

## **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 27th September 2005 at 7.00 p.m.

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

#### **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 GARIBALDI, MILL STREET, REDHILL**

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

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 applicants, from the Environmental Protection Team, and from the objectors.

Questions were put to the Licensing Officer, the applicants, 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 7.53 p.m. to 8.38 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 applicants, and those made by the objectors. 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 Garibaldi be granted subject to the following additional conditions:-

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

Monday - Saturday : 09.00 hours to 23.30 hours

Sunday : 09.00 hours to 23.00 hours

On Bank Holidays (including New Year's Day) the permitted opening hours to be as follows:

09.00 hours to 23.30 hours

On New Year's Eve the permitted opening hours to be as follows:

09.00 hours to 02.00 hours

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

Monday – Saturday : 09.00 hours to 23.00 hours

Sunday : 09.00 hours to 22.30 hours

On Bank Holidays (including New (including New Year's Day) the hours permitted for the sale of alcohol to be as follows:

09.00 hours to 23.00 hours

On New Year's Eve the hours permitted for the sale of alcohol to be as follows:

09.00 hours to 01.30 hours

- (iii) The premises shall not be allowed to open outside of the standard timings for internationally recognised sporting events.
- (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 22.00 hours, except for ingress to and egress from the premises.
- (vi) No live music or karaoke permitted at any time in the premises.

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 – SURREY DOWNS GOLF CLUB**

The Sub-Committee received a report on an application to vary an existing Justices' Licence for Surrey Downs Golf 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, representations from the applicants, from the Environmental Protection Team, and from the objector.

Questions were put to the Licensing Officer, the applicants, 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 9.14 p.m. to 9.36 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 applicants, and those made by the objectors. 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. It was also explained that the decision made at this hearing did not affect or usurp any Planning conditions placed on the premises. 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 Surrey Downs Golf Club be granted subject to the following additional conditions:-

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

Monday - Sunday : 07.00 hours to 00.00 hours

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

Monday – Sunday : 07.00 hours to 23.30 hours

(iii) 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.

#### 4. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE CAGE, 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 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 The Cage, High Street, Reigate 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 9.39 p.m.**