

## **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 13<sup>th</sup> September 2005 at 10.00 a.m.

Present: Councillor J.V. Lyndon Morgan (Chairman for items 1 and 2), Councillor J.M. Ellacott (Chairman for items 3 to 7 inclusive); Councillors Mrs D.E. Durward and S.A. Gates.

#### **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 – THE WHITE LION, LINKFIELD STREET, REDHILL**

The Chairman, Councillor J.V. Lyndon Morgan, informed those present that he knew two of the objectors to this application, one of whom was present at the meeting. The solicitor representing the applicant stated that they had no objection to Councillor J.V. Lyndon Morgan sitting on the Sub-Committee for their client's application.

The Sub-Committee received a report on an application to vary an existing Justices' Licence for The White Lion, Linkfield Street, Redhill.

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

The Sub-Committee heard the report from the Licensing Officer, representations from the applicant and their representative, and from the objectors, the Environmental Protection Team and the members of the public who had objected to this application. It was noted that the Environmental Protection Team had reached agreement with the applicant on conditions to be placed on the licence.

Questions were put to the Licensing Officer, the applicant and their representative, the representative of the Environmental Protection Team, and the objecting members of the public. The Chairman then asked for 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 11.02 a.m. to 11.29 a.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, to the comments made on behalf of the applicants, and to the quality of the objections made by members of the public. 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 disorder or public nuisance. Due regard was also paid to Human Rights legislation and the rules of natural justice.

**RESOLVED** that the application for the variation of the existing Justices' Licence for The White Lion, Linkfield Street, Redhill be refused on the grounds that the strength of the objections and supporting evidence provided by the objectors at the hearing had persuaded the Sub-Committee that the application would conflict with the stated licensing objective of the prevention of disorder and public nuisance.

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

With the time at 11.32 a.m. Councillor J.V. Lyndon Morgan announced that he would vacate the Chair and stand down from the Sub-Committee in accordance with Licensing Hearing Procedure Rule 2.2 as item 3 concerned an application in his ward. The meeting was adjourned until 11.40 a.m. at which point Councillor J.M. Ellacott took the Chair for the remainder of the meeting.

3. **APPLICATION FOR VARIATION OF PREMISES LICENCE – REIGATE RUGBY CLUB, COLLEY LANE, REIGATE**

The Sub-Committee received a report on an application to vary an existing Justices' Licence for Reigate Rugby Club, Colley Lane, Reigate.

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

The Sub-Committee heard the report from the Licensing Officer and representations from the applicant. No responsible authority had objected to this application, and those members of the public who had objected had indicated that they would not be in attendance.

Questions were put to the Licensing Officer and the applicant, who were then asked to give their closing statements. It was clarified that section G of the application had been filled out incorrectly, and that this should be removed from section G and placed in section J.

On completion of hearing all the representations, questions/answers and summing up from all parties, the Sub-Committee adjourned to deliberate its decision from 11.56 a.m. to 12.19 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 comments made by the applicant, and due regard to the fact that the Environmental Protection Team had not opposed this application. 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. Due regard was also paid to Human Rights legislation and the rules of natural justice. Members considered that the attachment of the agreed conditions would address the concerns raised.

**RESOLVED** that the application for the variation of the existing Justices' Licence for Reigate Rugby Club, Colley Lane, Reigate be granted subject to the following additional condition:-

- (i) There is to be no regulated entertainment outside the clubhouse in a marquee, tent, or other similar structure.

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

4. **APPLICATION FOR VARIATION OF PREMISES LICENCE – NUTFIELD LODGE MASONIC CENTRE, NUTFIELD ROAD, 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 representations received to this application had been from the Council's Environmental Protection Team who had subsequently reached agreement with the Solicitors representing the applicant. 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:

INSIDE:-

- (i) An unlimited number of events involving regulated entertainment (as per Sections E, F, H, I, J and K in the application).

OUTSIDE:-

- (ii) Up to 1800 hours daily, an unlimited number of events involving regulated entertainment (as per Sections E, F, H, I, J and K in the application).
- (iii) Up to 2300 hours, a maximum of 10 events involving regulated entertainment (as per Sections E, F, H, I, J and K in the application) per year.

For the purposes of the above, the term 'outside' includes within a tent, marquee, lightweight or temporary structure, vehicle or anything similar and applies to the terrace only (that is, there shall be no outdoor event involving regulated entertainment except on the terrace).

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 a variation to the Premises Licence for the Nutfield Lodge Masonic Centre, Nutfield Road, Redhill be agreed subject to the additional conditions set out above.

5. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE MARKET HOTEL, HIGH STREET, REIGATE**

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 applicant. 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:

- (i) The Licensee shall ensure that any 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.
- (ii) No use of outdoor areas by patrons after 2300 hours, except for ingress to and egress from the premises. No exit via the rear garden after 2300 hours except for

emergency.

- (iii) External lighting to be kept to a minimum compatible with safety purposes after 2300 hours.
- (iv) No music or amplified sound outside the premises at any time.

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 a variation to the Premises Licence for The Market Hotel, High Street, Reigate be agreed subject to the additional conditions above.

6. **MEDIATION CASE – WALTON HEATH GOLF CLUB, DEANS LANE, WALTON ON THE HILL, TADWORTH**

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 applicant. As a result of mediation between the Licensing Officer, the applicant and the Environmental Protection Team, all parties had agreed to the following conditions being placed on the licence:-

- (i) No amplified music outdoors at any time.
- (ii) No more than 4 outdoor events per year (featuring unamplified music and/or voice amplification).
- (iii) No outdoor music or voice amplification to start before 11.00 hours or finish later than 20.00 hours.
- (iv) No more than one 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 of the Premises Licence for Walton Heath Golf Club, Deans Lane, Walton on the Hill, Tadworth be agreed subject to conditions (i) to (iv) set out above.

7. **ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 12.25 p.m.**