISORDER**

- 1) Any person who shows signs of intoxication will be refused entry to the licensed premises.
- 2) Appropriate digital CCTV equipment and a sufficient number of cameras shall be installed and maintained at the premises to record colour images that are clear enough to allow the Police to use them to investigate any crimes that are committed on the premises. The areas covered by the cameras will be all areas that the public have access and this will include the outside area. A camera will be positioned to obtain images of persons entering the building by the main entrances.
- 3) No persons other than the Police, the licensing authority, the premise licensing holder or the managers/DPS shall have access to the CCTV recording equipment or the recordings made from such equipment. The CCTV system will be in operation and recording whenever the premises are open to the public.
- 4) Recordings made on the CCTV system shall be retained for a period of at least 30 days of recording
- 5) A minimum of 3 notices stating that CCTV is in operation shall be displayed throughout the premises where the public have access. The notices shall be at least A4 size

- 6) There shall be a member of staff on duty at all times when the premises is open to the public who is able to operate the CCTV system. If an incident occurs at the premises then the footage on the CCTV system shall be made available to view by Police officers on request. If a copy is requested then it must be available within 48 hours of the request.
- 7) An incident book shall be kept on the premises and all incidents no matter how minor will be recorded

### **PUBLIC SAFETY**

- 1) The management shall have a "Challenge 25" policy and bar staff are instructed not to serve anyone who fails to prove that they have reached 18 years of age.

### **PREVENTION OF PUBLIC NUISANCE**

- 1) Entry to the licensed premises will not be permitted to anyone who appears intoxicated.
- 2) The management fully understands that it is their duty to prevent their business causing any nuisance to any local residents or businesses they will monitor the external premises area in relation to any anti-social behaviour or public nuisance

### **PROTECTION OF CHILDREN FROM HARM**

- 1) Only children accompanied by an adult will be allowed into the licensed premises the children will be supervised by an adult at all times.
- 2) The management shall adopted the "Challenge 25" policy. Any person who appears to look under the age of 25 years shall be challenged and asked for identification to prove that they are over the age of 18 in accordance with the 'Challenge 25' policy.
- 3) The 'Challenge 25' policy shall be brought to the attention of customers at the point of sale by the display of notices.
- 4) The premises will only accept valid forms of identification such as photo driving licence passport and Home Office approved identification cards displaying the national proof of age standard scheme (PASS hologram). All customers who look under the age of 25 shall be challenged to prove their age and identity when purchasing alcohol.
- 5) A Refusals book shall be kept on the premises and a record must be kept of all persons who are refused the sale of alcohol and this book shall be made available on request to the police or authorised person.

- 6) All staff who serve alcohol shall receive suitable training including refresher training in relation to challenge 25 proof of age policy which shall be applied to the premises. This training shall be carried out every 6 months and a written record of the training shall be kept. Every person who completes the training shall sign and date the written record and this record shall be countersigned by the designated premises supervisor or by a person who holds a personal licence.

41. LEGAL ADVICE (Agenda item 4.)

The Council's Solicitor was asked to advise the Sub-Committee on suitable wording for their decision.

**The meeting commenced at 10.00 am and concluded at 11.18 am**

**Chairman**