

RUNNYMEDE BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

LICENSING ACT 2003

HEARING DECISION NOTICE

APPLICANT: Green King Retailing Limited

PREMISES: Rose and Olive Branch, Callow Hill, Virginia Water, Surrey, GU25 4LH

HEARING DATE: 24 August 2005

SUB-COMMITTEE: Councillor Mrs. J. Norman, Mrs. Y. Lay and Mrs. L. Gill.

This was an application for:

1. Conversion of the existing Justices Licence, and
2. Variation. The variation applied for was to extend the hours for the supply of alcohol to 1.30 a.m. Monday to Sunday and the hours the premises are open to the public to 2.00 a.m. Monday to Sunday.

The Applicant was represented by Mr James Hines of Counsel together with Mr Alistair Adam the existing licensee. There were no relevant representations. A total of 3 letters were received from interested parties and of these Mark and Linda Regel of Baytree Cottage, Callow Hill attended and spoke.

Mr Hines addressed the Sub-Committee and stressed that central to the operation of the public house was the provision of food. The public house already having the benefit of a supper hours certificate which allowed it to open until 12 midnight for the provision of food and an additional 30 minutes of drinking up time, Monday to Saturday with Sunday restricted to 11.30 p.m. plus an additional 30 minutes. It was stressed that there was no intention to change. There was no application for dancing, music, slot machines, all of which had the potential for public nuisance. There had been no public incidents, no complaints from Environmental Health and the applicants contention was that nuisance was not a problem and never had been.

Mr Hines stressed that the application for variation was in respect of the supply of alcohol and the hours the premises were open to the public. The hours that food was provided did not change. The application was to provide for choice and flexibility, there being no intention to encourage a different or later trade, and it was not a matter of extra customers. Mr Hines concluded by stressing that even objectors had complimented the management of the public house and that it was a well run premises. If for any reason there was a change of circumstance which gave the licensing authority cause for concern it was possible to have a review of the licence.

Mr Regel speaking for both himself and his wife and the other interested parties confirmed that the management was good and the clientele and the management of the public house was as described by the applicant. The concerns, nonetheless, of the interested parties was the effect on them of the additional hours and in particular light and noise pollution, residents security, road safety, preservation of the green belt, precedent and the existence of sufficient local services. The principle concerns as put by him were however as to light and noise pollution arising from persons leaving the public house later at night and from lights in the garden areas and the car park. There was concern that the later opening hours could give rise to a greater measure of crime in the area and in his view there were road safety implications of having persons travelling late at night, and under the influence of alcohol, along a road with a high accident records.

The Committee considered the application and the representation by Mr Regel. The Committee concluded that there was the potential for a degree of public nuisance from later opening hours. The Committee did not consider that given the nature of the business of the public house and in particular the management record of the licensee that there were prevention of crime and disorder, public safety or protection of children issues. The Committee was concerned, however, that there was the potential for

some noise and disturbance late at night from patrons leaving the premises, no matter how considerably they might do so and from lights to the front and rear garden areas.

Having considered the application, the submission of the Applicant and representations made, the Committee's decision was as follows:

- i) Application for conversion approved.
- ii) Application for variation approved subject to the following conditions:
 - i) The supply of alcohol in outside areas to be restricted to 11 p.m. with an additional 30 minutes drinking up time.
 - ii) Lights to the outside rear drinking area to be turned off at 11.30 p.m.
 - iii) There to be no admissions to the public house after 12 midnight.
 - iv) The applicant place notices prominently in places seen by patrons when leaving requesting them to leave quietly and have consideration for neighbouring residents.
 - v) The hours for the supply of alcohol and for the premises being open to the public on Monday to Thursday to be restricted to 12 midnight for the supply of alcohol plus an additional 30 minutes open to the public and on Sundays 11.30 p.m for the supply of alcohol plus an additional 30 minutes open to the public.

- iii) Reasons for the imposition of conditions:

The conditions are imposed for the prevention of public nuisance

- iv) Appeals:

If the applicant or any person who made a relevant representation wishes to appeal against this decision the appeal must be made to the North West Magistrates Court at Woking within 21 days of receipt of this notice.

Dated.....