

# **Runnymede Borough Council**

## **Licensing Sub-Committee**

**Application to vary an existing Premises Licence under  
Section 17 of the Licensing Act 2003**

**The Victoria Public House, 427 Woodham Lane, Woodham, KT15 3QE**

**Hearing of Monday 18 May 2020 at 2.30pm**

**Held remotely via MS Teams with audio access for all parties and their  
representatives and the public via registered dial-in**

### **NOTIFICATION OF DECISION**

Committee Members:	Cllr T Burton, Cllr D Cotty and Cllr E Gill (Chair)
For the Applicant	Mr George Domleo (Legal Representative), Mr Mark Draper and Mr Greg Sergeant (applicants) all were present.
Other Persons:	Mr Ian Ayres, Ms Liz England, Mr Rodney Gritten, Mr Brian Thomas, Mr Mike Booker and Mrs Sue Booker, Ms J Vanhinsbergh, Mr and Mrs Ezzard, Councillors D Clarke, T Gracey and S Lewis, J Olorenshaw – all were present.
Officers of the Authority	Robert Smith, Senior Licensing Officer, Clare Pinnock, Clerk to the Sub-Committee, Piero Ionta, Legal Advisor to the Sub-Committee

This is an application dated 1 April 2020 by Punch Partnerships (PTL) Limited (wholly owned subsidiary of Heineken UK), premises certificate holders for The Victoria Public House, 427 Woodham Lane, Woodham, KT15 3QE (the Premises).

The application sought a variation to the existing Premises Licence under section 34 of the Licensing Act 2003 for the Premises.

The existing license permitted the following licensable activities:-

#### Supply of alcohol (on and off sales)

11am to 11pm on Monday to Thursday

11am to 11:30pm on Friday and Saturday

11am to 10:30pm on Sunday

The provision of live music

11am to 11pm Monday to Saturday

11am to 10:30pm on Sunday

The provision of recorded music

11am to 11pm Monday to Saturday

11am to 10:30pm on Sunday

The existing permitted opening hours as follows:-

11am to 11:30pm on Monday to Thursday

11am to midnight on Friday and Saturday

11am to 11pm on Sunday

The application proposed the following amended licensable activities:-

Supply of alcohol (on and off sales)

11am to 11pm on Monday to Thursday

11am to midnight on Friday and Saturday

11am to 11pm on Sunday

Late night refreshment (indoors only)

11pm to midnight Friday and Saturday

The provision of films

11am to 11pm Monday to Saturday

12noon to 10:30pm on Sunday

The provision of live music

11am to 11pm Monday to Saturday

12noon to 10:30pm on Sunday

The provision of recorded music

11am to 11pm Monday to Saturday

12noon to 10:30pm on Sunday

The application proposed opening hours as follows:-

8am to 11:30pm on Monday to Thursday

8am to 12:30am on Friday and Saturday

8am to 11:30pm on Sunday

In addition to these changes, the application also proposed the following changes to the existing license:

- A variation in the layout of the premises following renovation
- 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)
- Add non-standard timings for Christmas Eve and New Year's Eve by the addition of an extra hour for live and recorded music, and
- Remove all existing Annex 2 and Annex 3 licence conditions and replace with updated conditions

One representation was received from Responsible Authorities. This was submitted by the Council's Environmental Health section in relation to the licensing objective of the Prevention of a Public Nuisance. Punch Partnerships (PTL) Limited accepted the amendments proposed shown below with the amendments in red:

AMENDMENT of proposed condition 6 - *Refuse, such as bottles, shall not be placed into receptacles outside the premises between 22:00 and 08:00hrs the following day.*

AMENDMENT of proposed condition 7 – *No customer shall be permitted to use the external areas of the premises after 23:00hrs on Friday - Saturday and after 22:00hrs on Sunday – Thursday, except for customers permitted to temporarily leave the premises to smoke and no drinks shall be permitted to be taken into any external area after these times.*

Relevant representations were received from 11 local residents.

Following representations made by local residents, two of the variations sought (to allow for earlier opening hours - from 8am - and to permit the provision of films) were withdrawn by Punch Partnerships (PTL) Limited prior to the Sub-Committee's meeting.

## **DECISION**

The Sub-Committee carefully considered the application, the committee report, including the objections, the submissions of Mr Domleo and Mr Draper, the relevant provisions for the Licensing Act 2003, the current Amended Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy (Forth Edition) 2016-2021.

The Sub-Committee was satisfied that the licensing objectives - prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm - were engaged.

The decision of the Sub-Committee was to grant the variation to the existing Premises Licence subject to a number of variations to those proposed within the application and adopting the conditions attached to the current and subsisting Premises License.

**It was RESOLVED that –**

**The application to vary the existing premises licence (Premises Licence Number 006882) in respect of The Victoria Public House, 427 Woodham Lane, Woodham, KT15 3QE, be granted with the following conditions:**

### **Condition 1 – Operating Schedule:**

#### **Supply of alcohol (on and off sales)\***

**11am to 11pm on Monday to Thursday**

**11am to midnight on Friday and Saturday**

**11am to 11pm on Sunday**

#### **Late night refreshment (indoors only)\***

**11pm to midnight Friday and Saturday**

#### **The provision of live music**

**11am to 11pm Monday to Saturday**

12noon to 10:30pm on Sunday

The provision of recorded music

11am to 11pm Monday to Saturday

12noon to 10:30pm on Sunday

Opening hours\*

11:00 –23:30 Monday to Thursday; 11:00 – 00:30 Friday and Saturday and

11:00 –23:30 Sunday.

\*

Permitting non-standard timings of an additional hour to the terminal hour on New Years' Eve for alcohol sales and opening hours

Condition 2 –Pub Watch Attendance:

Where Runnymede Pub Watch exists, a representative from the premises must attend the Runnymede Pub Watch meetings.

Condition 3 – CCTV

A comprehensive CCTV system shall be installed and maintained which can retain images for up to 31 days. Viewings of recordings shall be made available upon the request of Police or authorised officer

Condition 4

Customers will not be permitted to remove from the premises any alcoholic drinks supplied by the premises in open containers unless to an external drinking area set aside for consumption

Condition 5

Notices shall be prominently displayed requesting customers to respect the needs of local residents and leave the premises and area quietly.

Condition 6

A dedicated telephone number will be given to any resident on request to allow complaints to be made directly at all times the premises are open.

Conditions 7

Staff shall monitor customers in the external area of the premises on a regular basis and ensure customers do not cause a public nuisance.

### **Condition 8**

Refuse, such as bottles, shall not be placed into receptacles outside the premises between 22:00 and 08:00 the following day

### **Condition 9**

No customer shall be allowed to use the external areas of the premises after 23:00hrs on Friday – Saturday and after 22:00hrs on Sunday – Thursday, except for customers permitted to temporarily leave the premises to smoke and no drinks shall be permitted to be taken into any external area after these times.

### **Condition 10**

External doors and windows will remain closed when regulated entertainment takes place, except in the event of an emergency and for immediate access/egress

### **Condition 11**

Regular boundary noise checks shall be conducted when regulated entertainment is taking place to monitor the escape of noise

### **Condition 12**

Children under the age of 16 must be accompanied by an adult at all times whilst on the premises, and must be off the premises by 22:00

### **Annex 1 – Mandatory Conditions – Supply of Alcohol:**

1. No supply of alcohol may be made under the premises licence -
  - a. at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (e) dispensing alcohol directly by one person into the mouth of another ( other than where that other person is unable to drink without assistance by reason of disability ).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark,
- (b) an ultraviolet feature

6. The responsible person must ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;



- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the amount of alcohol to be sold, the customer is made aware that these measures are available.”

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

### **Door Supervision**

All door supervisors will be Security Industry Authority registered (or any replacement Authority)



## **Annex 2 – Revised Plan/Layout of Premises**

See attached

### **Reasons:**

The Sub-Committee considered the extended hours sought within the application for the Premises License compared to the existing hours permitted under the existing Premises Licence and the reasons provided by the Applicant in support of this request.

The Sub-Committee then considered the representations received by concerned local residents in addition to having heard submissions made by five of the 11 parties that had made relevant representations; the Sub-Committee afforded the Applicant the opportunity to explain how those concerns might be addressed.

Having duly considered all of the above, the Sub-Committee were of the view that the main issue raised by relevant representations – namely that they anticipated additional noise disturbance in the late hours should the additional hours be permitted – did not outweigh the commercial interests of the Applicant in seeking to extend its operating hours. Whilst the Sub-Committee were disappointed to learn of a failure of the new owners seeking to engage and meet with local residents prior to submitting this application, in the absence of sufficient evidence that the Applicant would interfere with the quiet enjoyment of local residents, the Sub-Committee felt that it would be reasonable to afford the Applicant goodwill as a new business and afford them the additional operating hours as they should not be prejudiced by failings of previous owners; especially where there was no objection by Police. Members wished to support new businesses in these difficult circumstances and they were of the view that the new owners should be afforded

the opportunity to prove themselves to local residents and keep their promises of being good neighbours. The Sub-Committee felt is reasonable and proportionate to reflect this by the addition of a condition that the new owners engage and attend Pub Watch. Whilst not part of their reasoning, Members invited the new owners to make all reasonable efforts to forge stronger relations with local residents prior to and once the refurbished premises are reopened.

Furthermore, another area of concern was the request for to allow non-standard timings for Christmas Eve and New Year's Eve of an additional hour to the terminal hour. Having considered the Applicant's reasons and the concerns of local residents making representations, there was a clear differential between Christmas Eve and New Year's Eve in terms of the impact the extended hour would have on local residents and the likelihood for disruption to those properties nearest the Premises. Having duly considered all of the above, the Sub-Committee were of the view that the concerns raised by relevant representations – namely that the anticipated additional noise disturbance in the late hours should the additional hours be permitted would have a greater impact to the quality of family life on Christmas Eve compared to New Year's Eve – outweighed the commercial interests of the Applicant in seeking to extend its operating hours. The Sub-Committee felt is reasonable and proportionate to uphold the Council's licensing objectives to protect family life and thus to grant the non-standard timings for New Year's Eve but to refuse to grant this for Christmas Eve.

## **REVIEW**

If concerns arise in relation to any of the Licensing Objectives, it is open to any person to apply to have the licence reviewed.

## **APPEAL**

If the Applicant or any person having made a relevant representation is dissatisfied with this decision he or she may appeal against the decision to the Guildford Magistrates' Court, Business Centre, The Law Courts, Mary Road, Guildford, Surrey GU1 4PS within the period of 21 days beginning with the day on which he or she was notified by the licensing authority of the decision appealed against.

### **Effective Date**

The Premises Licence will take effect from the date of this letter.

Dated: 14 September 2020

Signed:

A handwritten signature in black ink, appearing to read 'M. A. Leo', written over a horizontal line.

**Mr Mario A Leo**  
**Corporate Head of Law & Governance**  
**Runnymede Borough Council**