

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 25th October 2005 at 10.00 a.m.

Present: Councillors J.V. Lyndon Morgan (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 A NEW PREMISES LICENCE – HEATHSIDE, BRIGHTON ROAD, BURGH HEATH

It was reported that an application had been received for a new Premises Licence in respect of the above property. Members noted that subsequent to the issue of the agenda, agreement had been reached between the applicant and the Council's Environmental Protection Team and the Police, who were the two responsible authorities who had made representations concerning this application. As a result of mediation between 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. It was noted that extra wording had been added to conditions (i) and (ii) in order to provide clarity as to their meaning in relation to each other.

- (i) The 20 "Event" days requested in section M are to be reduced to 12 (excluding Bank Holidays) and at least 14 days' notice must be given in writing to the Police and the Licensing Authority. The event will not be held if the Police serve notice on the DPS at least 7 days prior to the event, objecting under the crime and disorder objective.
- (ii) No more than a total of 30 events per calendar year.
- (iii) No more than 2 events per week.
- (iv) 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.
- (v) No use of outdoor areas by patrons after 23.15 hours, except for ingress to and egress from the premises.
- (vi) External lighting to be kept to a minimum compatible with safety purposes after 23.15 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 new Premises Licence for Heathside, Brighton Road, Burgh Heath be granted subject to the additional conditions (i) to (vi) inclusive set out above.

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 A NEW PREMISES LICENCE – STAR KEBAB AND PIZZA, STATION ROAD, HORLEY**

The Sub-Committee received a report on an application for a new Premises Licence for the Star Kebab and Pizza.

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 representative of the Environmental Protection Team. It was noted that neither the applicant nor anyone representing the applicant was present.

Questions were put to the Licensing Officer 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 10.39 a.m. to 10.49 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 representative of the Environmental Protection Team. 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 the Statement of Licensing Policy and national guidance, Human Rights legislation and the rules of natural justice.

RESOLVED that the application for a new Premises Licence for Star Kebab and Pizza, Station Road, Horley be granted subject to the following amendments and additional conditions:-

(i) The hours permitted for opening are as follows:

Sunday – Thursday	:	11.00 hours to 00.00 hours
Friday-Saturday	:	11.00 hours to 01.00 hours

(ii) The hours permitted for the sale of late night refreshment are as follows:

Sunday-Thursday	:	23.00 hours to 00.00 hours
Friday –Saturday	:	23.00 hours to 01.00 hours

The Chairman informed those present that notification of the Sub-Committee's decision would be sent out in writing in due course.

4. **THE NUTLEY HALL, 8 NUTLEY LANE, REIGATE**

It was reported that an application had been received for the variation of the Premises

Licence in respect of the above property. Members noted that agreement had been reached between the applicant and the Council's Environmental Protection Team who originally had submitted the only representations received to this application. 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 23.20 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 the variation of the existing Justices' Licence for The Nutley Hall, 8 Nutley Lane, Reigate be granted subject to the additional conditions set out in (i) to (iv) 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 10.51 a.m.