

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Friday, 16<sup>th</sup> September 2005 at 10.00 a.m.

Present: Councillor J.H. Prevett (Chairman); 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 RED LION, LINKFIELD LANE, REDHILL**

The Sub-Committee received a report on an application to vary an existing Justices' Licence for The Red Lion.

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's representative, and from the Environmental Protection Team and the representative of the one objector. It was noted that the Environmental Protection Team had reached agreement with the solicitors representing the applicant concerning conditions to be placed on the licence. It was also noted that there was an error on the application in Section O. The hours requested to be open to the public on Sundays was 09.00 hours to 00.30 hours, not 09.00 hours to 03.30 hours as stated on the application.

Questions were put to the Licensing Officer, the applicant's representative, the representative of the Environmental Protection Team, and the representative of the objector, 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 10.40 a.m. to 11.27 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 fact that the Environmental Protection Team had reached agreement with the solicitors representing the applicant, and to the comments made on behalf of the applicant. The Sub-Committee considered that little weight should be attached to the objection made by the member of the public which was purely speculative. 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.

**RESOLVED** that the application for the variation of the existing Justices' Licence for The Red Lion, Linkfield Lane, Redhill be granted subject to the following additional

conditions:-

### **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 23.30 hours, except for ingress to and egress from the premises.
- (v) External lighting to be kept to a minimum compatible with safety purposes after 23.30 hours.
- (vi) No amplified music outdoors or in a marquee, tent or similar structure at any time.
- (vii) No more than 4 events per year. (An event is defined as any event including un-amplified music or voice amplification or both).
- (viii) No music or voice amplification will start before 11.00 a.m. or finish later than 20.00 hours.
- (ix) No more than one event per fortnight.

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 – IL SORRISO, CONSORT WAY, 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 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) No use of outdoor areas by patrons after 23.00 hours, except for ingress to and egress from the premises.
- (ii) External lighting to be kept to a minimum compatible with safety purposes after 23.00 hours.

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 existing Justices' Licence for Il Sorriso, Consort Way, Horley be granted subject to the additional conditions (i) and (ii) set out above.

4. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE FOX AND HOUNDS, WALTON STREET, 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 Solicitors representing the applicant. It was noted that the conditions circulated in the agenda had since been altered with the agreement of all parties, and copies of the revised conditions were circulated to those present. 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 23.00 hours, except for ingress to and egress from the premises.
- (iii) External lighting to be kept to a minimum compatible with safety purposes after 23.00 hours.
- (iv) No music or voice amplification outdoors 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 Fox and Hounds, Walton Street, Tadworth be agreed subject to the additional conditions (i) to (iv) set out 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 11.36 a.m.**