



Licensing Committee

Tuesday 14 September 2010

Appendices

| <u>APPENDIX</u> | <u>REPORT</u> | <u>PAGE NO.</u> |
|-----------------|--|-----------------|
| A | FINANCIAL MONITORING STATEMENT | 2 |
| B | LICENSING SUB-COMMITTEE – MINUTES – 19 MAY 2010 | 3 |
| C | LICENSING SUB-COMMITTEE – MINUTES – 22 JUNE 2010 | 7 |
| D | LICENSING SUB-COMMITTEE – MINUTES – 29 JUNE 2010 | 12 |

LICENSING COMMITTEE
FINANCIAL MONITORING STATEMENT
 Figures to the end of August 2010

PROJECTED BUDGET AND FORECAST

| | 2010/11 Budget £'000 | Future Years | | |
|---|----------------------------|------------------|------------------|------------------|
| | | 2011/12 £'000 | 2012/13 £'000 | 2013/14 £'000 |
| Approved Budget: | | | | |
| Alcohol and related Licences | 80 | 80 | 80 | 80 |
| Gambling Licences | 11 | 11 | 11 | 11 |
| Total approved budgets | 91 | 91 | 91 | 91 |
| Approved and reported changes: | | | | |
| <u>Planned Underspends carried forward from 2009/10 (CMC - May 2010):</u> | | | | |
| None | | | | |
| <u>Changes approved in Financial Forecast (CMC - October 2009):</u> | | | | |
| None | | | | |
| <u>Other approved changes:</u> | | | | |
| Rebasing general administration budget to outturn | | -1 | -1 | -1 |
| Other potential changes: | | | | |
| None | | | | |
| Latest Budget Projections | 91 | 90 | 90 | 90 |

CURRENT YEAR KEY BUDGET INDICATORS

| | 2010/11 Budget £ | Budget to date £ | Actual to date £ | Variance to date £ |
|--------------------|------------------------|------------------------|------------------------|--------------------------|
| Income from: | | | | |
| Application fees | 1,000 | 1,000 | 1,153 | 153 |
| Annual fees | 48,000 | 3,900 | 5,155 | 1,255 |
| Variation licences | 3,000 | 1,300 | 1,925 | 625 |

RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

APPLICATION FOR A PREMISES LICENCE

309 WOODHAM LANE, NEW HAW, SURREY KT15 3PB

HEARING DECISION NOTICE - DATE OF HEARING

19 MAY 2010

Members of the Committee: Councillors D W Parr, Mrs F J Barden and P A Francis.

Other persons present: Applicant: Mr Ajay Sharma
Mr Matthew Pascal of Counsel
Hayley Prideaux Solicitor for the Applicants.
Derek Seekings Senior Licensing Officer
Bruce Bennett Legal advisor to the Committee

Responsible Authorities: Mr Alan Renner of Trading Standards
Nicola Smith of Trading Standards
Mr Richard Medhurst of Surrey Police

This is an Application by Mr Ajay Sharma and Mrs Naresh Sharma in respect of premises at 309 Woodham Lane, New Haw, Addlestone, Surrey, KT15 3PB for a premises licence to trade as Woodham Wines and Spirits.

The Application is made under Sections 12 and 17 of the Licensing Act 2003 for the sale by retail of alcohol for consumption off the premises only. The hours the Applicants wish to sell alcohol being 11.00 hours to 23.00 hours Mondays to Saturdays and 22.00 hours on Sundays.

Representations were received from Surrey Trading Standards and Surrey Police as responsible authorities and from T Speller of 14 Warren Road, New Haw, Addlestone as an interested party.

The Committee heard that there was no complaint as to the operation of the premises when previously a Threshers Wine Shop. One of the joint licensees of the premises when it was operating as a Threshers store, was Mr James Ogston, who it was proposed should be the new DPS for the premises. There was no objection to Mr Ogston.

The Committee heard and was mindful generally of a history of sale of alcohol to under age persons and of related complaints of anti-social behaviour in the immediate area over the recent past and of the actions taken by the police and the licensing authority in controlling this.

The Committee heard from Mr Renner and from Mr Medhurst of the history of complaint of under age sale of cigarettes, and, it was suggested, alcohol, from Mr and Mrs Sharma's premises at 286 Woodham Lane, New Haw. This being the Woodham Lane Sub-Post Office of which Mr Sharma was the sub post master.

Mr Renner told the Committee that there had been numerous complaints made to Surrey Trading Standards alleging the sale of cigarettes to persons under-age from the premises at 286 Woodham Lane and also the sale of alcohol. The complaints and intelligence received by Surrey Trading Standards suggested that Mr Sharma had a good relationship with the local troubled youth to whom he sold cigarettes and possibly also alcohol. This was supported by the Witness Statements of Graham Wilebore, Julie Anne Edwards, Teresa Speller and Tanya Dobson. All alleged that children could buy cigarettes from the Sub Post Office and in the case of Edwards produced a copy receipt of a purchase of cigarettes. This was further supported by the Police in their representation and also Mrs Speller in her letter of 28 April 2010.

Mrs Speller wrote "Mr Sharma also runs the local Post Office, a location well known locally for selling cigarettes to school children who blatantly then stand outside the local smoking. I believe that in order to protect children from harm the Application should also be denied on these grounds. If you will sell young children cigarettes without question, I have little doubt that the store would be just as lax in the selling of alcohol under age".

Mr Renner advised the Committee of the history of complaint to Surrey Trading Standards which dated back as far as July 2004. A number of test purchases were carried out by Surrey Trading Standards on the following dates – 27 October 2005, 9 July 2008, 15 August 2008 and 26 June 2009. All the test purchases were passed with the exception of that carried out on 9 July 2008 when cigarettes were sold to a 15 year old volunteer by Mrs Naresh Sharma. During the test purchase of 9 July 2008 a total of 10 shops were test-purchased and Mr and Mrs Sharma's premises was the only shop to fail. During the sale the 15 year old volunteer was not asked any questions. Nicola Smith told the Committee that when she and PCSO Tina Gomez returned to the shop to explain what happened Mr Sharma became aggressive and at one point stood extremely close to PCSO Tina Gomez raising his voice stating that the whole situation was a "stitch up". This incident was followed up by a "written warning" dated 3 November 2008.

Mr Sharma had advised Surrey Trading Standards that he would not be involved in running the premises the subject of this application. However the concern of Trading Standards was that as the proprietor of the shop or premises he would have ultimate control and once the licence had been granted he may then become more "hands on" in the running of the premises.

Mr Pascal for Mr Sharma obtained clarification from Mr Medhurst that there was no objection to the licensing of the premises per se and nor to Mr Ogston.

Mr Sharma for his part refuted the allegations of Mr Wilebore and Julie Anne Edwards. He told the Committee that the allegation of Wilebore was motivated by the fact that his daughter had been caught stealing and had been barred and that of Edwards had arisen out of an incident when she had come to post a parcel and had become abusive. He said that Dobson's allegation was false.

He said that he had never and never would knowingly sell cigarettes to under age persons. He said that he had in place an "Under 21" policy, had CCTV in his shop, required proper identification and maintained a refusals log. As to the premises the subject of the application he told the Committee that as the sub postmaster of the sub post office he was involved in that from early in the morning to about 9.00pm in the evening and would not have time to be actively involved in the running of it the off licence. He had attended the licensing course to become a personal licence holder but had not as yet applied to be a personal licence holder as he was waiting for his CRB check. He told the Committee that there would be CCTV on the premises and overlooking the forecourt, that there would be an "Under 25" policy, that the till had prompts installed, that the CCTV could be remotely accessed, that a refusals log would be maintained, that after 6.00pm all children on the premises would be required to be accompanied by an adult and that all sales would be by a personal licence holder.

Mr Medhurst told the Committee that the Police concern was the protection of children and to prevent public nuisance through alcohol being sold to under age persons. He confirmed that there had been a problem of under age youths hanging around but not presently.

If alcohol could be obtained then the problem of anti social behaviour goes with it. The main offender had been another premises in the Broadway which had been subject to closure and on re-opening has not been selling to youths. He confirmed that the Council operated CCTV did give a good view of the locality of the premises.

Mr Pascal submitted that the application was in relation to premises which had operated previously for at least 20 years as an off licence and were not of themselves a cause of disorder or threat to children. There was no pattern of under age sales at the premises and with Mr Ogston as DPS there was no reason to suspect this would change. He was a "safe pair of hands". Mr Pascal in response to Committee concerns that Mr Ogston could not be on the premises at all times they were open referred to guidance as to authorisation of sales by those who do not hold a personal licence but re-iterated that there would be two personal licence holders on the premises and that the DPS was ultimately accountable in law. He re-iterated that Mr Sharma was busy with his sub post office and would not be actively involved in the running of the off licence, leaving this to Mr Ogston. There was no intention that he would devote more time. That said, Mr Pascal did say that it would not be reasonable to expect that the Committee would not have regard to the history of complaint as to Mr Sharma. Nonetheless, he reminded the Committee that there had been only one failed test purchase and that was not a bad record and that Mr Sharma had otherwise addressed the issues properly.

DECISION

The Committee were satisfied that the licensing objectives of protection of children from harm and of prevention of nuisance were engaged. Having regard to the Council's Policy and Guidance issued by the Secretary of State the decision of the Committee was:

That the application be granted subject to the following conditions:

- 1) The terminal hour for the premises to be open to the public and for the supply of alcohol be 21.00 hours Monday to Sunday.
- 2) That no person under the age of 14 be permitted on the premises except in the company of an adult.
- 3) That no person under the age of 16 be permitted on the premises after the hour of 18.00 hours except in the company of an adult.
- 4) That a system of CCTV, till prompts and refusals book be agreed with the police and the Licensing Authority, put in place and implemented.
- 5) That a proof of age policy such as an "Under 25" policy be put in place and implemented.
- 6) That all sales of alcohol to be by a person holding a personal licence.

REASONS:

The Committee was satisfied that notwithstanding that the premises and Mr Ogston had a good record, there was a history of nuisance from the sale of alcohol to under age persons from premises nearby. That situation had been much improved, but only after a good deal of work by the Police and the Licensing Authority. There was a clear potential for anti social behaviour to again become a problem in the area should alcohol be sold from the premises to under age persons and also for harm to children.

The Committee, as suggested by Mr Pascal, could not fail but to have regard to the history of complaint made against Mr Sharma and took the view that, notwithstanding, he would for the most part be managing his sub post office there was the clear potential for him to be involved in the management and running of the premises particularly later in the evening.

They were satisfied that there was evidence that children had been obtaining cigarettes from the sub post office and were not satisfied by Mr Sharma's explanations in refuting the allegations made against him

They were particularly concerned as to the potential for under age sales later in the evening and noted that the premises, in common with many off-licences, which were not also convenience stores, had previously not traded later than about 9.00pm.

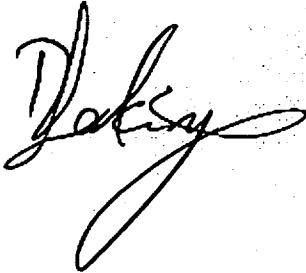
The situation in the Broadway and the area generally was in the view of the Committee, finely balanced, and it seemed reasonable to the Committee to restrict the hours of operation to 21.00 hours.

APPEAL

If the Applicant or any person having made a representation is aggrieved by this decision then he, she or they have a right of appeal to the Magistrates Court at Woking to be exercised within 21 days of having been notified of this decision.

Dated: 10th June 2010

Signed:

A handwritten signature in black ink, appearing to read 'Derek Seekings', written in a cursive style.

Mr Derek Seekings
Senior Licensing Officer.

RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

HEARING DECISION NOTICE

THE VICTORIA, WOODHAM - APPLICATION TO VARY PREMISES LICENCE

**Members of the
Sub-Committee:**

Councillors Mrs E Gill (Chairman), Mrs P I Broadhead and R J Edis.

Applicant:

Punch Taverns Plc of Jubilee House, Second Avenue, Burton on Trent,
Staffordshire, DE14 2WF

Premises:

The Victoria, 427 Woodham Lane, Woodham, Addlestone, Surrey, KT15 3QE

Hearing Date:

Tuesday 22 June 2010

Summary of Application

1. To permit live music and dancing, Monday to Wednesday from 1100 hours until 2300 hours, Thursday to Saturday from 1100 hours until midnight and Sunday 1200 until 2230 hours. The existing licence permits recorded music and live music (with up to two performers) from 1100 hours until 2300 hours from Monday to Saturday and 1200 hours to 2230 hours on Sunday.
2. Permission further requests to extend the sale of alcohol from Thursday to Saturday from 1100 hours until midnight (current permission 1100hours until 2300 hours). 30 minute drinking up time to be retained.
3. Accompanied children to be allowed in the bar until 2100 hours.
4. Live music limited to no more than four performers and all other activities unlicensed for hours and conditions to remain unaltered.

In Attendance

Derek Seekings, Senior Licensing Officer, Runnymede Borough Council

Rachel Pugh, Solicitor, Runnymede Borough Council

Mr Thomas of Punch Taverns

Mr Court, "Landlord" of The Victoria and DPS.

Mrs Court, "Landlady" of The Victoria.

Mr Phipps of TLT Solicitors, 1 Redcliff Street, Bristol, BS1 6TP

Responsible Authorities

Mr Richard Medhurst, Surrey Police

Apologies

Mr Burke, Principal Environmental Protection Officer, RBC.

Interested Parties

Councillor R N Jones, Woodham Ward, Runnymede Borough Council

Mr M Booker of Faris Lane, Woodham

Mr V Carroll, Woodham Park Way

Mr H Spencer, Woodham Park Way
Mr M Maynard, Woodham Park Way
Mr R Woodhouse, Sheerwater Avenue.
Mrs M P Gill, address unknown.
Mrs Wingham, Woodham Lane
Mr D Watts, Woodham Lane
Mrs Glaister, Woodham Lane
Mr B J Hunter, Faris Lane
Mrs S E Hunter, Faris Lane
Observer: Councillor P S Sohi.

Note of the Hearing

Derek Seekings presented his report and pointed out in particular that the two in the bar permission for live entertainment was preserved (1100-2300 hours from Monday – Saturday and 1200-2230 hours on Sunday) when the original premises licence application was submitted on 23 September 2005. Unfortunately, the permission was omitted from the premises licence as an administrative error. Mr Seekings outlined that there have been two objections from the responsible authorities and fifty two submissions from interested parties.

Mr Phipps of TLT

Mr Phipps presented the application on behalf of the applicant. He stated that the application was reasonably modest, and that the premises already had permission for live music from 1100 hours until 2300 hours, Monday to Saturday in place, limited to two performers (not appearing on the existing premises licence as detailed above).

Taking this into consideration, Mr Phipps stated that the issue remaining was whether permission for live entertainment should be granted from 2300 hours till midnight, Thursday to Saturday and increasing the number of performers to four. His client would accept three performers. It was anticipated that events involving dancing would be few and far between.

Mr Phipps drew attention to RBC's policy 14.1 to 14.3. His client did not intend to host live music events more than once per week. Punch Taverns recognise the difficulties with previous residents and by their own acknowledgement agree the Victoria was poorly managed and left in a shoddy state by the last tenant.

Mr Phipps argued that the new management couple are mature, have redecorated the building to a good standard and are aiming to develop the pub as a family business, serving meals. The Victoria now has no pool table or gambling machines. Mr Phipps said that the managers would be prepared to meet with Environmental Health Officers regarding proposals for speaker locations and they are happy to have noise policy, but would argue that children running in the garden should not have a negative connotation. Mr Phipps recognises that there is clearly anxiety, taking the level of interested parties' representations into account about the premises and its history, looking to distinguish the new landlord from previous managers.

Questions

Councillor Mrs Gill asked why there was nothing addressing the conditions on page 19 of Punch Tavern's application.

Mr Phipps admitted that this was omitted in error on account of the fact that they had not anticipated the level of objection to the application, but also it took into account the fact that there are already conditions in place, which would be sufficient.

Councillor Mrs Broadhead asked if it would be possible to erect a plaque for residents to call the manager in the event of a public nuisance.

Mr Phipps agreed that this would be possible.

Responsible Authorities' Comments

Mr Richard Medhurst submitted that in light of the comments made by both Punch Taverns and Mr Phipps, he was happy with progress and had no further comments to add to his original objection. He was satisfied that the risk of exposure to the unlawful use of drugs on the premises was no longer a risk.

Questions from Interested Parties

Howard Spencer asked if Punch Taverns were aware that it is the lateness of the opening hours that is a sensitive issue.

Mr Phipps stated that this was understood.

Mr Woodhouse asked why the extension was necessary if the Punch Taverns were now promoting a "family public house".

Mr Phipps stated that 'family' could be defined broader than just young children and that sometimes adults may wish to stay later at such a premises.

Councillors Mrs Gill asked how do Punch Taverns envisage stopping playing in the garden after 9.00pm.

Mr Phipps felt that this was a private matter between the landlord and residents and not legitimate consideration.

Mr Hunter asked how were Mr and Mrs Court were different to the last landlord.

Mrs Court explained that they have only been at the premises for four weeks and are doing their utmost to improve and address the concerns of the residents.

Mr Carroll asked why Punch Taverns applied for live music seven days a week.

Mr Phipps explained that it was only intended that the live music would be once a week but flexibility for special events would be convenient.

Submissions of the Interested Parties

Councillor Jones stated that it is a densely populated residential area and six years ago The Victoria was a great public house, however, it has changed since in character. He suggested that music is restricted to Friday and Saturday. He pointed out that although dancing is covered within the act there is little room to dance at the premises. He requested restrictions on smokers outside the premises to reduce noise nuisance. He requested recycling conditions to avoid the noise of "bottling out". He stated that if the hours are to be extended, such extension should be restricted to Friday and Saturday, although care should be taken to avoid the issue of migration from The Catherine of Aragon.

He pointed out that there is insufficient parking in the area, which creates a traffic hazard. He pointed to The Castle, in Ottershaw, as a well-run pub. He suggested that The Victoria should base themselves on their example.

Representation from Mr Booker

Mr Booker's garden is located at the end of the garden of The Victoria. He has lived there for twenty years. When he moved there it was a thriving pub and he is hoping for a new family friendly pub in the area. However, he points out that the residents have lost trust over the years and there have been many informal as well as formal complaints to the landlord. One of his main complaints is about children in the garden (aged around eight to eleven years) making a noise nuisance until later than 10.30pm. He argued that in such residential areas a thriving pub does not need music and later hours. He has tried to work with the landlord in the past to invite them into the garden to hear the music and disturbance but they have not taken up the offer. He stated that local people are extremely annoyed by the nuisance being caused. He said that strategically it would have been preferable if the new managers built up some trust for applying for any amendments to the licence.

Mr Carroll

Mr Carroll's house is the third house on the left, opposite the main entrance to the pub. He had no reason to doubt that the current managers are good and reasonable people and he had no wish to impede their progress in improving the pub. However, he pointed out that the fifty two representations

relating to the pub were not individual, but in many cases, husband and wife and families, so there were many more people than fifty two affected by this application. His sole concern on behalf of himself and his wife was that the drinking up time was later and he was concerned about chatting and other nuisances outside the pub after closing hours. In the small hours noises are magnified and he can hear talking and car tyres and laughing and singing and worse.

Howard Spencer

Howard Spencer is Chairman of the Woodham Parkway Association. He and other members were concerned about the application. He felt that on the face of it the application does not appear to square with use of the pub as a family business. He was concerned that there are no management measures or plans in place to deal with noise nuisance and he was concerned about the impact of potential use of the property as a nightclub, which may attract drug abuse and other problems. He argued that noise nuisance from the Victoria is not something that residents should be expected to tolerate in the small hours of the morning. He feels in the light of what has been said that the whole application appeared unnecessary. He has no desire to jeopardise the business aspirations to turn the pub into a family friendly gastro pub, but on the basis of that the extensions are not necessary, he requested that the variations be refused.

Mr Woodhouse

Mr Woodhouse reiterated many of the previous concerns. He is mainly concerned about noise nuisance and felt that the current hours are appropriate for a residential area. He requested that the conditions remain the same.

Other Interested Parties' Comments

Mrs Hunter commented that she is concerned about noise levels with young children.

Councillor Edis commented that he could not see windows being closed in the hot summer evening.

Councillor Mrs Gill asked one of the residents has there been any communications from the landlord. It was confirmed that there had not been to date.

Mr Spencer stated that he was pleased with the progress made but commented that the dynamic of the relationship between the public house and the residents changed when the application for an extension was submitted.

Summary of Argument

Mr Phipps argued that perhaps that whatever he says he was not going to satisfy everyone and reiterated the comments made previously.

Councillor Jones stated that if any extensions were made they should be restricted to Friday and Saturday. No drinks should be taken outside after 11.00pm. He pointed out that TENS were available for special events and suggests a review in six months.

Mr Booker summarised by saying that if the pub already has a grant for live music and dancing why has the application for an extension occurred. He reiterated the fact that the residents have lost all trust, which takes time to establish.

Mr Woodhouse supported Mr Booker's statement.

Mr Seekings outlined the current system for complaining to the Council via Safer Runnymede, which is a 24 hour service, seven days a week. He further explained to the residents the provisions available to them via the review procedure, which is a free service available if residents feel that any licensed premises is for example, causing a public nuisance.

Decision

The Sub-Committee deliberated on the matters raised at the hearing and reached a decision, attempting to satisfy both the applicant and objectors, taking in particular consideration of the fact that the new landlord and landlady appeared to be responsible individuals.

Variation Decision

Live music, dancing and recorded music hours:

1100 hours until 2300 hours, Monday to Saturday, 1200 hours to 2230 hours, Sunday.

Sale by retail of alcohol:

1100 hours until 2300 hours on Monday to Thursday, Friday and Saturday 1100 hours until 2330 hours. Otherwise hours remain the same, retaining a thirty minute drinking up time in respect of 'hours open to the public'.

In addition to Conditions already on the licence, the following Conditions were further imposed:

1. The DPS or his delegate must check that children on the premises are supervised at all times.
2. Accompanied children under 16 years of age are permitted in the bar area until 2100 hours and must leave the garden area and premises by 2200 hours.
3. Live music is limited to no more than three performers.
4. Loudspeakers are to be located in accordance with Runnymede Borough Council Environmental Health Officers' Recommendations.
5. The DPS shall erect a plaque with contact number to ring if a public is occurring, which shall be clearly displayed on the outside of the premises.
6. No drinks shall be taken into the garden after 2300 hours.
7. No bottling out should take place after 2200 hours or before 0700 hours.
8. Amplified live music shall take place no more than once per week.
9. Staff will carry out patrols of the external areas of the premises during regulated entertainment to monitor the escape of noise during the first half hour of the entertainment and then hourly thereafter.
10. External doors and windows will remain closed during the provision of regulated entertainment, except for access to and egress from the premises.
11. Notices should be displayed asking customers to leave quietly and to respect neighbours.
12. Staff will ask customers to leave the premises quietly at closing time.
13. Staff will patrol the outside of the premise and clear any litter associated with their business and activities.
14. A comprehensive drugs, noise and customer departure policy will be implemented, to be approved by the Council's Environmental Health Officers in consultation with the Surrey Police.

Dated: 1st July 2010

RUNNYMEDE BOROUGH COUNCILLICENSING SUB-COMMITTEEHEARING 29 JUNE 2010

Members Present: Councillors Mrs P I Broadhead (Chair), R J Edis and R N Jones.

Officers Present: Derek Seekings (Senior Licensing Officer)
Bruce Bennett (Legal Advisor)

This is an application by Surrey Police for review pursuant to Section 51 of the Licensing Act 2003 of the premises licence held by James Elliott Haughey in respect of the Jolly Farmer, 2 Farmers Road, Staines, Middlesex, TW18 3JA.

Mr Haughey as well as being the premises licence holder is the designated premises supervisor.

Surrey Police were represented by Sergeant Sproston and Mr Richard Medhurst the Police Licensing Officer. Mr Haughey attended and was represented by Alex Burns of Owen White & Catlin. The Lessor had not made a representation but was in attendance represented by Miss Pievers of Counsel and Caroline Edwards the Company Area Representative. Four letters of representation from interested parties had been received of whom Mark and Jane Brown attended. They being immediate neighbours of the premises. A Mr Phillip Scott of 4 The Hythe attended but had not made a representation and did not speak. Mr Burns called Rebecca Brookes and Linda Wright.

The Committee heard that an application for the premises licence to be reviewed was made by the Environmental Protection Department of Runnymede Borough Council in October 2009. At that time representations had been made by Surrey Police and local residents. The hearing was held on the 16 December 2009 with the result that the licensing hours had been reduced and a number of conditions imposed.

The Committee heard from the Police that their had been a number of complaints made of rowdy behaviour, drinking after hours, marijuana being smoked outside the premises, arguments in the street, a constant flow of cars arriving and picking people up from the pub and the noise that went with it and in particular of an incident on the 10 April 2010 when Police attended an urgent request for assistance at the premises. It had been reported a 28 year female had cut her wrists and become violent. On Police arrival they found a distressed female who had been found in the toilets and had self harmed. She was intoxicated but stated that she was out drinking the previous evening and had been invited to a lock-in at the Jolly Farmer. She was taken to hospital and treated for her wounds.

Mr Haughey told the Committee that apart from the incident on the 10 April 2010 he was unaware of these complaints. He claimed that he had not been made aware of them until he had spoken with the Police and Mr Seekings at or about the time the review was requested. His explanation was that on Friday and Saturday evenings he would lock up the premises on closing and go to stay with his girlfriend. He had for financial reasons let out the rooms on the first floor to tenants. There were two double bedrooms and two treble bedrooms. He had eight tenants. He told the committee that unbeknown to him the tenants would return late at night and let themselves into the rooms either by way of the rear fire escape or by one of them having a key and accessing the premises through the front door. He said when he became aware of the complained behaviour he asked the person responsible to leave and there had been no repeat. On the night when the 28 year old lady had cut her wrists he was asleep in a room out the back and had been called to the incident and had himself called the ambulance.

Sergeant Sproston noted as indeed did Councillor Jones, that Mr Haughey had given similar explanations to the review in December 2009. On that occasion he had claimed that it was eight lads from Bristol who were responsible for the nuisance of anti social behaviour.

Mr Burns in asking questions of Sergeant Sproston suggested that the complaints were hearsay. He asked why it was that there was no complaint on this occasion from Environmental Protection and, indeed, why it was the Police had not become involved on the incidents of complaint. The Police explanation was that the complaints were routed through Runnymede Borough Council and passed to them. Further, on occasion when a Police response might have been appropriate there was no one available to go to the premises.

Mr Burns told the Committee that Mr Haughey had arranged for the sale of the lease to Miss Brooks and that Linda Wright would be the manager. The negotiations were well advanced and that a binding contract for sale had been signed.

Miss Pievers was invited to comment on the transaction and told the Committee that although a £1,032.00 deposit had been paid by Mr Haughey this was simply a first payment to allow the assignment application to progress and was not in itself a guarantee that consent would be forthcoming. She told the Committee that the Lessor had three conditions; firstly, that there be a business plan, secondly, that there be proof of funding and thirdly, that issues of dilapidations were agreed. At the present time the Lessor had not received a business plan, proof of funding and dilapidations were not agreed.

Mr Burns called Miss Brooks and she was able to confirm that she had agreed the purchase of the lease of the premises from Mr Haughey and was keen to take over the pub. She said that she intended the pub to return to a family style of pub with meals. She would be living on the premises with her step father together with Linda Wright who would be her Assistant Manager. Linda Wright was called and confirmed that she held a personal license and had been in the pub trade for about five years. She was presently working in a pub as an Assistant Manager.

Mr & Mrs Brown spoke and confirmed the allegations and complaints made by others who had made representations. They said they were awakened in the early hours of the morning, had observed an incident of vomiting in the patio area, of urinating in the street and had observed groups of persons coming to the premises. They could not say whether those persons entered through the front door or the fire escape and could not say exactly where or what those persons got up to once within the premises. However, they were concerned with the conduct of patrons on the premises when exiting and hanging about outside. They felt threatened when walking past the premises and Mrs Brown in particular said that she no longer felt it safe for her children to be allowed to play in their street.

Mr Burns suggested that the appropriate outcome of review was a suspension of the licence to allow time for the transfer of the lease to progress and it was recognised that Mr Haughey should step aside as the DPS.

The Committee carefully considered the application and the complaints of the interested parties. They had regard to what they had heard from Mr Haughey, Miss Brooks and Miss Wright and the representations of Mr Burns. They had regard to the provisions of Section 52 of the Licensing Act 2003 as to the steps they could take on a review and also the relevant paragraphs of the guidance issued under Section 182 of the Licensing Act 2003. In particular they had regard to paragraphs 11.20 and 11.21.

The Committee noted that this was a second review. Mr Haughey had previously been warned that he had had his last chance and that if he was again to come before the Committee it was likely that he would have his premises licence suspended or revoked or possibly face prosecution. The Committee was satisfied that the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance were engaged. They were particularly disappointed at the clear failure of Mr Haughey to manage the premises.

The Committee was satisfied that the complaints of anti social behaviour on the premises and emanating from them were made out although they could not be certain that all of the complaints emanated from the bar area they felt that Mr Haughey as the designated premises supervisor and as the premises licence holder should have exercised proper management over the premises. They were disappointed that he had seen fit to absent himself on Friday and Saturday nights without making any arrangements for ensuring that his tenants were not accessing the premises bar or otherwise causing anti-social behaviour and particularly so given the previous history of review and the explanations then given. The Committee considered revocation but having regard to the submissions of Mr Burns were prepared to allow a period of time for the premises licence and lease to transfer.

The decision of the Committee was that –

1. Mr Haughey was removed as the designated premises supervisor,
2. The premises licence is suspended for three months,
3. Upon the transfer of the premises licence, the putting in place of a Designated Premises Supervisor acceptable to the Police and the Licensing Authority being satisfied that Mr Haughey is no longer involved in the day to day management of the premises that the suspension be lifted.

Should any party having made a representation to the Licensing Authority or Mr Haughey as the premises licence holder and DPS be aggrieved by this decision then they have the right of appeal to the North West Surrey Magistrates Court at Woking to be exercised within 21 days of being notified of this decision.

Dated: 2 July 2010

A handwritten signature in black ink, appearing to read 'P. Sims'. The letters are cursive and somewhat stylized.

Signed:-