

**Minutes of the Meeting of the LICENSING (HEARING) SUB-COMMITTEE held on
17 July 2019**

PRESENT -

Councillor Rob Geleit (Chair); ; Councillors David Reeve and Humphrey Reynolds

In Attendance: Oliver Nelson (Environmental Health Team Leader), Charlotte Scott (Environmental Health Officer), Dean Kirby (Dia y Noche), Jill Kirby (Dia y Noche) and David Rudland (Health and Safety Advisor) (Dia Y Noche)

Officers present: Clive Moore (Solicitor), Angela Slaughter (Licensing Officer) and Sandra Dessent (Committee Administrator)

3 DECLARATIONS OF INTEREST

No declarations of interest were made regarding items on this agenda.

4 EXCLUSION OF PRESS AND PUBLIC

The Committee resolved to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 1, and 2 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5 TO DETERMINE SUITABILITY OF A PERSONAL LICENCE HOLDER TO REMAIN LICENSED FOLLOWING CONVICTION FOR A RELEVANT OFFENCE

A way forward was agreed as set out in the Minutes

These minutes have not been published because this item was closed to the press and public on the grounds that the nature of the proceedings dealt with information which could reveal the identity of an individual.

6 PREMISES LICENCE VARIATION DIA Y NOCHE, 30 OAKS SQUARE, EPSOM, KT19 8AS

The Panel was requested to determine a variation application under the Licensing Act 2003 for Dia Y Noche, 30 Oaks Square, Epsom. Details of the requested variations were detailed in the report.

Representations had been received from Charlotte Scott and Oliver Nelson, Environmental Health Officer and Environmental Health Team Leader respectively from Epsom & Ewell Borough Council on the grounds of excessive noise from amplified music inside/outside the building and noise from customers in the external seating area.

A further representation had also been received from a local resident on the grounds of public nuisance.

The Panel heard a verbal representation from Mr. Dean Kirby proprietor at Dia Y Noche outlining the extent of the business and their involvement with a wide range of residents in the local community. He also explained the measures that had been taken to minimise noise disturbance and his continual willingness to work with residents and the Licensing Authority.

Verbal representations were also received by the two representatives from Environmental Health who set out previous interventions by Environmental Health instigated by complaints from local residents.

Following consideration of the written and verbal representations made, the Panel felt that the issues were finely balanced and that there was insufficient evidence to determine the key concern around public nuisance.

Accordingly it was agreed that a six month temporary licence for the extension of hours as set out in Annex 1 to the report be granted. This allowed for a period of consideration in relation to the objections made.

The temporary licence was subject to agreed conditions between the applicant and Surrey Police as follows:-

- One SIA Door Supervisor will be on duty, Saturday and non-standard days from 20.00 to close of business. On Friday, Saturday and on-standard days between the hours of 20.00 to close of business the use of the ID scanner will be implemented. The scanner is not be operated by the Door Supervisor.
- A member of staff who is first aid trained will always be present on the premises during operating hours.
- No customers to use the outside seating area associated with the premises after 23.00. All furniture to be removed or stored securely by 23.15
- No customers to take drinks outside after 23.00 hours
- Children will only be permitted on the premises when accompanied by a responsible adult, and in any case at the discretion of the management.

A further application vary the premises licence would need to be submitted reliant upon successful completion of the temporary licence.

The meeting began at 10.25 am and ended at 12.15 pm

COUNCILLOR ROB GELEIT (CHAIR)