

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Thursday 29th September 2005 at 10.00 a.m.

Present: Councillor J.H. Prevett (Chairman); Councillors B.C. Cowle and Mrs. D.E. Durward.

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 ANGEL, WOODHATCH ROAD, WOODHATCH

The Sub-Committee received a report on an application to vary an existing Justices' Licence for The Angel Public House, 1A Woodhatch Road, Woodhatch, 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, representations from the applicant and her representative, and from the Environmental Protection Team. Written representations had been received from three local residents, none of whom were present at the meeting. It was noted that subsequent to the circulation of the agenda, the Environmental Protection Team had reached agreement with the representative of the applicant. The applicant also stated that a Noise Reduction facility had been installed at the premises, and the representative of the Environmental Protection Team confirmed that they would be willing to meet on site to ensure that the equipment was properly set by a competent engineer.

Questions were put to the Licensing Officer, the applicant and her representative, and the representative of the Environmental Protection Team, 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 10.17 a.m. to 10.56 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 applicant and her representative, and those made in writing by the objectors. The Sub-Committee noted that the Environmental Protection Team had reached agreement with the applicant, and that there had been no representations from the police. 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 Angel Public House be granted subject to the following additional conditions:-

- (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;
- (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.

3. **APPLICATION FOR VARIATION OF PREMISES LICENCE – LE RAJ, FIR TREE ROAD, EPSOM DOWNS**

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 through the Licensing Officer, the Solicitors acting on behalf of the applicant and the Environmental Protection Team, all parties had agreed to the following condition 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.

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 Le Raj be granted subject to the above additional condition.

4. **APPLICATION FOR VARIATION OF PREMISES LICENCE – PIZZASTA, VICTORIA ROAD, 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 through 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. 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;

- (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.

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 Pizzasta be granted subject to the additional conditions (i) to (v) set out above.

5. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE YEW TREE, 99 REIGATE HILL, 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 representations had been received to this application from the Council's Environmental Protection Team and from the Police. Agreement had been reached subsequently with the Solicitors representing the applicant, and as a result of mediation through the Licensing Officer, the Solicitors acting on behalf of the applicant, the Environmental Protection Team and the Police, 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) The 20 event days requested in Section M are reduced to 12;
- (v) At least 14 days notice to be given to the Police and Licensing Authority for those event days;
- (vi) The event will not be held if the Police serve notice on the Designated Premises Supervisor at least 7 days prior to the event, objecting under the Objective 'The prevention of Crime and Disorder'.

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 Yew Tree be granted subject to the additional conditions (i) to (vi) set out above.

6. **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.

7. **ANY OTHER URGENT BUSINESS**

None.

The meeting closed at 11.05 a.m.