

Runnymede Borough Council

Licensing Sub-Committee

Hearing under the Licensing Act 2003

18 May 2020 at 2.30pm

Members of the Sub-Committee Present: Councillors Theresa Burton, Derek Cotty and Elaine Gill .

George Domleo (Legal Representative), Mark Draper, Greg Sergeant (applicants) and 7 persons who had made representations also attended the meeting via a dial-in facility.

The following attended as reserves: Councillors Dolsie Clarke and John Olorenshaw and the following as observers: Councillors Jim Broadhead, Tom Gracey, Scott Lewis and Peter Snow.

Officers present: Robert Smith, Senior Licensing Officer, Piero Ionta, Legal Advisor and Clare Pinnock, Democratic Services Officer, taking notes of the meeting.

599 ELECTION OF CHAIRMAN

Councillor Elaine Gill was elected as Chairman for the meeting.

600 MINUTES

The Minutes of the meeting of the Sub-Committee held on 23 March 2020, as attached at Appendix 'A', were confirmed as a correct record. As the meeting was being held remotely, via Microsoft Teams, these would be signed when the Chairman was physically able to do so.

601 PROCEDURE FOR THE CONDUCT OF BUSINESS

The Procedure for the conduct of business was duly noted by those present.

602 LICENSING ACT 2003 – APPLICATION FOR A VARIATION OF A PREMISES LICENCE- THE VICTORIA PUBLIC HOUSE, WOODHAM (PUNCH PARTNERSHIPS (PTL))

The Sub-Committee's attention was firstly drawn to the background Information in the Proper Officer's report. This set out the current operating hours and conditions on the premises licence held in respect of The Victoria Public House, 427 Woodham Lane, Addlestone, Surrey. KT15 3QE.

The Sub-Committee noted that the premises had been closed for approximately 1 year and was in a state of disrepair.

Members were advised that the application sought 8 substantive variations to the current licence. However, following representations made by local residents, as set out in the paperwork for the meeting, 1 variation (to permit the provision of films) had been withdrawn and another amended to not open the premises to serve breakfast,

as originally proposed. It was noted that the latter activity was not licensable under the proposed hours of operation.

Each of the proposed variations was noted. The applicants sought to:

- a) extend the terminal hour for the sale of alcohol on Friday and Saturday until midnight and on Sunday until 23:00
- b) permit late night refreshment on Friday and Saturday from 23:00 to 00:00; the applicant has confirmed this would be indoors only.
- c) extend the opening hours to close on Friday and Saturday at 00:30 the following day and on Sunday at 23:30
- d) add non-standard timings for Christmas Eve and New Year's Eve by the addition of an extra hour for alcohol sales and opening hours, (thereby removing the seasonal variation on the existing licence)
- e) add non-standard timings for Christmas Eve and New Year's Eve by the addition of an extra hour for live and recorded music
- f) remove all existing Annex 2 and Annex 3 licence conditions and replace with updated conditions as set out in the application to promote the four licensing objectives

Members were reminded that the Live Music Act 2012 had deregulated live and recorded music and noted the circumstances where this applied to the application.

In response to a representation made by the Council's Environmental Health Officer, in the context of the prevention of public nuisance, the applicant had accepted two amendments to the proposed conditions. These were to restrict when refuse such as bottles could be placed in receptacles outside the premises and state when persons using the premises could be outside. These measures were aimed at reducing noise.

The Sub-Committee noted that 11 representations had been received from members of the public. These had all been read by the Members who were also assisted by the provision of plans and photographs of the premises.

The applicants were then invited to present their case, represented by Mr George Domleo.

Mr Domleo introduced the applicants and provided some background on Punch Partnerships, explaining they were a subsidiary of Heineken UK operating approximately 2,500 pubs in England, Wales and Scotland. A significant investment of over £550,000, including £200,000 personal investment by Mr Draper, the proposed operator, was being dedicated to The Victoria. The proposal was to rebrand the premises as a premium pub concept with a quality and substantial food offering to match the affluent locality and a range of cask ales, premium lagers and fine wines. This was a different operation to the previously unsuccessful ventures and one which it was hoped would be welcomed by the local community. It was noted that a number of the representations had spoken positively about the change of focus for the premises.

Mr Domleo provided the Sub-Committee with a profile of Mr Draper who co-founded Prospect Pubs and Bars Limited in 2019. He and his business partner had over 25 years business experience running top end venues, notably the Evenlode in Eynsham, Witney. They sought to have premises which they would be proud to eat and drink in, providing 'top notch hospitality' in a friendly and relaxed setting. Regarding the local area, a pub catchment report had been prepared for them by Experian. This showed that within a ten-minute walking distance of the premises there were 2,186 adults, 98.7% of whom wanted a premium local and 98.6% wanted a 'great pub with great food.' This is what Prospect Pubs were confident of being able to deliver. The applicants had taken note of the objections which included their experience of how the premises had operated previously and re-assured those present that their business would not alienate residents but would be inclusive and welcoming of feedback and dialogue.

An important aspect of the application was flexibility, noting that the Licensing Act was introduced as a permissive piece of legislation, which in the current circumstances was vital, as and when the premises was able to open and thrive in the future.

The Chairman invited the Sub-Committee to ask questions of the applicants. These included the expressed desire to have a positive relationship with local residents. Some disappointment was recorded that, to date, Mr Domleo confirmed he was unaware that the applicants had met with people making representations to allay their fears as set out in their written representations to the Sub-Committee. Members were doubtful that the extended hours sought could be justified with reference to other establishments in the borough, although it was acknowledged that each case should be treated on its merits. Some concern was expressed about loss of amenity and the potential for increased noise which the applicants addressed. Mr Draper had plans to clearly demarcate the garden and car park with some re-arrangement of the layout and better planting to improve the visual appearance of the premises. Mr Draper emphasised his own investment into the business and commitment to working with the residents. He was keen to build up a positive relationship with them. Reference was made to the balance between welcoming families and keeping children engaged. It was confirmed that some form of play equipment might be appropriate.

Those making representations enquired how noise and odours would be controlled. Mr Draper confirmed that the kitchen would be refurbished dramatically at a cost of approximately £100,000 to include an extraction system and noise attenuation to current industry standards. He assured residents that the premises would be much better managed to reduce noise from customers and that the opening times would be appropriate to the area with public safety in mind. Some residents asked about the physical layout of the premises. It was confirmed that for example the seating plan was only for illustrative purposes; there was no intention to fill the garden with seating; and with the current requirement for social distancing, this would not be the case.

The residents who had made representations were then invited to speak for a total of 10 minutes. Five had registered to speak and summarised their concerns about the

proposed extended opening hours, the lack of communication from the applicants, and the wish to in effect maintain the status quo until such time as it was deemed suitable to take advantage of the flexibility sought in the application. Residents did however welcome the change of direction for the premises to become a higher quality offering with a different clientele.

The Sub-Committee asked those making representations whether they differentiated between Christmas Eve and New Year's Eve in terms of the extended hours. They all agreed that they opposed extended hours on Christmas Eve because of the potential for disruption to those properties nearest the premises.

Mr Smith suggested that the applicants agree to engage with Pubwatch, which they readily accepted as an additional condition on the licence, if approved.

There being no further questions, the residents were asked to make a closing submission. In doing so, concerns about noise were re-iterated.

Mr Domleo sought to reassure the residents of the professional approach of the applicants and their willingness to engage with the residents. For example, they would be happy to host a coffee morning every 3 months, meet with them and discuss any concerns arising. The importance of flexibility in respect of opening hours was stressed. Mr Draper added that the significant monetary investment illustrated his desire to make a positive contribution to the local community and he was keen for this to be a successful long-term venture.

Mr Smith confirmed that he had no further comments.

The Chairman explained that once a decision had been made, those present would receive an email summarising their findings within five working days of the meeting and that the formal decision notice would be issued in due course.

Members then moved and seconded to exclude press and public from the meeting, in accordance with the agreed procedure.

The public part of the meeting ended at 4:30pm.

On 21 May 2020 at 18:02, the legal advisor to the Sub-Committee issued the following decision, made with due consideration of all the facts and submissions made at the meeting to promote the Licensing Objectives. It was confirmed that the formal decision notice would be sent to the applicant in due course.

**RESOLVED that-**

**The application for a variation to the premises licence for The Victoria public house, 427 Woodham Lane, Woodham, Addlestone, Surrey, KT15 3QE be granted subject to conditions to be set out in the decision notice.**

**Summary of decision:**

- 1. Allow increase in terminal hour – extra 30 minutes on Friday, Saturday and Sunday to current permitted closing time**

- 2. Allow non-standard timings addition for New Year's Eve for alcohol sales and opening hours**
- 3. Refuse non-standard timings addition for Christmas Eve**
- 4. Add condition to the Premises Licence that where Runnymede Pubwatch exists, a representative from the premises must attend any Runnymede Pubwatch meetings.**
- 5. Invite new owners to make all reasonable efforts to forge stronger relations with local residents prior to and once the refurbished premises are re-opened.**

Chairman