

Licensing Sub-Committee

19 December 2018



Title	Application for a Full Variation to Premises Licence at The Magpie, 64 Thames Street, Sunbury on Thames TW16 6AF.		
Purpose of the report	For determination		
Report of	Deputy Chief Executive	Ward	Sunbury East
Contact	Paul Morey, Licensing Enforcement Officer,(LEO) (01784) 446450		

Description and Location	<p>The Magpie is a public house, it has residential properties to each side and its frontage faces a further two residential properties across Thames Street. The rear of the Magpie has an open view over the river Thames.</p> <p>A plan of the premises is attached as Appendix A.</p>
The Application	<p>The application is to vary the permitted hours for the sale of alcohol (Monday to Sunday (inclusive) 09:00 to 00:00), provision of regulated entertainment (films, live music, recorded music, anything of a similar description: Monday to Sunday (inclusive): 10:00 to 23:00) and late night refreshments (Monday to Sunday (inclusive): 23:00 to 00:00</p> <p>Sale by retail of alcohol: Hours open to the public: 08:00 to 00:30</p> <p>To include the external area as denoted on the plans within the licensed area.</p> <p>The application also proposes updates to the conditions at annexes 2 & 3</p> <p>An extract of the relevant pages from the application form is attached at Appendix C.</p>
Representations	<p>Responsible Authorities have made no representation in response to this application.</p> <p>Relevant representations have been received from 10 other persons living nearby and are attached at Appendix D.</p>

Options	<ol style="list-style-type: none"> 1. The Sub-Committee is requested to consider the application for the grant of a premises licence on its merits. 2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives: <ul style="list-style-type: none"> • To grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions; or • To grant the application and modify the conditions of the licence, by alteration, addition or omission; or • To exclude from the scope of the licence any of the licensable activities to which the application relates; or • To refuse to specify a person in the licence as the premises supervisor; or • To reject the whole or part of the application.
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1. Premises history

- 1.1 The premises was issued a Premises Licence No. 05/00357/LAPRE under the Licensing Act 2003 when the Act came into force in 2005.
- 1.2 The current licence permits the supply of alcohol Monday to Saturday: 10.00 to 23.00 and Sundays 11.00hrs to 22.30. Late night refreshments are also permitted on Fridays from 23.00 to 23.30.
- 1.3 The licence also specifies that it permits regulated entertainment of live and recorded music. However it is worth noting that the Live Music Act 2012 supersedes this part of the Licensing Act 2003, and this detail is therefore no longer a relevant or necessary inclusion on the licence.
- 1.4 The current Premises Licence is attached at **Appendix B**.
- 1.5 A routine licensing visit to the premises in January 2018 did not highlight any licensing issues or concerns. There are no reports of nuisance caused by The Magpie on the licensing system.
- 1.6 There has been two recorded complaints made to Environmental Health. One regarding Biffa waste services in Jan 2016 collecting waste glass late at night, the other in July 2014 regarding the noise caused by a male shouting late at night. There are no other records of any complaints in relation to the premises.
- 1.7 Surrey Police Force have two recorded visits to the premises. The first was 6/06/18 23:50hrs when they were called to Walled Garden Car Park where a gentleman who had allegedly been drinking in the Magpie was arrested. The second was on 25/06/18, when they were called to premises by the DPS to remove a customer smoking drugs. The area's Police Community Support Team are aware of an allegation regarding possible drug dealing in the Council owned Walled Garden Carpark. They have not found grounds to substantiate these allegations nor anything to link them to The Magpie patrons. A report of a stabbing has been investigated and whilst there is a report of an incident in 2017 which was reported by The Magpie to the Police, the Police investigation of the incident found no connection to the Magpie, other than the report by the DPS.
- 1.8 The Joint Enforcement and Community Safety Teams have one reported complaint with regard to a rubbish bag being dumped outside the Magpie recorded in 2015. They have no reported problems of the build-up of broken glass or cigarette butts outside the Magpie Public House.

2. Application Summary

- 2.1 The application seeks to vary the licence to specify the following activities and respective timings:

Provision of regulated entertainment including: films, live music, recorded music, anything of a similar description: Monday to Sunday (inclusive): 10:00 to 23:00.

Late night refreshment: Monday to Sunday (inclusive): 23:00 to 00:00.

Sale by retail of alcohol: Monday to Sunday (inclusive) 09:00 to 00:00.

Hours open to the public: 08:00 to 00:30.

To include the external area as denoted on the plans within the licensed area.

To remove present conditions at Annexes two (2) and three (3) and replace with the following (listed under the relevant licensing objectives):

Prevention of crime and disorder

- i) A record shall be kept detailing all refused sales of alcohol. The records should include the date and time and the reason of the refused sale and the name of the member of staff who refused the sale. The records shall be available for inspection at the premises by the police at all times.
- ii) an incident log shall be kept at the premises and made available on request to the police. It must be completed within 24 hours of the incident and will record the following:
 - All crimes reported to the venue
 - All ejection of patrons
 - Any complaints received concerning crime and disorder
 - All drugs seized or found
 - Any incidents of disorder
 - Any faults in the CCTV system
- iii) the premises shall install and maintain a comprehensive CCTV system.
- iv) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 14 days with date and time stamping. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide the Police with copies of recent CCTV images or data with the absolute minimum of delay when requested.
- v) A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times the premises are open on the Saturday of the Sunbury Regatta.

Prevention of public nuisance

- i) all outside tables and chairs shall be rendered unusable by 23:00 hours each day and no external drinking after 23:00 hours daily

- ii) external background music or *live music* to be turned off at 21:00 hours
all windows and external doors shall be closed after 23:00 hours, or at any time
when regulated entertainment **takes place indoors**, (except for the immediate
access and egress of persons.
- iii) no beverages in open containers to be taken off the premises
- iv) notices shall be prominently displayed at all exits requesting patrons to
respect the needs to local residents and leave the area quietly

2.3 The required notices have been displayed and published in The Surrey
Advertiser on 16 November 2018.

3. Representations

3.1 i) Representations from Responsible Authorities (RA's)

There has been no relevant representation received from any of the RA's.

ii) Representations from 'other persons'

Ten relevant representations have been received from other persons and are
attached at **Appendix D**.

3.2 The grounds for objection are summarised below in relation to each Licensing
Objective.

Prevention of crime and disorder

The representations are concerned that the extended opening hours would
lead to an increase in anti-social behaviour. A number of representations
state that patrons of the Magpie leave the bar and cross the road to the
council owned walled garden car park to purchase drugs.

Public safety

A representation states that there is a general build-up of refuse, including
broken glass and cigarette butts left by the patrons.

Prevention of public nuisance

It's also stated that the local residences are affected by the music played in
The Magpie during the evening. They are concerned that this disturbance will
increase with later opening hours. This disturbance increases at closing time
with patrons ordering taxis. During this period they state that there is swearing
and the occasional fight.

Protection of children from harm

One representation has stated that they are concerned that local children,
who live close by, are exposed to foul and obscene language when people
are leaving The Magpie and that this will increase with later opening hours

3.3 Issues which are not relevant to the licensing objectives and cannot be taken
into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell
alcohol

- Parking, or other issues relating to general amenity rather than licensing objectives
- Effect on a conservation area.
- Increase in traffic
- Change in focus of venue and clientele
- Inconsistent with the character of local area

4. Licensing Policy

4.1 The following sections of the Council's Licensing Policy are relevant;

- 9.0 ADMINISTRATION AND DECISION MAKING
- 24.0 CRIME & DISORDER
- 24.5 PUBLIC SAFETY
- 24.7 PUBLIC NUISANCE
- 24.8 PROTECTION OF CHILDREN FROM HARM

5. National Guidance

5.1 The relevant section (chapter 9) of the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 on determining Premises Licence applications is relevant in the consideration of this application. (**Appendix E**)

6. Making a decision

6.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.

6.2 The Sub-Committee must give reasons for its decision.

6.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

6.4 Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

6.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.

6.6 In determining the application, the Sub-Committee will need to consider whether there is actual evidence of problems in relation to the licensing objectives at this premises. Where the representations are unable to provide

evidence of observed problems, as in the case of a new licence application, the Sub-Committee should be convinced that there is a very real threat of the fears or the dangers described in the representations actually occurring, before applying any conditions to address such fears or dangers.

Appendices:

Appendix A – site plan

Appendix B – current premises licence

Appendix C – application form

Appendix D – relevant representations from residents

Appendix E – National Guidance Chapter 9