

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Wednesday 21st September 2005 at 10.00 a.m.

Present: Councillor J.V. Lyndon Morgan (Chairman); Councillors Mrs D.E. Durward and Mrs S.F. King.

#### **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 – BANSTEAD CRICKET AND SPORTS CLUB**

The Sub-Committee received a report on an application to vary an existing Justices' Licence for Banstead Cricket and Sports Club.

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 applicants and from the objectors. It was noted that the Environmental Protection Team had made no objection to this application. It was also noted that there had been an error in the Officer's report, in that the timings applied for in section H were not the same as those applied for in relation to the sale of alcohol. The hours requested were to start an hour earlier, the actual timings being as follows:

Monday – Thursday	:	12.00 hours to 00.00 hours
Friday – Saturday	:	12.00 hours to 01.00 hours
Sunday	:	12.00 hours to 00.00 hours

Questions were put to the Licensing Officer, the applicants and the objectors. It was noted that the applicant had intended that section H should cover all entertainments in sections E, F, and G. With the consent of the applicant, the licensing officers, the objectors and the Environmental Protection Team the application was amended accordingly. The timings applied for in sections E,F, and G in the application were the same as for section H as set out above.

On completion of hearing all the representations, questions/answers and summing up from all parties, the Sub-Committee adjourned to deliberate its decision from 10.41 a.m. to 11.09 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 comments made by the applicants, and also to the comments of the objectors concerning the prevention of public nuisance. It was also noted that the Environmental Protection Team had no objection to 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 Banstead Cricket and Sports Club be granted subject to the following additional conditions:-

- (i) No more than 12 events per calendar year in addition to the annual events of Bonfire Night and Cricket Week.
- (ii) For events held in a marquee, tent, or other similar structure the following conditions apply:
  - i. Events to end no later than the following:
 

Monday-Thursday	:	23.00 hours
Friday-Saturday	:	00.00 hours
Sunday	:	23.00 hours
  - ii. 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.

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 – MILL HOUSE, BRIGHTON ROAD, SALFORDS**

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

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 Environmental Protection Team and from the objectors. It was noted that the applicant was not present, but this would have no weight in any deliberations. It was also noted that both the Licensing Officer and the objectors had observed substantial works being carried out on the premises over the past few days, and concerns were raised by the Sub-Committee and the Licensing Officer over the validity of the premises plan submitted by the applicant. The Sub-Committee adjourned at 11.37 a.m. to consider whether to continue with the hearing. They returned at 11.48 a.m. at which point they informed those present that, having sought legal advice, they were to proceed with the hearing.

Questions were put to the Licensing Officer, the representative of the Environmental Protection Team, and the objectors, 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 12.04 p.m. to 12.10 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 representations made by the objectors. It was noted that considerable doubt remained over the validity of the premises plan submitted by the applicant, and without further information as to the nature of the works being carried out these doubts could not be put aside. The Sub-Committee also noted the aims of the Licensing Act 2003 and paid specific regard to the need to promote the licensing objectives, particularly relating to the prevention of public nuisance and the promotion of public safety. 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 Mill House, Brighton Road, Salfords be refused on the grounds that concerns were held by both the Members of the Sub-Committee and the licensing officers regarding the validity of the premises plan provided in the application. These concerns arose due to the unknown nature of the building works apparently being conducted on the premises at the time of the hearing. It had not been possible to clarify the operating schedule by asking questions of the applicant and consequently Members felt that the only way the licensing objectives could be promoted, particularly in relation to the prevention of public nuisance and the promotion of public safety, was to refuse the application.

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 – THE BELL PUBLIC HOUSE, BELL 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 hrs, except for ingress to and egress from the premises.
- (iii) External lighting to be kept to a minimum compatible with safety purposes after 2300hrs.

**RESOLVED** that the application for the variation of the existing Justices' Licence for The Bell Public House, Bell Street, Reigate be granted subject to the conditions (i) to (iii) 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 12.17 p.m.**