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Simon Young, Solicitor
Head of Legal and Democratic Services



LICENSING HEARING PANEL

Wednesday 31 May 2017 at 1.30 pm

Committee Room 2 - Epsom Town Hall

The members listed below are summoned to attend the Licensing Hearing Panel meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Clive Smitheram
(Chairman)
Councillor Peter O'Donovan

Councillor David Reeve

Yours sincerely

A handwritten signature in black ink, appearing to read "S Young".

Head of Legal and Democratic Services

For further information, please contact Tim Richardson, 01372 732122 or trichardson@epsom-ewell.gov.uk

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to disclose the existence and nature of any Disclosable Pecuniary Interests in respect of any item to be considered at the meeting.

2. PREMISES LICENCE APPLICATION: DIA Y NOCHE, 39 THE OAKS SQUARE, EPSOM, KT19 8AS (Pages 3 - 34)

The Panel is requested to determine an application for the grant of a Premises Licence application made under the Licensing Act 2003.

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

<u>Report of the:</u>	Head of Housing & Community
<u>Contact:</u>	Rachel Jackson
<u>Annexes/Appendices (attached):</u>	<u>Annexe 1</u> - Application form <u>Annexe 2</u> - Representation received from a Ward Councillor <u>Annexe 3</u> – Representation received from Environmental Health <u>Annexe 4</u> - Revised conditions submitted by applicant <u>Annexe 5</u> - Location map
<u>Other available papers (not attached):</u>	Statement of Licensing Policy Code of conduct and practice in Licensing procedures and Hearings Guidance issued under Section 182 of the Licensing Act 2003

REPORT SUMMARY

The Panel is requested to determine an application for the grant of a Premises Licence application made under the Licensing Act 2003.

RECOMMENDATION

- (1) The Panel is requested to determine whether or not the application should be granted.**

1 Current Position

- 1.1 An application has been submitted for the grant of a Premises Licence for the premises known as Dia y Noche, 39 The Oaks Square, Epsom.
- 1.2 Following discussions between the applicant and Town Ward Councillors, some conditions submitted in the application have been amended or new conditions proposed, and these are attached as Annexe 3.

- 1.3 In addition, the applicant has submitted the following technical information regarding the construction of the premises; a double glazed shop front using 6.4mm and 4mm toughened and laminated glass has been installed. The ceiling of the bar has had installed with a high rated sound absorbing 45Rw Rockwool 100mm thick with an acoustic void above of no less than 300mm. The main ceiling is then covered with sound acoustic plaster board. The internal pillars have been left with a void and fully enclosed in sound acoustic plaster board.

2 Introduction

- 2.1 The application is to allow the supply of alcohol from: 09:00 hours until 23:00 hours Monday to Thursday; 09:00 hours until 00:00 Friday and Saturday and 10:00 until 23:00 Sunday.
- 2.2 The provision of live music from: 18:00 hours to 23:00 hours on Thursday; 18:00 hours to 00:00 Friday and Saturday and 17:00 hours to 22:00 Sunday.
- 2.3 In addition the application is to allow live music, recorded music, performance of dance, anything of a similar description and late night refreshment at varying times as specified within the application form.
- 2.4 Non-standard timings are detailed within the application form.

3 Representations from Interested Parties

- 3.1 A representation has been received from Councillor Axelrod, Town Ward Councillor on the grounds of public nuisance.

4 Representations from Responsible Authorities

- 4.1 Environmental Health have submitted a representation on the grounds of public nuisance.
- 4.2 Surrey Police and Surrey Children's Service have no representation subject to agreed conditions being imposed on any licence.
- 4.3 No representations/responses were received from the Planning Authority, Surrey Fire and Rescue, Surrey Trading Standards or the Primary Care Trust.

5 Policy Considerations

- 5.1 The premises is located within the "red zone" defined within the Council's Statement of Licensing Policy, however the Policy states that where an application for a pub/café is submitted within this area, then it will generally be granted, unless it can be shown that the application would undermine the licensing objectives.

6 Equalities and Other Legal Implications

- 6.1 Decisions on licensing matters engage issues of human rights, in particular, Article 1 of the First Protocol, the peaceful enjoyment of possessions, Article 6, the right to a fair hearing, and Article 8, respect for private and family life. However, interference with Convention rights is permitted where lawful and necessary in the interests of public safety, the prevention of disorder or crime, the protection of health and morals or for the protection of the rights and freedoms of others.
- 6.2 Due regard must also be had to the public sector equality duty enshrined in Section 149 of the Equality Act 2010, which aims to eliminate unlawful discrimination, having regard to the nine protected characteristics.

7 Conclusions

- 7.1 The Panel is requested to determine whether or not the application should be granted. In doing so, the Panel can:
 - 7.1.1 grant the licence subject to:
 - (a) any conditions which are consistent with the operating schedule modified as the panel thinks appropriate in order to promote the licensing objectives;
 - (b) any mandatory condition which must be included in the licence;
 - 7.1.2 exclude from the scope of the licence any licensable activity to which the application relates;
 - 7.1.3 refuse to specify a person in the licence as the premises supervisor; or
 - 7.1.4 reject the application.

WARD(S) AFFECTED: Town Ward;

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Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We DIA Y NOCHE LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 39 THE OAKS SQUARE			
Post town	EPSOM	Postcode	KT19 8AS
Telephone number at premises (if any)		07768194491	
Non-domestic rateable value of premises		£	14,197.65

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | | |
|----|--|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| | ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| | iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |

**AGENDA ITEM 2
ANNEXE 1**

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
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Surname		First names	
Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name DIA Y NOCHE LIMITED
Address 71 – 75 SHELTON STREET LONDON WC2H 9JQ
Registered number (where applicable) 10585204
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any) 07768 194491
E-mail address (optional) deankirby66@hotmail.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	5	2	0	17	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

120M2 UNIT SITUATED ON GROUND FLOOR LEVEL ONLY WITHIN A COMPLEX OF BARS & RESTAURANTS
WITH AN INTERNAL SEATING AREA OF 70M2 THE REMAINING AREA CONSISTS OF BAR, KITCHEN, LADIES, GENTS & DISABLED BATHROOMS
THERE IS AN OUTSIDE TERRACE OF APX 30M2 ACROSS THE FRONT OF THE UNIT
DOUBLE ENTRY DOOR SYSTEM WITH REAR FIRE EXIT DOUBLE DOORS TO LOADING AREA

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☒

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) GENERALLY FRIDAY / SATURDAY OCCASIONALLY THU/ SUN		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	1800	2300			
Fri	1800	2400	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) XMAS EVE 18.00- 01.00 BANK HOLIDAY NEW YEARS EVE 18.00- 01.30 MONDAYS 15.00-22.00 HALLOWEEN 18.00 – 24.00 ST PATRICKS DAY 17 TH MARCH 18.00-24.00 ST GEORGES DAY 23RD APRIL 18.00 – 24.00 EPSOM DERBY RACE MEETING 18.00-24.00		
Sat	1800	2400			
Sun	1700	2200			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) GENERAL TV OR PIPED BACK GROUND MUSIC WHISLT THE CAFÉ BAR IS OPEN MON /SUN		
Mon	0800	2300			
Tue	0800	2300	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed	0800	2300			
Thur	0800	2300	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	0800	2400			
Sat	0800	2400	THE HOURS STATED ARE THE GEN OPENING HOURS OF THE CAFÉ BAR ONLY EXTENDED IN THE EVENT OF BEING OPEN EXTENDED HOURS XMAS EVE / NEW YEARS EVE OR UNTIL 24.00 ON A WEEK NIGHT IF ST PATRICKS HALLOWEEN ETC		
Sun	0900	2300			

SAME AS LIVE MUSIC
on standard timings

BANK HOLIDAY MONDAY
NORMAL HOURS AS ABOVE.

XMAS EVE UNTIL 01:00
 NEW YEARS EVE UNTIL 01:30
 HALLOWEEN UNTIL 00:00
 ST PATRICKS DAY 17TH MARCH UNTIL
 00:00
 ST GEORGES DAY UNTIL 00:00
 EPSOM DERBY DAY UNTIL 00:00

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4) THROUGHOUT OUR REGULAR OPENING HOURS WE WILL LET PEOPLE DANCE WITH IN REASON AT ANY TIME THE THEME OF THE BAR IS MORE AIMED AT 30 PLUS AGE GROUP WITH THAT BACKGROUND MUSIC THEME		
	08 00	23 00			
Tue					
	08 00	23 00			
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
	08 00	23 00			
Thur					
	08 00	23 00			
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) CHRISTMAS EVE EXTENDED UNTILL 01.00XMAS DAY		
	08 00	24 00			
Sat			NEW YEARS EVE EXTENDED UNTILL 01.30 NEW YEARS DAY		
	08 00	24 00			
Sun			ON ANY OTHER SPECIFIC NATIONAL HOLIDAY WHEN THE HOURS ARE EXTENDED UNTILL 24.00 ON A WEEK DAY		
	09 00	23 00			

SAME AS LIVE MUSIC
NON STANDARD TIMINGS
BANK HOLIDAY MONDAY
NORMAL HOURS AS ABOVE
X'MAS EVE UNTIL 01:00
NEW YEARS EVE UNTIL 01:30
HALLOWEEN UNTIL 00:00
ST PATRICKS DAY 17th MARCH UNTIL 00:00
ST GEORGE'S DAY UNTIL 00:00
EPSOM DERBY DAY UNTIL 00:00

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
	18 00	23 00		Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4) ALONG WITH THE OPENING HOURS WE ARE LOOKING AT COMEDY NIGHT WHICH WILL INVOLVE THE USE OF A MICROPHONE THIS WILL BE IN THE EVENING OCCSIONALLY ALSO MAY BE A MONTHLY QUIZ NIGHT		
	18 00	23 00			
Wed					
	18 00	23 00			
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
	18 00	23 00			
Fri					
	18 00	24 00			
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) DATES ARE NOT FIXED FOR THESE EVENTS BUT WOULD NOT EXTEND OVER OUR REGUALR OPENING HOURS		
	18 00	24 00			
Sun					
	18 00	23 00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) SUPPLY OF DRINK ONLY BETWEEN 2300/2400 ON FRIDAY /SATURDAY		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Fri	2300	2400	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) CHRISTMAS EVE UNTIL 01.00 CHRISTMAS DAY NEW YEARS EVE UNTIL 01.30 NEW YEARS DAY		
Sat	2300	2400			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8) WE WILL SERVE ALCOHOL TO THE OUTSIDE TERRACE ALONG AS WITHIN THE UNIT DESIGNATED AREA	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	0900	2300			
Tue	0900	2300			
Wed	0900	2300			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) CHRISTMAS EVE 0900 – 01.00 CHRISTMAS DAY NEW YEARS EVE 0900 – 01.30 NEW YEARS DAY THEN UNTIL 24.00 ON A UK NATIONAL HOLIDAY NOT AT THE WEEKEND HALLOWEEN UNTIL 00:00 ST PATRICKS DAY 17th MARCH UNTIL 00:00 ST GEORGES DAY UNTIL 00:00 EPSOM DERBY DAY UNTIL 00:00		
Thur	0900	2300			
Fri	0900	2400			
Sat	0900	2400			
Sun	1000	2300			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name DEAN KIRBY	
Date of birth	10 02 1966
Address THE RIDGE 51 ST CLAIR DRIVE WORCESTER PARK SURREY	
Postcode	KT4 8UG
Personal licence number (if known) 5870/16/00735/LAPERS	
Issuing licensing authority (if known) LONDON BOROUGH OF SUTTON	

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08 00	23 00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>CHRISTMAS EVE 08 00 – 01 30 CHRISTMAS DAY</p> <p>NEW YEARS EVE 08 00 – 02 00 NEW YEARS DAY</p> <p>IF A UK NATIONAL HOLIDAY SHOULD FALL ON A WEEK DAY WE WOULD ASK TO CLOSE AT 24.00 AT THE LATEST</p> <p>HALLOWEEN UNTIL 00:00</p> <p>ST PATRICK'S DAY UNTIL 00:00</p> <p>ST GEORGE'S DAY UNTIL 00:00</p> <p>EPSOM DERBY DAY UNTIL 00:00</p>
Tue	08 00	23 00	
Wed	08 00	23 00	
Thur	08 00	23 00	
Fri	08 00	24 00	
Sat	08 00	24 00	
Sun	09 00	23 00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WORKING ALONGSIDE OTHER LICENSED PREMISES WITHIN EPSOM
SQUARE WITH DIRECT CONTACT ALSO JOINING THE EPSOM PUB WATCH
SCHEME CONTACT WITH 24HR CENTRE MANAGEMENT IN EPSOM SQUARE
INCLUSION OF MORE NONALCOHOLIC BEVERAGES DURING ALL OPENING
HOURS
PERSONAL MEMBERSHIP OF THE BII
WE ARE GENERALLY AIMING FOR AN OLDER CLIENTELE

b) The prevention of crime and disorder

CCTV HIGH QUALITY RECORDABLE CAMERAS INSIDE AND OUT
TRAINED ON THE FRONT ENTRANCE MAIN BAR AREA AND SERVING AREA
THIS WILL BE RECORDABLE AND MADE AVAILABLE TO POLICE AND
LICENCING ON REQUEST
BATHROOM CHECKS TO BE CARRIED OUT REGULAR FOR THE PREVENTION OF
DRUG USE ALSO ALL BATHROOMS TO HAVE CONCEALED CISTERNS AS A
DETERENT
SIA SECURITY ON WEEKEND NIGHTS AND BUSY TIMES AS REQUIRED EG.
SPORTING EVENTS DERBY DAY ETC
WORKING WITHIN THE CHALLENGE 25 SCHEME

c) Public safety

CCTV AS ABOVE 2 TB MEMORY 160 DAY RECORDING 4 /5 CAMERAS
AVAILABLE TO POLICE AND LICENCING OFFICIALS ON REQUEST
FIRST AID TRAINED STAFF
STAFF TO BE TRAINED TO UNDERSTAND ALL ASPECTS OF PUBLIC SAFETY
ZERO TOLERANCE TO DRUGS
SIA DOOR STAFF AS ABOVE
ALWAYS KEEPING WITHIN A FAIR CUSTOMER TO STAFF RATIO

d) The prevention of public nuisance

DOUBLE DOOR ENTRY SYSTEM (PREVENTION OF NOISE TRANSFER)
NO OUTSIDE TERRACE AFTER 22.00
A SECTIONED AREA AT NIGHT FOR SMOKERS AWAY FROM THE ENTRANCE
THIS WILL BE TO THE RIGHT OF THE UNIT LOOKING FACE ON
NO NEW ENTRY 1 HOUR BEFORE CLOSING ON ANY EVENING
SIA SECURITY ON LIVE MUSIC NIGHTS AND BUSIER TIMES
NOTICES AND STAFF ADVISE TO RESPECT NEIGHBOURS ON LEAVING THE
PREMISES
A RETRACTABLE BLIND WILL COVER OVER THE ENTRANCE AREA TO REDUCE
NOISE TRANSFER

e) The protection of children from harm

ALL CHILDREN TO BE ACCOMPANIED BY A RESPONSIBLE ADULT DURING
THE DAY AS A CAFÉ UNTIL 1900 HOURS
NO CHILDREN WILL BE ADMITTED AFTER THIS TIME UNLESS WITHIN A FAMILY
GROUP ATTENDING A PRIVATE PREARRANGED FUNCTION
THE CHALLENGE 25 SCHEME WILL BE IMPLEMENTED THROUGH OUT OPENING
HOURS

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	03/04/2017
Capacity	MANAGING DIRECTOR / DESIGNATED PREMISES SUPERVISOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

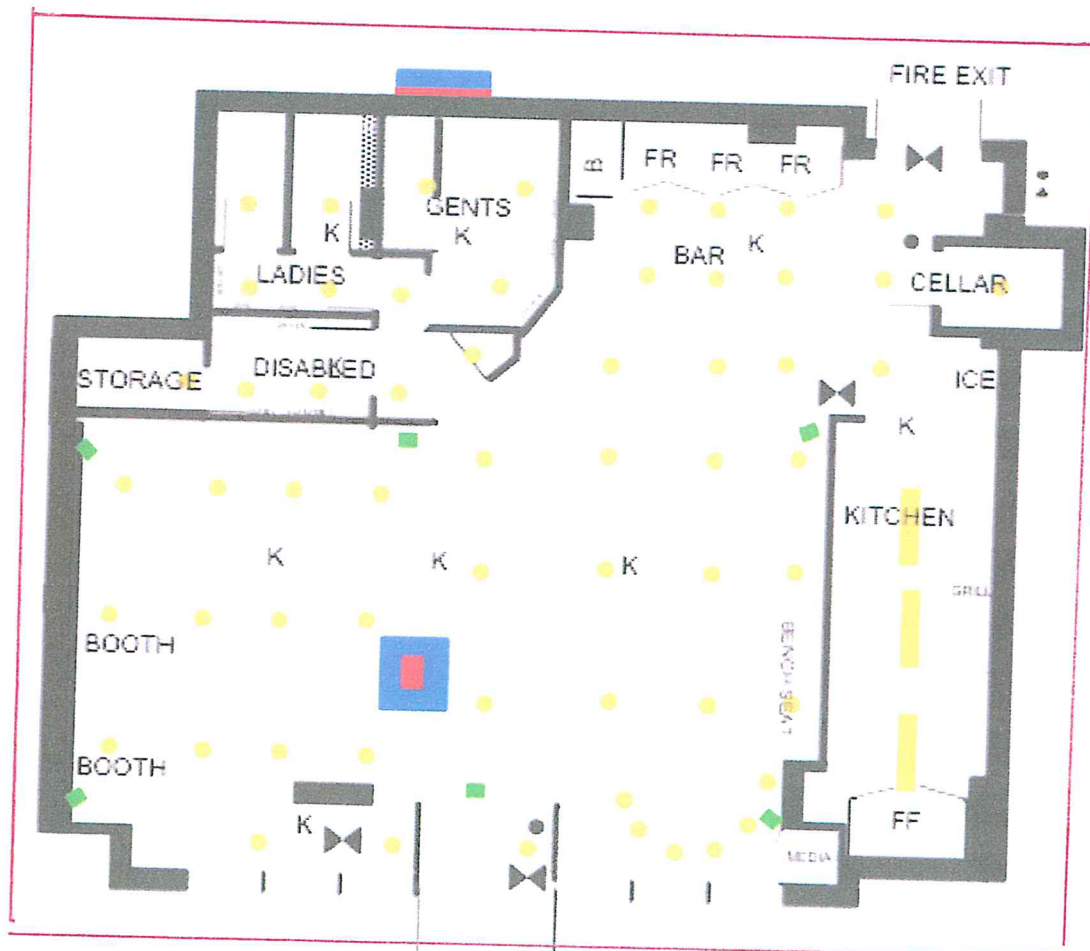
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) DEAN KIRBY			
THE RIDGE 51 ST CLAIR DRIVE			
Post town	WORCESTER PARK	Postcode	KT4 8UG
Telephone number (if any)	07768 194491		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) deankirby66@hotmail.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

LIGHTING PLAN
DIA Y NOCHE
39 THE OAKS SQUARE
EPSOM KT19 8AS
APPROXIMATE INTERNAL FLOOR AREA
1338 SQ.FT / 124.3 SQ.M.

- FIRE FIGHTING EQUIPMENT**
- 1- MATCH BOXES
 - 2- FLAME EXTINGUISHER
 - 3- FIRE SMOOTHER
 - 4- LADDER
 - 5- FIRE HATCH
 - 6- FIRE HATCH
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SCALE 1:100 on A4

3.00m

From: Tony Axelrod

Sent: 09 May 2017 11:33

To: 'Dean Kirby'

Cc: Nicholas Tapping; Oliver Nelson; Tella Wormington; Neil Dallen

Subject: 39 The Oaks Square

Dear Dean and Jill

Firstly to say thank you on behalf of Tella and myself for your time yesterday and for explaining your vision for the premises at 39 The Oaks Square, which we understand will incorporate a café / sports bar during the day, reverting to a bar in the evening / night time with little food during these later hours. You mentioned that you proposed to have a disco on possibly Friday and Saturday evenings. You are aiming for older age profile customers. The maximum number of people that you stated would be at the premises at any one time is 80.

We explained our concerns re licensing which relate primarily to the objective of prevention of public nuisance, particularly given that the premises is located in a residential square (The Oaks Square) and with the west flank comprising the residential flats of Hudson House. The residents of these flats include families with young children and it is known that the square acts as a cauldron, magnifying noise during night time. We spoke at length re the soundproofing of the unit, so as to prevent any operational noise becoming a nuisance to adjoining flat owners. You assured us that you were working with Epsom and Ewell Borough Council's Environmental Health Department (EEEH) in this regard and so we did not discuss any conditions in this respect. We assume that the EEEH will suggest their own conditions and requirements in this regard. We were pleased to hear that sound testing had been carried out and that EEEH had been consulted as to measures to prevent noise nuisance to include sound insulation, new sound proofed glazing and the creation of a lobby area.

The conditions that we proposed were as follows.

1. Any outside seating area to be closed and removed by 10pm.
2. No glass bottles or glass-wear of any kind to be served / allowed in any outside seating area beyond 9pm, any such as may be remaining to be cleared by 9pm and replaced by polycarbonate vessels/glasses.
3. No consumption of any drinks to take place outside the premises, save for in any outside seating area.
3. No customers to be allowed to take out any drinks from the premises, when using the smoking area.
4. The smoking area to be confined to no more than 5 customers (smokers only) at any one time.
5. Customers may not be admitted / readmitted during the last hour before closing, other than re-admittance from the smoking area.
6. From Sunday the Thursday the closing time for the premises will be 11pm, with the last time for the sale of alcohol being 10.30pm
7. From Friday to Saturday the closing time for premises will be 12 midnight with the last time for the sale of alcohol being 11.30pm

8. An entrance lobby to be fitted with air lock doors and all doors to the premises to be kept closed during operational hours, save for allowing customers to enter and depart from the premises.

9. No non-standard timings for any licensable activities save for Christmas Eve, when the closing time for premises will be 1am with the last time for the sale of alcohol being 12.30am and the day after New Year's Eve, when the closing time for premises will be 1.30am with the last time for the sale of alcohol being 1am.

10. A challenge 25 condition to be imposed. (We did not discuss this, although it should be easy to implement given your business model).

As we discussed any other non-standard timings can be dealt with via the use of TENS.

We understand that the police have requested conditions relating to the provision of SIA door staff and CCTV, amongst other issues.

As we discussed the premises have not been used as a bar for many years, however when it was El Papi the premises was the cause of many complaints re public noise nuisance. It is hoped that the measures that you explained to us together with the suggested conditions will assist to prevent public noise nuisance and crime and disorder, however much will turn on the operation of the premises and we were assured that you would be operating the premises to ensure that the licensing objectives were fully adhered to.

We also discussed your right to apply for a change in the licensing terms and you were also aware of the right to review the licence, based on the licensing objectives.

I am copying this message to Mr Tapping at the Licensing Department Epsom and Ewell Borough Council who will no doubt be in touch with you re the above. Should there be any issue arising we are of course quite happy to discuss, however if we are unable to resolve any issues by the closing date for representations, I have asked that this message be treated as my representation both as a local Councillor and nearby resident re your application.

Many thanks once again and kindest regards.

TONY AXELROD

Epsom and Ewell Borough Councillor

Residents Association - Town Ward

Vice Chair Community and Wellbeing

Town Hall, The Parade, Epsom, Surrey, KT18 5BY EMAIL Tony Axelrod TEL 07986 947974

The Licensing Authority
Epsom & Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey
KT18 5BY

Town Hall
The Parade
Epsom
Surrey
KT18 5BY
Main Number (01372) 732000
Text 07950 080202
www.epsom-ewell.gov.uk
DX 30713 Epsom

Date 17 May 2017

Your Ref

Our Ref 17/00391/LICO

Contact

Direct line

Fax

Email

O Nelson

01372 732406

01372 732452

onelson@epsom-ewell.gov.uk

Dear Sir or Madam

Dia Y Noche Limited, 39 The Oaks Square, Epsom, KT19 8AS

Please accept this letter as a representation to the application for premises licence at the above address on the grounds of the prevention of public nuisance.

In my view, the steps contained within the operating schedule submitted as part of the application are insufficient having regard to the locality, the type of entertainment proposed and the history of the building and the problems encountered when it was previously used as an evening entertainment venue.

I have been working with the applicant on improvements and he has responded by consulting experts who are supporting him with recommendations for additional measures. I anticipate therefore I will be able to withdraw this representation once I have assurances from the operator.

However, since I understand today is the last date for representations I would be grateful if you can consider this as a valid representation and inform me in due course of when the hearing date is likely to be.

Yours faithfully,



Oliver Nelson
Environmental Health Team Leader

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Dia Y Noche, 39 The Oaks Square, Epsom – Proposed Licence Conditions

Prevention of Crime and Disorder

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 exiting 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.

A CCTV recording in operation notice will be displayed within the premises.

Toilets shall be checked hourly each day and records maintained of checks.

Two SIA Registered door supervisors will be on duty each Friday and Saturday evening and a risk assessment conducted as to the need for door supervisors at all other times, or as directed by the Licensing Authority or Surrey Police.

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 request of an authorised officer.

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.

All members of staff shall be trained on using the refusal and incident logs.

Public Safety

A member of staff who is first aid trained will always be present on the premises

Signs shall be clearly displayed at the entrance/exit to the premises requesting patrons to respect our neighbours and to be quiet when leaving the area.

A zero drugs policy shall be enforced, and signs indicating this shall be prominently displayed within the premises.

The following points are not proposed as conditions, but give an indication of the works undertaken at the premises:

The Prevention of Public Nuisance

All tables and chairs will be removed from the outside seating area by 23:00 hours

No customers will be allowed to take drinks to the outside area after 23:00 hours

The use of the outside designated smoking area will be monitored during licensing hours, and after 23:00 hours the numbers of smokers permitted in the outside area will be limited to 10 at any one time.

There shall be no new admittance to the premises after 23:00 hours

A retractable blind shall be installed which will cover the front entrance to the premises to reduce noise transfer.

Empty drink bottles and refuse will be disposed of between 08:00 hours and 18:00 hours to avert noise disturbance.

A double door entrance lobby shall be installed, with doors closed from 22:00 hours, except for egress and access to the premises.

4. The Protection of Children from Harm

Children shall be admitted to the premises when accompanied by a responsible adult until 19:00 hours.

After 19:00 hours children shall only be permitted within a family group attending a private function.

All members of staff shall be trained in CSE awareness and a CSE Policy adopted and updated as necessary. The "Say Something If you See Something" campaign poster (or similar) will be displayed within the premises.

A Challenge 25 Scheme shall be enforced



© Ordnance Survey - data derived from OS Premium

EEBC Map

Scale: 1:600

Printed on: 19/5/2017 at 10:38 AM

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