

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Monday 26th September 2005 at 7.30 p.m.

Present: Councillor A.R. Mountney (Chairman); Councillors J.M. Ellacott and R. Harper.

#### **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 GATWICK ARMS, HIGH STREET, HORLEY**

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

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 his representative, from the Environmental Protection Team, and from the objector. It was noted that there was an error in the committee report regarding the conditions agreed between the applicant and the Environmental Protection Team, viz. at the beginning of the second sentence of condition 1 the words "At all times" should be substituted for "From 23.00".

Questions were put to the Licensing Officer, the applicants and their representative, the representative of the Environmental Protection Team, and 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 7.56 p.m. to 8.41 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 on behalf of the applicant, and those made by the objector. Equal weight had been given to those objections received in writing and those made at the meeting. The Sub-Committee noted that the Environmental Protection Team had reached agreement with the applicant. The Sub-Committee also 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 The Gatwick Arms be granted subject to the following additional conditions:-

- (i) The hours permitted to be open to be as follows:

Monday - Wednesday	:	10.00 hours to 00.00 hours
Thursday – Saturday	:	10.00 hours to 02.00 hours
Sunday	:	10.00 hours to 00.00 hours

- (ii) The hours permitted for the sale of alcohol to be as follows:

Monday – Wednesday	:	10.00 hours to 23.30 hours
Thursday – Saturday	:	10.00 hours to 01.30 hours
Sunday	:	10.00 hours to 23.30 hours

- (iii) No entry or re-entry to patrons after 23.00 hours.
- (iv) 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.
- (v) No use of outdoor areas by patrons after 23.00 hours, except for ingress to and egress from the premises.
- (vi) External lighting to be kept to a minimum compatible with safety purposes after 23.00 hours.

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 – BURGHEATH COMRADES CLUB**

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 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 and Hotel guests. From 23:00 hours any music shall be inaudible in any residential property or Hotel bedroom, the test of which is that it shall be no more than barely audible at the boundary of any residential and Hotel property.
- (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 regulated entertainments are to take place outside the building and the term 'outside the building' includes within a tent, marquee, lightweight or temporary structure, vehicle or anything similar to any of the aforementioned.

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 Burgh Heath Comrades Club be granted subject to the additional conditions (i) to (vi) set out above.

4. **APPLICATION FOR VARIATION OF PREMISES LICENCE – PIZZA EXPRESS, HIGH STREET, BANSTEAD**

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 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.

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 Pizza Express, High Street, Banstead be granted subject to the additional 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 8.45 p.m.**