

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held at the **New Council Chamber - Town Hall, Reigate** on **Thursday, 28 September 2023 at 12.00 pm.**

Present: Councillors M. Elbourne (Chair, Substitute); J. Hudson and S. Khan (Substitute)



16 Apologies for absence

Apologies for absence had been received from Councillors Baker, Sinden and Torra. Councillors Khan attended as Councillor Torra's substitute and Councillor Elbourne chaired the meeting, substituting for Councillor Sinden.

17 Declarations of interest

There were none.

18 Minutes

The minutes of the previous meeting held on 19 September were not approved as none of the Panel members that had sat on this Sub-Committee were present.

19 Licensing Hearing Procedure

The hearing procedure was noted.

20 Application to vary the existing premises licence for: the Giggling Squid 65 High Street, Reigate, Surrey, RH2 9AE

The Chair, the other members of the Sub-Committee and the officers present introduced themselves to the meeting.

Those representing the applicant were:
Mr Craig Bayliss (Solicitor for the applicant)
Simon Gallagher (Operations Manager – Giggling Squid)

Messer's Ron Gordon and David Johns were in attendance as objectors.

It was stated that no agreement had been achieved between the applicant and the objectors.

Representations

The Licensing Officer provided an introduction to the application which was to vary the Premises Licence for the Giggling Squid, 65 High Street, Reigate, RH2 9AE. A

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summary of the variation was given regarding the use of the outside area to the rear of the premises to seat up to 16 patrons until 7pm. It was noted that two objections had been lodged. The objections to be considered by the Sub-Committee must relate to the licensing objectives.

Mr Craig Bayliss made the representation on behalf of the applicant:

- The applicant was requesting to continue with a condition that had already been in force, permitting use of the garden for no more than 16 patrons at a time, all of which would be seated.
- The rear garden would be cleared of patrons by 7pm.
- This condition was imposed until September 2021 however the restaurant had continued to use the garden as they were unaware that the time limited period on the licence had passed.
- In this time the restaurant had not received any complaints regarding noise and there were no objections to the variation from Environmental Protection.
- The restaurant wished to continue to use the garden in its current form with a couple of added conditions:
 - All doors and windows to be closed after 7pm.
 - The rear garden only to be used between 1 April – 30 September.
- Page 28 of the agenda pack showed the plan area. The area backed onto a car park and there were no residential properties close by.
- It was expressed that the variation was reasonable and commended this to the Committee.

Mr David Johns, Director of Pilgrims Mews, made a representation on behalf of the residents of Pilgrims Mews:

- Mr Johns confirmed that Mr Baylis' statement was eminently correct.
- Houses and flats were however relatively close by, and the dining area was close by to the communal area used by residents of Pilgrims Mews.
- Dining outside would have a detrimental effect on residents.
- Initially there was no concern by residents about outside dining as the licence was time limited and was in place due to Covid-19.
- The restaurant had approximately one year where they did not utilise the outside space but then they began to use it again.
- The impact on privacy, noise levels and smells were not reasonable, the rationale for this was purely commercial.
- There were concerns regarding a potential increase in vermin.
- It was accepted that there were restrictions in place.

Questions

There were no questions to the Licensing Officer.

In response to a member question the Solicitor representing the applicant offered to show photographs to demonstrate the area surrounding the garden. The Chair asked if anyone objected to the photographs being shown; there were no objections. There were at least three car lengths to the nearest property. It was noted that the loss of privacy was not a licensing objective.

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The Licensing Officer stated that there was a requirement to deal with vermin under other legislation; however, Mr Gallagher explained that the restaurant employed a company to deal with vermin.

In response to a member question, Mr Johns explained that the communal areas were used by residents as a garden area for sitting, car parking and as an access route into the High Street.

In response to a question from the Licensing Officer, Mr Bayliss stated that the raised terrace area had seating, and this was included in the 16 covers in the garden area.

Mr Johns stated that the raised terrace/balcony area was not included in the original plans however it continued to be used. This was in a more elevated position and there was more overlooking as a result. The current plan showed all seating at ground level, and they strongly resisted the use of the raised area.

Closing submissions

Mr Craig Bayliss, representing the applicant, showed three photographs of the area around the garden to all present at the Sub-Committee. He agreed that the raised balcony/terrace would not be used for dining.

Mr David Johns stated that it was disappointing that the members of the Panel were not familiar with the site and hoped that the selected photographs were not too persuasive. Concern was raised regarding the impact on residents.

The Sub-Committee adjourned to deliberate at 12:40 and resumed at 13:00 to give its decision.

The Licensing and Regulatory Sub-Committee **RESOLVED** that the application be **GRANTED** subject to the conditions/reasons as set out as follows:

1. All rear/garden facing doors and windows to be closed after 7pm.
2. The garden area would be permitted for use from 1 April until 30 September only.
3. That the raised terrace/balcony area shall not be used by patrons at any time.

Reasons for the decision

The Licensing & Regulatory Sub Committee has carefully reviewed all the papers before it and has had close regard to all the oral submissions made at the hearing.

The reasons for the decision are as follows:

1. It has paid careful attention to all the oral submissions made today.
2. The Licensing & Regulatory Sub Committee has noted that the applicant offered the additional 3 conditions noted above.

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3. The Sub-Committee has had regard to the Licensing Objectives, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.

21 Mediated applications

RESOLVED that the following applications determined through mediation be **NOTED** and **CONFIRMED**;

a) 23/01873/LAPREM - For a new Premises Licence: 85 Bell Street, Reigate, Surrey, RH2 7AN

b) 23/01121/LAPREM - For a limited period new Premises Licence: Pride In Surrey, Priory Park, Bell Street, Reigate, Surrey, RH2 7RL

c) 23/01085/LAPREM - For a new Premises Licence: Yia Yia's Tavern Limited, 53a Lesbourne Road, Reigate RH2 7JX

The meeting finished at 1.10 pm