

Minutes of the Meeting of the LICENSING (HEARING) SUB-COMMITTEE held at the Council Chamber, Epsom Town Hall on 5 December 2022

PRESENT -

Councillor Liz Frost (Chair); Councillors Steve Bridger and Phil Neale

In Attendance: Bilal Gilgil (Applicant), Fezal Yurdakul (Applicant's Agent), Sgt James Dawborn (Surrey Police), Jenny Billin (Surrey Police), Objector Councillor Neil Dallen, Objector Tony Axelrod, and Objector Tella Wormington

Officers present: Paul Holliday (Principal Licensing Officer), Lidia Harrison (Principal Solicitor) and Dan Clackson (Democratic Services Officer)

5 DECLARATIONS OF INTEREST

No declarations of any Disclosable Pecuniary Interests were made by Members in respect of any items to be considered at the meeting.

6 DETERMINATION OF VARIATION TO PREMISES LICENCE OF EPSOM GRILL

The Licensing (Hearing) Sub-Committee ("the Sub-Committee") was asked to determine the substantive application made by Mr Bilal Gilgil for a variation of a premises license under the Licensing Act 2003 – for the premises known as: Epsom Grill, 3 Waterloo Road, Epsom, Surrey, KT19 8AY.

The Principal Licensing Officer introduced the report.

The Principal Licensing Officer clarified that Objector Councillor Neil Dallen, as Town Ward Councillor, was speaking on his own right and not on behalf of any other persons.

The Applicant and his Agent had no questions to ask of the Principal Licensing Officer.

The Objectors had no questions to ask of the Principal Licensing Officer.

The Responsible Authority ("Surrey Police") had no questions to ask of the Principal Licensing Officer.

The Principal Licensing Officer responded to questions from the Sub-Committee, and the following was confirmed:

- a) The Principal Licensing Officer confirmed Licensing and Planning legislation are separate regimes. He explained the Sub-Committee may refuse or grant a license contradictory or dissimilar to Planning permissions, and that Planning permissions are not of relevance to the decision-making process of the Sub-Committee in relation to Licensing legislation.

The Sub-Committee received a verbal representation from the Agent (on behalf of the Applicant):

- a) She confirmed the photos of the front of the premises provided in the supplement to the agenda were taken on a Friday night after 02:00.
- b) She confirmed that at the current date, the Applicant had been the manager of the business for 6 months, following a transfer application made in July 2022. She stated that previous cases of crime and disorder associated with the premises occurred during the time of the previous management, and that there had been no recorded crimes associated with the premises over the past 6 months.
- c) She stated that the business does not attract additional people to the area, and that people congregate outside the front of the premises regardless, as they wait for taxis after leaving the neighbouring nightclubs. She stated that Applicant's intention is to provide hot food and complimentary tea/coffee to patrons as they wait for taxis and would not be selling any alcoholic drinks.
- d) She confirmed that the Applicant had proposed conditions to provide bins outside the front of the premises, at his own expense, and for his staff to clean the area after closing hours to prevent and clean up any litter left by patrons.
- e) The Agent confirmed that the Applicant now wished to propose the following conditions:

The provision of late-night refreshment until 03:00, with a closing time of 03:30, Thursday to Saturday.
- f) The Agent confirmed that in the event the Sub-Committee granted the application, the Applicant would agree to all Surrey Police's proposed conditions (page 50 of the agenda) except for one, being condition 3, 'the management and staff will make all reasonable attempts to make sure the premises is not open to members of the public after 02:00', stating that this contradicted the Applicant's proposal to sell food and drink until 03:00. She explained that the Applicant had offered a solution by proposing the selling food and drink through a hatch from 02:00 - 3:00, with the hatch's queue supervised by a door staff member.

The Applicant and his Agent responded to questions from the Sub-Committee, and the following was confirmed:

- a) The Agent explained that the hatch does not currently exist at the premises, and that the Applicant would apply for Planning permission for the hatch in the event the Sub-Committee grants the application. She confirmed the hatch would be at the front of the premises on Waterloo Road.
- b) The Agent confirmed that the Applicant had not applied for Planning permission to extend the opening hours but would do so following the Sub-Committee's granting of the application.
- c) the Agent confirmed that the Applicant's proposal of selling food and drink through a hatch from 02:00 - 3:00 would coincide with the closing of the premises to members of the public from 02:00.
- d) The Agent confirmed that there are tables and seats inside the premises, and that the business provides a takeaway option with no tables or seating for the outside area of the premises.

Jenny Billin of Surrey Police clarified that the proposed condition 3, listed on page 50 of the agenda, was to go in conjunction with condition 2 which proposed that the hours of 02:00 - 03:00 were to be for the provision of food and drink by delivery to a postal address only.

The Applicant and his Agent responded to questions from the Objectors, and the following was confirmed:

- a) The Agent stated that the Applicant can only take responsibility for and manage litter in front of his premises. She explained that the Applicant has proposed his staff will be responsible for tidying litter in front of the premises, and that he is not responsible for any litter dropped by any persons away from his premises.
- b) The Agent explained that the Applicant did not agree to Surrey Police's proposed condition 2 (for the provision of food and drink by delivery only between 02:00 - 03:00) as his wish was to serve people dispersing from the neighbouring clubs, and the provision of food and drink by delivery only between 02:00 - 03:00 would prevent him from being able to do this. She reiterated that the Applicant had offered the solution of installing the previously mentioned hatch to sell food and drink between 02:00 - 3:00, with a door supervisor, as an alternative to condition 2.
- c) The Agent confirmed that the photos of the front of the premises provided in the supplement to the agenda were taken around 02:15.

Surrey Police had no questions to ask of the Applicant and his Agent.

The Sub-Committee received a verbal representation from Surrey Police:

- a) Sgt James Dawborn stated that an extension to opening hours would likely cause a danger to road users and members of the public, and a likely increase in violence and disorder. He expressed concern in relation

to the management of crowds and the large number of people that would congregate in a small area. He stated that if a hatch were installed, the management of the resulting queue would be of concern.

- b) Jenny Billin stated that the photos of the front of the premises provided in the supplement to the agenda only show a fraction of the number of the people that congregate in the area, and that she did not believe one door staff would be enough to manage the number of people that would gather outside the premises.

Surrey Police responded to questions from the Applicant and his Agent, and the following was confirmed:

- a) Jenny Billin explained that, to her understanding, the door staff at Boogie Lounge are present until 02:30-03:00 and are only responsible for the dispersal of people and tidying of litter in front of the Boogie lounge Premises.

The Sub-Committee had no questions to ask of Surrey police.

The Sub-Committee received verbal representations from the Objectors:

- a) Objector Tony Axelrod stated that he believed the application will cause issues in relation to crime and disorder, public nuisance, and public safety.
- b) Objector Councillor Neil Dallen stated that he believed the application will worsen existing issues in relation to dispersal, resulting in an increase in disorderly behaviour and public nuisance.

Objector Tella Wormington did not provide a verbal representation.

The Principal Licensing Officer explained that the plan of the premises submitted with the Application did not include a serving hatch, and that the proposal of the hatch had been made recently. He confirmed that the proposal of the hatch was not included in the Application at the time of consultation.

Following consideration, the Sub-Committee agreed that the proposal of the hatch, and any discussion in relation to the proposal of the hatch, was to be disregarded as it was not part of the application consulted on.

The Agent (on behalf of the Applicant) proposed the following conditions:

The provision of late-night refreshment until 02:30, with a closing time of 02:30, Thursday to Saturday, with one door supervisor, and no hatch.

Objector Councillor Neil Dallen, in response to the newly proposed condition, stated that he believed the proposal would not alleviate issues in relation to the congregation and gathering of crowds.

The Objectors responded to questions from the Applicant and his Agent, and the following was stated:

- a) Objector Councillor Neil Dallen stated that he believed measures could be taken to avoid people knocking on the windows and door of the premises after closing time in order to make it clear that the premises is closed.

The Sub-Committee had no questions to ask of the Objectors.

The Chair confirmed that she had read every single representation found in the report and that the questioning of the Applicant had been concluded.

The Agent (on behalf of the Applicant) provided a closing submission:

- a) The Agent confirmed that if the Sub-Committee were to approve the closing time of 2:30, the Applicant would subsequently apply for planning permission for the closing time of 2:30.

Surrey Police provided a closing submission:

- a) Jenny Billin stated that all Surrey Police's objections would still stand in relation to the new proposal of the provision of late-night refreshment and a closing time of 02:30.

The Objectors did not provide closing submissions.

The meeting was adjourned at 15:08, and the Sub-Committee and their legal advisor retired from the Council Chamber to consider the application.

Sgt James Dawborn left the meeting 15:16.

Objector Tella Wormington left the meeting at 15:23.

The Sub-Committee and their legal advisor returned to the Council Chamber, and the meeting resumed at 15:42. The Chair relayed the Sub-Committee's decision (as detailed below) and advised that the decision would be followed by a written confirmation.

Having considered the material presented in the agenda and the written representations made, having listened to all the evidence and submissions presented at the Hearing, having regard to the Statutory Guidance and the Licensing Policy of the Council, and in the interest of public safety, the prevention of crime and disorder, and the prevention of public nuisance, the Sub-Committee resolved to:

REJECT the application, having taken into consideration the objections by the responsible authority (Surrey Police) and Objectors, who highlighted:

- (1) The potential increase in noise and disorder due to the increase in public gathering.**

- (2) Potential anti-social behaviour (public nuisance) and increase in crime and disorder due to failure of individuals to disperse in a timely manner from the neighbouring nightclubs.**
- (3) Potential public-safety concerns with regard to the large congregation and footfall.**

The Chair explained that the approach the Sub-Committee took to making their decision was due to:

- a) The application did not provide sufficient information and consideration of the promotion of the four licensing objectives. The Sub-Committee did recognise the Applicant's revised conditions and proposals, but a large number of the issues raised at the Hearing were not within the remit of the Licensing Authority and therefore could not be considered.

The meeting began at 2.00 pm, was adjourned between 3.08 pm - 3.42 pm, and ended at 3.46 pm

COUNCILLOR LIZ FROST (CHAIR)