

## Minutes of the Meeting of the LICENSING HEARING PANEL held on 31 May 2017

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### PRESENT -

Councillor Clive Smitheram (Chairman);; Councillors Peter O'Donovan and David Reeve

In Attendance: Councillor Tony Axelrod, Dean Kirby (Dia y Noche), Jill Kirby (Dia y Noche) and Councillor Tella Wormington

Officers present: Claire Beesly (Assistant Solicitor), Rachel Jackson (Licensing, Grants and HIA Manager), Louise Mathie (Solicitor), Oliver Nelson (Environmental Health Team Leader) and Bryony Smart (Environmental Health Officer)

#### 1 DECLARATIONS OF INTEREST

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

#### 2 PREMISES LICENCE APPLICATION: DIA Y NOCHE, 39 THE OAKS SQUARE, EPSOM, KT19 8AS

The Panel was requested to determine an application for the grant of a Premises Licence application for Dia y Noche, 39 The Oaks Square, Epsom KT19 8AS made under the Licensing Act 2003.

An application for a Premises Licence has been submitted for Dia y Noche was submitted on 5 April 2017. Representations opposing the application had been made by Councillor Tony Axlerod and Environmental Health, however prior to the Hearing a number of conditions were agreed with Environmental Health and their objection was accordingly withdrawn.

It was noted that in addition to the agenda papers supplementary information was provided to the Panel in the form of the conditions agreed between Environmental Health and the Applicant.

Verbal representations were received by the Panel from the Applicants, Councillor Tony Axlerod. Environmental Health confirmed the agreement that had been reached prior to the Hearing. Questions were also asked of and by the parties.

The Applicants set out their experience and background. They explained their plans for Dia y Noche and how they envisaged the premises operating. The Applicants clarified the plan in Annexe 1 to the report.

Councillor Axlerod set out the concerns given the location of the premises in close proximity to residential flats and was therefore requesting limitations in relation to operating hours and the use of outside space, including the smoking area.

Following these representations, the Panel provided the Applicants the opportunity to provide a closing summary of their representations.

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

The Licence should be granted with the following hours:

**Premises Opening Hours (L)**

Monday to Thursday	08:00 until 23:00
Friday and Saturday	08:00 until 24:00
Sunday	09:00 until 23:00
Non-standard timings	
Christmas Eve	08:00 until 01:30
New Year's Eve	08:00 until 02:00
St Patrick's Day, St George's Day and Halloween	08:00 until 24:00

**Times for Live Music (E)**

Thursday	18:00 until 23:00
Friday and Saturday	18:00 until 24:00
Sunday	17:00 until 22:00
Non-standard timings	
Christmas Eve	18:00 until 01:00
New Year's Eve	18:00 until 01:30
St Patrick's Day, St George's Day and Halloween	18:00 until 24:00

**Times for Recorded Music (F)**

Monday to Thursday	08:00 until 23:00
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Friday and Saturday	08:00 until 24:00
Sunday	09:00 until 23:00
Non-standard timings	
Christmas Eve	08:00 until 01:00
New Year's Eve	08:00 until 01:30
St Patrick's Day, St George's Day and Halloween	08:00 until 24:00

**Performance of dance (G)**

Monday to Thursday	08:00 until 23:00
Friday and Saturday	08:00 until 24:00
Sunday	09:00 until 23:00
Non-standard timings	
Christmas Eve	08:00 until 01:00
New Year's Eve	08:00 until 01:30
St Patrick's Day, St George's Day and Halloween	08:00 until 24:00

**Anything of a similar description to that falling within (E), (F) or (G)**

Monday to Thursday	18:00 until 23:00
Friday and Saturday	18:00 until 24:00
Sunday	18:00 until 22:00

**Late night refreshment (I)**

Friday and Saturday	23:00 until 24:00
Non-standard timings	
Christmas Eve	23:00 until 01:00
New Year's Eve	23:00 until 01:30

**Supply of Alcohol (J)**

Monday to Thursday	09:00 until 23:00
Friday and Saturday	09:00 until 24:00
Sunday	10:00 until 23:00
Non-standard timings	
Christmas Eve	09:00 until 01:00
New Year's Eve	09:00 until 01:30
St Patrick's Day, St George's Day and Halloween	09:00 until 24:00

The following conditions to apply:

**Prevention of Crime and Disorder**

- (1) A fully operating CCTV system approved by Surrey Police shall be installed and operated. In addition, an internal camera should achieve clear evidential images of all persons leaving and entering the premises. The recordings shall be retained for a period of at least 31 days, and will be made available on request to an authorised officer of the council or the police and operational before carrying out any licensable activity.
- (2) Toilets shall be checked hourly each day during licensing hours
- (3) Two SIA registered door supervisors shall be on duty each Friday and Saturday and non-standard days from 20:00. A risk assessment to be conducted as to the need for door supervisors at all other times, or as directed by the Licensing Authority or Surrey Police.
- (4) The licence holder shall ensure that an incident log is kept on the premises and that it documents any incident involving the premise, this log shall be immediately available upon the request of the Police and/or an authorised officer of the Council
- (5) There shall be a record of any refused sale of alcohol. The refusal register shall be inspected on a regular (at least weekly) basis by the DPS and signed by the DPS that they have checked the register and copies made available upon request by the Police or Licensing Authority.
- (6) All members of staff shall be trained on using the refusal and incident logs

**Public Safety**

- (1) A member of staff who is first aid trained will always be present on the premises during opening hours.

- (7) Signs shall clearly be displayed at the entrance/exit to the premises requesting patrons to respect our neighbours and to be quiet when leaving the area
- (8) A zero tolerance drug policy shall be enforced and signs indicating this shall be prominently displayed within the premises.

#### **Prevention of Public Nuisance**

- (1) No customers to use the outside area after 22:00 and all furniture shall be removed by 22:30
- (9) No customers will be allowed to take drinks to the outside area after 22:00
- (10) The use of the outside designated smoking area shall be monitored during licensing hours and limited to 10 people from 21:00 Sunday to Thursday and 22:00 on Friday and Saturday and on non-standard days. No liquid refreshment to be taken into this area.
- (11) There shall be no new admittance to the premises after 23:00 on Friday and Saturday and non-standard days
- (12) A double door entrance lobby shall be installed, with doors closed from 22:00 except for access and egress to the premises.
- (13) Prior to first use, acoustic treatment to the ceiling and front façade shall be installed and thereafter maintained to comply with the recommendations contained within Adnitt Acoustics report dated 11 May 2017
- (14) All loud speakers shall be mounted on resilient neoprene rubber mounts, independent columns or wall linings
- (15) No amplified live music shall be permitted after 23:00.

#### **Protection of Children**

- (1) After 19:00 children shall only be permitted within a family group attending a private function.
- (16) A challenge 25 scheme shall be enforced.

*The meeting began at 1.30 pm and ended at 3.45 pm and was adjourned between 14:25 and 15:45.*

COUNCILLOR CLIVE SMITHERAM (CHAIRMAN)