

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

<u>Report of the:</u>	Head of Housing & Environmental Services
<u>Contact:</u>	Angela Slaughter
<u>Annexes/ Appendices (attached):</u>	<u>Restricted Annexe 1</u> – Application for the Review of Premises Licence by Surrey Police (This Annexe is not for publication by virtue of pgh. 7 of part 1 and pgh. 10 of part 2 of the Local Government Act 1972 (as amended)) <u>Annexe 2</u> – Representation supporting the review of the Premises Licence from Surrey Children’s Service <u>Annexe 3</u> – Representation supporting the review of the Premises Licence from Trading Standards <u>Annexe 4</u> – Representation from Environmental Health <u>Annexe 5</u> - Location map <u>Annexe 6</u> – Current Premises Licence <u>Annexe 7</u> – Table of closing hours for the Town Centre <u>Annexe 8</u> – Representation from Councillor Tony Axelrod <u>Annexe 9</u> – Representation from Councillor Tella Wormington <u>Restricted Annexe 10</u> – Representation from Local Resident (This Annexe is not for publication by virtue of pgh. 2 of part 1 and pgh. 10 of part 2 of the Local Government Act 1972 (as amended)) <u>Annexe 11</u> – Representation from John Gaunt Solicitors on behalf of Whitbread plc, Premier Inn <u>Annexes 12 to 15</u> Submission from the Premises Licence Holder (Appendix A - D)
<u>Other available papers (not attached):</u>	DVD Submission by Surrey Police in support of Annexe 1 to this Report. DVD Submission by Councillor Tony Axelrod in support of Annexe 8 to this Report. CD Submission by Environmental Health in support of Annexe 4 to this Report. Code of Conduct and Practice in Licensing Procedures and Hearings Statement of Licensing Policy Licensing Act 2003 Revised Guidance issued under Section 182 of the Licensing Act 2003 – April 2017

REPORT SUMMARY

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

1 Current Position

1.1 The current licensing hours for the premises (Fever & Boutique, 5-9 Spread Eagle Shopping Mall, High Street, Epsom, Surrey) are as follows:

1.1.1 Supply of Alcohol and Provision of Regulated Entertainment:

Thursday to Saturday 08.00 hours until 03.00 hours including Bank Holidays and Public Holidays.

Sunday to Wednesday 08.00 hours until 02.00 hours.

An additional hour to the standard and non-standard times on the day when British Summertime Commences.

New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. No restriction on recorded music.

1.1.2 Late Night Refreshment;

Thursday to Saturday 23.00 hours until 03.00 hours including Bank Holidays and Public Holidays.

Sunday to Wednesday 23.00 hours until 02.00 hours.

1.1.3 Supply of Alcohol, Films, and Late Night Refreshment;

In the event of a screening of any international sporting event involving any of the Countries from the UK and Eire which falls outside the current permitted hours, from one hour before the start of the event until one hour after the end of the event. Details to be notified to the Police 7 days beforehand and provided the Police have not objected within 72 hours of being notified.

1.2 The opening hours of the premises are as follows:

Thursday to Saturday 08.00 hours until 03.30 hours including Bank Holidays and Public Holidays.

Sunday to Wednesday 08.00 hours until 02.30 hours

An additional hour to the standard and non-standard times on the day when British Summertime Commences.

New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. No restriction on recorded music)

In the event of a screening of any international sporting event involving any of the Countries from the UK and Eire which falls outside the current permitted hours, from one hour before the start of the event until one hour after the end of the event. Details to be notified to the Police 7 days beforehand and provided the Police have not objected within 72 hours of being notified.

2 Introduction

- 2.1 On 1 March 2017, an application for the Review of a Premises Licence for Fever & Boutique, 5-9 Spread Eagle Shopping Mall, High Street, Epsom, Surrey, KT19 8DN was submitted by Surrey Police on the grounds of three Licensing Objectives, Crime and Disorder, Public Nuisance and Public Safety. This is attached as Annexe 1. Surrey Police also submitted a DVD of a video clip.
- 2.2 A familiarisation site visit to the premises by Members of the Licensing Panel, the Licensing Officer, Local Authority Solicitor, and representatives of the license holder took place on Monday 3 April 2017.
- 2.3 The DVD submissions by Surrey Police, Councillor Axelrod and Environmental Health have been provided to the licence holder and will be viewed by Members of the Licensing Panel, the Licensing Officer and Local Authority Solicitor on Monday 24 April 2017 prior to the Hearing.

3 Representations from Other Persons

- 3.1 Representations from a Local Resident, Town Ward Councillors Tony Axelrod and Tella Wormington on the grounds of three Licensing Objectives, Crime and Disorder, Public Nuisance and Public Safety have been received. A representation has also been received from John Gaunt Solicitors on behalf of Whitbread plc, Premier Inn on the grounds of the Licensing Objective of Public Nuisance. These are attached as Annexes 8, 9, 10 and 11 to this report. A supporting DVD was also submitted by Councillor Axelrod.

4 Representations from Responsible Authorities

- 4.1 The application for a review from Surrey Police is attached to this report as Annexe 1. A supporting DVD was also submitted by Surrey Police.
- 4.2 Surrey Fire and Rescue Service has not submitted any representations to this application.
- 4.3 The Planning Authority has not submitted any representations to this application.
- 4.4 Surrey Children's Service has submitted support to Surrey Police Review Application. This is attached as Annexe 2 to the report.
- 4.5 Trading Standards has submitted support to Surrey Police Review Application. This is attached as Annexe 3 to the report.
- 4.6 Environmental Health has submitted representations on the grounds of the Licensing Objective of Public Nuisance. This is attached as Annexe 4 to the report. A supporting DVD was also submitted by Environmental Health.

5 Submission and Evidence

5.1 Submissions have been provided by the Premises licence holder. These are attached as Annexes 12 - 15 to the report.

6 Policy Considerations

6.1 A copy of the Statement of Licensing Policy adopted in December 2013 has been distributed to all parties.

7 Equalities and Other Legal Implications

7.1 Decisions on licensing matters engage issues of human rights, in particular, 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 and crime, the protection of health and morals or for the protection of the rights and freedoms of others.

7.2 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.

8 Conclusions

8.1 The Panel is asked to consider the Review of the Premises Licence under the Licensing Act 2003. Under the Act the following options are available;

- Attach conditions to the Licence.
- Modify the conditions of the Licence.
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the licence for a period not exceeding 3 months.
- Revoke the Licence.
- Take no action.

WARD(S) AFFECTED: Town Ward