

REPORT OF:	HEAD OF NEIGHBOURHOOD OPERATIONS
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TO:	LICENSING SUB COMMITTEE
DATE:	THURSDAY 28 SEPTEMBER 2023

AGENDA ITEM NO:		WARD(S) AFFECTED:	REIGATE
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SUBJECT:	APPLICATION TO VARY THE EXISTING PREMISES LICENCE FOR: THE GIGGLING SQUID 65 HIGH STREET REIGATE SURREY RH2 9AE
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PURPOSE OF THE REPORT:	TO DETERMINE THE APPLICATION
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OPTIONS

The Committee having had regard to the representations received may take such steps as it considers appropriate to promote the licensing objectives from the following options:

1. To grant the application as submitted
2. To modify the conditions of the licence.
3. To reject the whole or part of the application

The Committee has authority to determine the above options.

Background

1. An application to vary the existing premises licence has been received from Chokdee Ltd., Walnut Tree Close, Guildford Gu1 4UL. The application has been submitted on behalf of the applicant by their solicitor Mr Craig Baylis, Senior Associate of Keystone Law.
2. This application was received on 9 August 2023 and seeks to vary a condition on the existing licence at Annex 2 - Conditions consistent with the Operating Schedule, regarding the use of the outside area to the rear of the premises. The application is included at Annex 1 to this report, and the current licence 22/01042/LAPREM at Annex 2
3. A location plan of the premises is attached at Annex 3

Application Summary

4. A previous application applied conditions on the use of the rear garden which restricted the numbers of patrons using the area, and specified timings for seating patrons, taking food orders, alcohol service and closing. These restrictions applied only until 21 September 2021 after which there was no public access to the rear garden except in emergency. The applicant wishes to remove the date restriction only.
5. The application also amends the timing by which doors and windows are to be kept shut (except for passing through for access) from 23:00 hours to 19:00 hours.
6. Council officers are satisfied that the application has been correctly made and advertised in accordance with the statutory requirements;
 - pale blue notices of no less size than A4 containing a brief summary of the application have been displayed at the premises by the applicant.
 - a notice was published within 10 working days of the application being made, in the Surrey Mirror on Thursday 17^h August 2023.

Representations

7. No representations were received from responsible authorities.
8. Two representations were received from interested parties. The relevant parts of the representations refer to potential noise nuisance and smell created by people using the outside area. The representations are reproduced in full at Annex 4.

Policy and Legal Considerations

9. Relevant to this application are section 8 of the Council's Statement of Licensing Policy – The Licensing Objectives, Section 149 Equality Act 2010 - Public Sector Equality Duty, Human Rights Act 1998. Licensing Act 2003; Part 2 Licensing Authorities (sections 4-6); Part 3 Premise Licences (sections 11-23); section 182 Home Office guidance; section 183 Hearings and other matters considered relevant on the facts.

Appeals Procedure

10. In cases where an application to vary a premises licence is either rejected or granted, in full or in part, an appeal may be made to the Magistrates Court within 21 days beginning with the day on which the appellant was notified of the decision. The rights of appeal are available to both the applicant, and to persons who made relevant representations.

Background Papers: None

Annex 1

Application

Annex 2

Current licence REF: 22/01042/LAPREM

Annex 3

Location Plan

Annex 4

Interested party representations Pilgrim Mews (Reigate) Ltd and
R and M Gordon