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| REPORT OF: | HEAD OF CORPORATE DEVELOPMENT |
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| TO: | LICENSING COMMITTEE |
| DATE: | 1 DECEMBER 2005 |

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| AGENDA ITEM NO: | 6 | WARD(S) AFFECTED: | HORLEY EAST |
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| SUBJECT: | LICENSING SUB-COMMITTEE – 19 TH AUGUST, 2005 |
| PURPOSE OF THE REPORT: | TO NOTE THE DELETION OF CERTAIN CONDITIONS FROM THE APPROVAL GIVEN TO THE APPLICATION RELATING TO THE FARMHOUSE, LANGSHOTT, HORLEY. |
| RECOMMENDATIONS: | |
| <ol style="list-style-type: none"> To note that the Minutes of the Licensing Sub-Committee held on 19th August, 2005 as previously confirmed should have been subject to the deletion of items (d), (e), (f) and (g) in Minute No. 2(v) and the re-numbering of item (h) as item (d). | |

Background

- The Licensing Sub-Committee held on 19th August, 2005 considered, inter alia, an application for the variation of the Premises Licence for The Farmhouse, Langshott, Horley.
- During consideration of the application, a list of possible conditions relating to regulated entertainment (both indoors and outdoors) was circulated at the meeting. A copy of those suggested conditions is appended at Annex A.
- The application was approved subject to various restrictions and conditions, and with regard to Annex A the alternative condition (numbered 1 at the foot of the page) was accepted in preference to conditions numbered 1 to 3 at the top of the page in relation to regulated entertainment indoors. Consequently, the outdoor conditions were re-numbered accordingly and it was originally understood that these had also been accepted. Consequently, the Minutes were drafted and circulated to officers and to the Sub-Committee Chairman for comment.
- The Sub-Committee Minutes as drafted were submitted to the Licensing Committee on 15th September, 2005 and approved as a correct record. (Copy attached at Annex B). Subsequently, an enquiry was received from the applicant and upon checking the recording for that Hearing, it is apparent that only the first two conditions relating to regulated entertainment outdoors (shown as items (b) and (c) in Minute No. 2(v)) were accepted by the Sub-Committee, together with an additional condition (item (h)) concerning a marquee, tent or similar structure. The other four conditions (items (d), (e), (f) and (g) in Minute No.2(v)) for regulated entertainment outdoors were not included in the decision made by the Sub-Committee.

Factors for Consideration

5. The notes and recording for the Hearing have been re-checked and as a result the three Members who attended that Sub-Committee meeting have been contacted in respect of the position relating to this application.

Proposal

6. The Minutes of the meeting of the Licensing Sub-Committee held on 19th August, 2005 were confirmed as a correct record at the meeting of the Licensing Committee held on 15th September, 2005 and have been published in accordance with Section 100C of the Local Government Act, 1972. Consequently, it is not possible to amend them at this stage and Members are therefore asked to note in relation to the application for The Farmhouse, Langshott, Horley that items (d), (e), (f) and (g) in Minute No. 2 (v) should not have been included and item (h) should have been re-numbered as item (d).

Legal Implications

7. The Notice of Determination sent to the applicant reflected the Sub-Committee Minutes as confirmed at the Licensing Committee, i.e. the Notice contained the additional conditions that should not have been included. The Licensing Section have been advised to send an amended Notice to the applicant and provided that is done, then there are no legal implications for this report other than that the applicant's period for appeal will commence on receipt of the amended Notice.

Resource Implications

8. There is no resource implication.

Conclusions

9. The Minutes of the Sub-Committee held on 19th August as currently approved do not reflect precisely the decision made in relation to the application for the variation of the Premises Licence for The Farmhouse, Langshott, Horley (Minute No. 2). Members are therefore asked to note the position.

Background Papers: None.

ANNEX A

Possible conditions where it is requested that regulated entertainments take place both indoors and outdoors.

Indoors

1. No more than 26 events per calendar year.
2. No more than 2 events per week.
3. The Licensee shall ensure that any music provided at the premises shall not 4. cause a disturbance to local residents. From 23:00 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

4. No use of outdoor areas by patrons after 23.30 hours, except for ingress to and egress from the premises.
5. External lighting to be kept to a minimum compatible with safety purposes after 23.30 hours.
6. No amplified music outdoors at any time.
7. No more than 4 events per year. (An event is defined as any event including un-amplified music or voice amplification or both).
8. No more than one event per fortnight.
9. No music or voice amplification will start before 11.00 hrs or finish later than 20.00 hrs.

Alternatively,

the following condition could replace conditions 1 to 3:

1. 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.

and 4, 5, 6, 7, 8, and 9 become 2, 3, 4, 5, 6 and 7 respectively.

19/08/05

ANNEX B

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, 19th August, 2005 at 10.00 a.m.

Present: Councillor J.H. Prevett (Chairman); Councillors Mrs. S.F. King and J.V. Lyndon Morgan.

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 FARMHOUSE, LANGSHOTT, HORLEY

The Sub-Committee received a report on an application to vary an existing Justices' Licence for The Farmhouse, Langshott, Horley.

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 were addressed by the Licensing Officer, the applicant, two neighbours in support of the applicant, and a representative of the Environmental Protection Team who had objected to the application. The Sub-Committee noted that agreement had been reached between the police and the applicant with respect to the 30 "Event" days requested in Section M of the application being reduced to 12 "Event" days.

Questions were put to the Licensing Officer, the applicant and other interested parties. The applicant and other interested parties 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 11.15 a.m. to 12.32 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 taken account of the submissions made by the applicant, his supporters and the Environmental Protection Team. It was noted that no representations had been received from the police nor from local residents. The written agenda and relevant legislation had been carefully considered.

The Sub-Committee noted the special place of this pub in the community, its rural location and what the applicant had achieved for the local community. The conditions mentioned had been suggested in order to prevent public nuisance. Particular regard had been paid to the Council's statement of licensing policy and national guidance. Members had considered the individual merits of this case, human rights aspects and natural justice.

RESOLVED that the application for a variation of the existing Justices' Licence for The Farmhouse, Langshott, Horley be granted as follows:

- (i) Section B (Films), Section C (Indoor Sporting Events), Section J (Provision of Facilities for Dancing), Section L (Late Night Refreshments), Section M (Sale of Alcohol), and Section O (Hours Premises Open to the Public) – Agreed.
- (ii) Section F (Recorded Music) – Agreed outdoors until 22.00 hours and agreed indoors until 24.00 hours.
- (iii) Section G (Performance of Dance), Section H (Anything of a similar description to that falling within (e), (f) or (g)) and Section I (Provision of facilities for Making Music) – Agreed outdoors until 22.00 hours and agreed indoors until 23.00 hours.
- (iv) The number of “Event” days requested in Section M of the application be reduced to no more than 12 “Event” days in any year in accordance with paragraph 15 of the submitted report.
- (v) The following conditions be included in relation to regulated entertainments:-
 - (a) 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.
 - (b) No use of outdoor areas by patrons after 23.30 hours, except for ingress to and egress from the premises.
 - (c) External lighting to be kept to a minimum compatible with safety purposes after 23.30 hours.
 - (d) No amplified music outdoors at any time.
 - (e) No more than 4 events per year (an event is defined as any event including unamplified music or voice amplification or both).
 - (f) No more than one event per fortnight.
 - (g) No music or voice amplification will start before 11.00 hours or finish later than 20.00 hours.
 - (h) If a marquee, tent or similar structure is used in the garden then any regulated entertainment taking place in the marquee, etc. should cease at 22.00 hours.

3. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE SPORTSMAN, MOGADOR ROAD, MOGADOR, 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 Public House. 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. 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 23.30 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) Signs to be provided requesting customers and staff to leave quietly and with due regard to the neighbouring properties.

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 Sportsman, Mogador Road, Mogador, Tadworth be agreed subject to the additional conditions (i) to (vi) above.

4. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE KINGSWOOD ARMS, WATERHOUSE LANE, KINGSWOOD**

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 Public House. 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. 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 a variation to the Premises Licence for The Kingswood Arms, Waterhouse Lane, Kingswood be agreed subject to the additional conditions (i) to (v) above.

5. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE WHEATSHEAF, BRIGHTON ROAD, 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 Public house. 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. 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.

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 Wheatsheaf, Brighton Road, Banstead be agreed subject to the additional conditions (i) to (iv) above.

6. **APPLICATION FOR VARIATION OF PREMISES LICENCE – THE HOME COTTAGE, REDSTONE HILL, REDHILL**

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 Public

House. 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) No use of outdoor areas by patrons after 23.30 hours, except for ingress to and egress from the premises.
- (iv) External lighting to be kept a minimum compatible with safety purposes after 23.00 hours.
- (v) Signs to be provided requesting customers and staff to leave quietly and with due regard to the neighbouring properties.
- (vi) 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 a variation to the Premises Licence for The Home Cottage, Redstone Hill, Redhill be agreed subject to the additional conditions (i) to (vi) above.

7. 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.

8. ANY OTHER URGENT BUSINESS

None.

The meeting closed at 12.44 p.m.

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(Chairman)

Date: 15th September 2005