

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – SLUG AND LETTUCE, 10 THE DERBY SQUARE, EPSOM, SURREY. KT19 8AG

<u>Report of the:</u>	Head of Housing and Environmental Services
<u>Contact:</u>	Angela Slaughter
<u>Annexes/Appendices (attached):</u>	<u>Annexe 1</u> - Application Form <u>Annexe 2</u> - Copies of Representations received <u>Annexe 3</u> - Current Premises Licence <u>Annexe 4</u> - Location Map
<u>Other available papers (not attached):</u>	Code of Conduct and Practice in Licensing Procedures and Hearings Statement of Licensing Policy Licensing Act 2003 Guidance Issued under Section 182 of the Licensing Act 2003

REPORT SUMMARY

The Panel is requested to determine the application made under the Licensing Act 2003.

RECOMMENDATION (S)

The Panel is requested to determine whether or not the application should be granted.

Notes

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 The Council will exercise its licensing functions with regard to the Council's Core Values which include focusing on our customers and performing with openness and honesty.

2 Current Position

2.1 The current licensing hours for Slug and Lettuce, 10 The Derby Square, Epsom, Surrey are as follows:

Supply of Alcohol and Provision of Regulated Entertainment

Monday to Sunday 10.00 hours until midnight.

Late Night Refreshment

Monday to Sunday 23.00 hours until midnight.

One additional hour on every bank holiday Friday, Saturday, Sunday and St Andrew's, St David's, St George's and Valentine's Day.

New Years Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises

Monday to Sunday 08.00 hours until 00.30 hours;

One additional hour and half on every bank holiday Friday, Saturday, Sunday and St Andrew's, St Davids, St George's and Valentine's Day.

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

3 Background Information

- 3.1 The Applicants had pre application discussions with Surrey Police and Environmental Health before the application was submitted, and as a result, neither party has made a representation on the application.
- 3.2 An informal meeting has been arranged between the Interested Parties, and persons acting on behalf of the Applicant.

4 Application

- 4.1 An application has been received for the variation of a Premises Licence for the Premises known as Slug and Lettuce, 10 The Derby Square, Epsom, Surrey. The application as stated in Annexe 1 to this Report.

5 Representations from Interested Parties

- 5.1 Five representations objecting to the application on the grounds of Public Nuisance been received. These representations are attached at Annexe 2.

6 Representations from Responsible Authorities

- 6.1 Surrey Police has not made a representation on this application.

- 6.2 Surrey Fire and Rescue Service has not made a representation on this application.
- 6.3 The Planning Department has not made a representation on this application but state that planning permission for these premises as set out under 06/01091/FUL is to restrict the hours of opening to 0800 to midnight on Fridays and Saturdays and 0800 to 0200 on Christmas Eve and New Year's Eve.
- 6.4 In addition any outside seating area has to be vacated by all customers/patrons by no later than 2300 on any day. These restrictions were imposed to safeguard the interests of nearby residents, especially the residents of the third floor flat above that has a roof terrace.
- 6.5 The proposed extension of opening times to 01.30 on Fridays and Saturdays and the opening times from 07.00 Monday – Sunday would clearly be outside the times allowed by the extant planning permission. Accordingly, it is important that the applicant realises that any extension of the licensed hours will also need to be the subject of a new planning application.
- 6.6 The Environmental Health Service has not made a representation on this application.
- 6.7 Surrey Children's Service has not made a representation on this application.
- 6.8 Trading Standards has not made a representation to this application.

7 Submissions and Evidence

- 7.1 As at the date of publication of the Agenda, no additional evidence or submission has been provided by the applicant. However, it was agreed that the applicant's solicitors can submit evidence in support of the application for distribution to Panel members on 20 April and they have indicated their intention to do so.

8 Policy Considerations

- 8.1 A copy of the Statement of Licensing Policy adopted in December 2013 has been distributed to all parties. Members will need to have due regard to the representations submitted and the location of the premises within the Borough.
- 8.2 The premises are in the Red Zone and the application is for opening beyond midnight. Therefore there is a policy presumption to refuse the application unless the applicant can clearly demonstrate that the premises will not add to the cumulative impact for the area and satisfies the criteria stated in the policy.

9 Legal Implications (including implications for matters relating to equality)

- 9.1 The Panel must consider the application and the representations made and either modify the conditions of the licence or reject the whole or part of the application having regard to the promotion of the licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

10 Conclusion

- 10.1 The Panel is requested to determine whether or not the application should be granted.

WARD(S) AFFECTED: Town Ward