

Minutes of the Meeting of the LICENSING HEARING PANEL held on 25 April 2017

PRESENT -

Councillor Clive Smitheram (Chairman); Councillors Steve Bridger and Humphrey Reynolds

In Attendance: Ian Sandwell (Surrey Police), Peter Savill (Surrey Police), Nigel Blair (Fever & Boutique), James Elias (Fever & Boutique), Duncan Squires (Fever & Boutique), Andy Thornton (Fever & Boutique), Michael Watson (Fever & Boutique), Andy Woods (Fever & Boutique), Gareth Morris (Surrey County Council Trading Standards), Joanne Booth (Surrey County Council Child Employment), Tim Shield (John Gaunt Solicitors), Councillor Tony Axelrod and Councillor Tella Wormington

Officers present: Rachel Jackson (Licensing, Grants and HIA Manager), Louise Mathie (Solicitor), Oliver Nelson (Environmental Health Team Leader), Charlotte Scott (Environmental Health Officer), Angela Slaughter (Licensing Officer) and Tim Richardson (Democratic Services Officer)

1 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors in items on this agenda.

2 REVIEW OF PREMISES LICENCE FEVER & BOUTIQUE, 5-9 SPREAD EAGLE SHOPPING MALL, HIGH STREET, EPSOM, SURREY

The Panel was requested to determine a review of the Premises Licence of Fever & Boutique, 5-9 Spread Eagle Shopping Mall, High Street, Epsom, Surrey under the Licensing Act 2003.

The Chairman informed the hearing that he and Councillor Steve Bridger had undertaken a visit to Epsom Town Centre during the early hours of 2 April 2016. Councillor Tella Wormington, a Town Ward Councillor was also present. The Chairman informed the hearing that the application for review of the premises licence was not discussed during the visit. The Councillors had witnessed a snapshot of the Town Centre on that evening, including how customers behaved as they left and dispersed from licensed premises including Fever & Boutique and The Boogie Lounge. The Councillors witnessed how door staff for the premises operated, and the challenges which they faced. They also noted the police presence in the town and how the taxis and private hire vehicles were operating. The Chairman informed the hearing that representatives of the licence holder had questioned whether it was still appropriate for the members to participate in the hearing following this visit. The Chairman assured the hearing

that until he had heard everything which was to be said at the hearing, he had an open mind with regard to the application.

An application for the review of the premises licence of Fever & Boutique had been submitted by Surrey Police under the licensing objectives of Crime and Disorder, Public Nuisance and Public Safety. Representations supporting the review application had been submitted by: a local resident, Councillor Tony Axelrod, Councillor Tella Wormington, John Gaunt Solicitors on behalf of Whitbred plc (Premier Inn), Trading Standards, Environmental Health and Surrey Children's Service.

The Hearing was informed that a site visit to the premises had been held by the Panel members, licence holder's representatives, and Borough Council Officers on 3 April 2017. Panel members had fully viewed the contents of 3 cd/dvd submissions for the hearing on 24 April 2017.

It was noted that in addition to the agenda papers, supplementary information had been provided to the Panel, licence holder and Surrey Police on 24 April 2017. These were:

- an image from an incident on Friday 25 November 2016 submitted by Surrey Police
- a nightclub noise review submitted by John Gaunt Solicitors.

Verbal representations were received by the Panel from Surrey Police, the Licence Holder's representatives, Environmental Health, John Gaunt Solicitors, Surrey Children's Service, Trading Standards, Councillor Tony Axelrod and Councillor Tella Wormington. A number of questions were asked of and by the parties.

Following these representations, the Panel provided Surrey Police and licence holder's representatives the opportunity to provide a closing summary of their representations.

Following consideration of the written and verbal representations made, the Panel RESOLVED that:

- (1) Condition 5 of Annexe 2 of the Venue's Premises Licence would be deleted. This currently read as follows: "Noise levels measured outside the building at one metre from the nearest noise sensitive façade shall not exceed 5db below background levels in compliance with BS4142".
- (2) Condition 3 of Annexe 3 of the Venue's Premises Licence would not be changed. This read as follows: "All draught beers, spirits wine and champagne will be served in polycarbonate vessels".

The Panel expressed that this condition permitted the venue to continue to serve non-draught beers in glass bottles but that it hoped that glass bottles served at the bar would not be permitted to be taken onto the dance floor.

- (3) Condition 4 of Annexe 3 of the Venue's Premises Licence would be amended to change "Challenge 21" to "Challenge 25".
- (4) Condition 5 of Annexe 3 of the Venue's Premises Licence would be amended to read: "A minimum of 4 SIA door staff shall be employed at all times the premises is open to the public. An additional member of SIA door staff shall be employed at the premises for each 50 customers (or part thereof) over and above the initial 200 customers. A minimum of 10 SIA trained door staff shall be employed on Fridays and Saturdays. All door staff shall wear high visibility orange or yellow reflective jackets or waistcoats inside and outside the premises".
- (5) Condition 11 of Annexe 3 of the Venue's Premises Licence would be amended to change "Challenge 21" to "Challenge 25".
- (6) Condition 12 of Annexe 3 of the Venue's Premises Licence would be amended to read: "A dedicated smoking area shall be provided at the rear of the premises for use by no more than 30 patrons at any one time, and which must be supervised by a minimum of 2 SIA trained staff at all times. This area will be covered by in house CCTV, copies of recordings shall be made available to an officer of the licensing authority or police officer upon demand. This area to be for the sole use of patrons from the premise".
- (7) Condition 17 of Annexe 3 of the Venue's Premises Licence would be amended to read: "Throughout the normal opening hours of the premises, half hourly patrols of the perimeter of the premises shall be carried out by staff making observations of noise and disturbance and documented and kept in a written log together with any resultative action taken. Documents shall be made available for inspection by an authorised officer of any responsible authority".
- (8) Off sales of alcohol was excluded from the scope of the premises licence.
- (9) All other conditions currently placed on the licence were unchanged.

The meeting began at 9.30 am and ended at 1.42 pm

COUNCILLOR CLIVE SMITHERAM (CHAIRMAN)