

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Tuesday 23<sup>rd</sup> August 2005 at 10.00 a.m.

Present: Councillor Mrs G.L. Circus (Chairman); Councillors J.H. Prevett and T.D. Stoddart.

Also present: Councillor C.T.H. Whinney.

#### **1. LICENSING SUB-COMMITTEE – PROCEDURE RULES**

**RESOLVED** that the Procedure Rules for meetings of the Licensing Sub-Committee be noted.

#### **2. APPLICATION FOR VARIATION OF PREMISES LICENCE – CAFFE ITALIA, 49-51 HIGH STREET, BANSTEAD**

The Sub-Committee received a report on an application to vary an existing Justices' Licence for Caffe Italia, 49-51 High Street, Banstead.

The Sub-Committee followed the recently adopted procedure for the consideration of applications under the Licensing Act 2003 taking into account the statement of licensing policy that had been adopted by the Council.

The Sub-Committee were addressed by the Licensing Officer, the applicant and her representative, other interested parties (objectors who had registered to speak), and a representative of the Environmental Protection Team who had originally objected to the application but who had subsequently reached agreement with the applicant on the suggested wording of appropriate conditions. With regard to the submitted report it was noted that the first bullet point of paragraph 19 should be amended to read "No use of outdoor areas by patrons after 23.00 hours, except for ingress to and egress from the premises".

Questions were put to the Licensing Officer, the applicant and her representative and other interested parties who were then asked to give their closing statements.

On completion of hearing all the representations, questions/answers and summing up from all parties, the Sub-Committee adjourned to deliberate its decision from 11.10 a.m. to 12.09 p.m. On return the Chairman explained that the Sub-Committee had taken account of the following factors in reaching its decision. The Sub-Committee had paid due regard to the recommendations of the Environmental Protection Team and to the comments made on behalf of the applicant. Members also took into consideration representations made by residents and noted the concerns raised with regard to noise from the premises and also noise generated by patrons ingress to and egress from the premises. The Sub-Committee noted the aims of the Licensing Act 2003 and paid specific regard to the need to promote the licensing objective of

prevention of public nuisance. Members had regard to the statutory guidance and the Council's statement of licensing policy. The Sub-Committee considered that, in this residential area, it was necessary both to reduce the hours requested by the applicant and to attach conditions in order to promote the prevention of public nuisance.

**RESOLVED** that the application for the variation of the existing Justices' Licence for Caffe Italia, 49-51 High Street, Banstead be granted as follows:-

- (i) Section E (Live Music) :-  
Fridays and Saturdays 19.00 hours to 23.00 hours.
- (ii) Section F (Recorded Music) :-  
Mondays to Thursdays 10.00 hours to 00.00 hours.  
Fridays and Saturdays 10.00 hours to 00.30 hours.  
Sundays 11.00 hours to 23.30 hours.
- (iii) Section I (Provision of Facilities for Making Music) :-  
Fridays and Saturdays 19.00 hours to 23.00 hours.
- (iv) Section L (Late Night Refreshments) :-  
Mondays to Thursdays 23.00 hours to 00.00 hours.  
Fridays and Saturdays 23.00 hours to 00.30 hours.  
Sundays 23.00 hours to 23.30 hours.
- (v) Section M (Supply of Alcohol) :-  
Mondays to Thursdays 10.00 hours to 00.00 hours.  
Fridays and Saturdays 10.00 to 00.30 hours.  
Sundays 11.00 hours to 23.30 hours.
- (vi) Section O (Hours Premises are Open to the Public) :-  
Mondays to Thursdays 10.00 hours to 00.30 hours.  
Fridays and Saturdays 10.00 hours to 01.00 hours.  
Sundays 11.00 hours to 00.00 hours.
- (vii) The following additional conditions be attached to the licence:-
  - (a) No use of outdoor areas by patrons after 23.00 hours, except for ingress to and egress from the premises.
  - (b) The Licensee shall ensure that all music provided at the premises shall not cause a disturbance to local residents. At all times any music shall be inaudible in any residential property, the test of which is that it shall be no more than barely audible at the boundary of any residential property.

The Chairman informed those present that notification of the Sub-Committee's decision would be sent out in writing in due course.

### 3. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE COPPINGHAM ARMS, 263 BALCOMBE ROAD, HORLEY**

It was reported that an application had been received for the variation of the Premises Licence in respect of the above property and Members noted that the only

representations received to this application had been from the Council's Environmental Protection Team who had subsequently reached agreement with the Solicitors representing the Public House. As a result of mediation between the Licensing Officer, the Solicitors acting on behalf of the applicant and the Environmental Protection Team, all parties had agreed to the following conditions being placed on the licence:-

### **INDOORS**

- (i) No more than 30 events per calendar year.
- (ii) No more than 2 events per week.
- (iii) The Licensee shall ensure that any music provided at the premises shall not cause a disturbance to local residents. From 23.00 hours any music shall be inaudible in any residential property, the test of which is that it shall be no more than barely audible at the boundary of any residential property.

### **OUTDOORS**

- (iv) No use of outdoor areas by patrons after 23.00 hours, except for ingress to and egress from the premises.
- (v) External lighting to be kept to a minimum compatible with safety purposes after 23.00 hours.
- (vi) No amplified music outdoors at any time.
- (vii) No more than 4 events per year (featuring unamplified music and/or voice amplification).
- (viii) No music or voice amplification to start before 11:00 hours or finish later than 20.00 hours.
- (ix) No more than 1 event per fortnight.

In view of the fact that agreement had been reached between the parties a full Hearing was not required in respect of this application. Consequently it was

**RESOLVED** that the application for the variation to the Premises Licence for The Coppingham Arms, 263 Balcombe Road, Horley be agreed subject to the additional conditions (i) to (ix) above.

#### **4. APPLICATION FOR VARIATION OF PREMISES LICENCE – THE DOG AND DUCK, 33 HIGH STREET, REDHILL**

It was reported that an application had been received for the variation of the Premises Licence in respect of the above property and Members noted that the only representation received to this application had subsequently been resolved following agreement between the applicant and the persons making representations subject to the following amendment being made to the application:-

- (i) The request for 20 "event" days requested in Section M of the application is to be removed.

In view of the fact that agreement had been reached between the parties a full Hearing was not required in respect of this application. Consequently it was

**RESOLVED** that the application for the variation of the Premises Licence for The Dog and Duck, 33 High Street, Redhill be agreed subject to the amendment shown in (i) above.

5. **MEDIATION CASES**

It was reported that no cases had arisen since the preparation of the Agenda where formal approval was required for applications where agreement had been reached by mediation.

6. **ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 12.16 p.m.**

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(Chairman)

Date: 15th September