

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 23rd September 2005 at 10.00 a.m.

Present: Councillor J.M. Ellacott (Chairman); Councillors Mrs S.F. King and Mrs A.N. Venn.

Also present: Councillors N. Harris and B.A. Stead.

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 – OMNIA RESTAURANT, FIR TREE ROAD, EPSOM DOWNS

The Sub-Committee received a report on an application to vary an existing Justices' Licence for the Omnia Restaurant, Fir Tree Road, Epsom Downs.

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 applicant and his representative, the objectors, and representatives from the Environmental Protection Team and from the Planning Enforcement Team.

Questions were put to the Licensing Officer, the applicant and his representative and the representatives of the Environmental Protection Team and the Planning Enforcement 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 11.06 a.m. to 12.11 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 recommendations of the Environmental Protection Team and to the written and oral representations made by local residents. The Sub-Committee noted the current planning position relating to the premises, but also noted the aims of the Licensing Act 2003 and considered that an extension of hours on certain days was reasonable. The Sub-Committee noted the representations made on behalf of the applicant and the undertakings given by him. Specific regard was paid to the need to promote the licensing objective of prevention of public nuisance particularly in view of the location of the premises in a residential area. Due regard was also paid to the Council's statement of licensing policy, the statutory guidance, Human Rights legislation and the rules of natural justice. Members considered that the attachment of conditions would address the concerns raised, and was necessary for the prevention of public nuisance.

RESOLVED that the application for the variation of the existing Justices' Licence for the Omnia Restaurant be granted subject to the following amendments and additional conditions:-

(i) the hours for the Sale of Alcohol (Section M of the application) except on dates involving regulated entertainment as set out in (iv)(e) below shall be:-

Mondays to Thursdays – 11.00 hours to 23.00 hours
Fridays and Saturdays – 11.00 hours to 00.00 hours
Sundays – 11.00 hours to 22.30 hours

(ii) the hours for Late Night Refreshments (Section L of the application) shall finish half an hour later than the times for the Sale of Alcohol set out in (i) above.

(iii) the hours the premises are Open to the Public (Section O of the application) except on dates involving regulated entertainment shall be:-

Mondays to Thursdays – 11.00 hours to 23.30 hours
Fridays and Saturdays – 11.00 hours to 00.30 hours
Sundays – 11.00 hours to 23.00 hours

(iv) with regard to Regulated Entertainment (Sections E, F, G, I and J of the application):-

- (a) there shall be no more than 30 events per calendar year
- (b) there shall be no more than 1 event per week
- (c) the event dates referred to in (a) and (b) above shall be notified to the Local Authority, and Notice of these shall be displayed on the premises in a position to be viewed by the general public at least 7 days in advance of the events.
- (d) 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.
- (e) the hours for such Regulated Events and the Sale of Alcohol shall be 11.00 hours to 01.00 hours except where one of the Event Days takes place on New Year's Eve when the hours shall be 11.00 hours to 02.00 hours. The hours for Late Night Refreshment and the Hours the Premises are Open to the Public for regulated events shall finish half an hour later than those times.

(v) there shall be no entry to the premises after 23.30 hours

(vi) a sign shall be prominently displayed on the premises asking patrons to leave quietly

(vii) there shall be no emptying of glass bottles into bins between 19.00 hours and 10.00 hours on the following day.

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 – BUPA HOSPITAL, CANADA DRIVE, 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 Police (and not from the Council's Environmental Protection Team as quoted on the agenda). Agreement had subsequently been reached with the Solicitors representing the applicant and as a result of mediation between the Licensing Officer, the Solicitors acting on behalf of the applicant and the Police, all parties had agreed to the following condition being placed on the Licence:

- (i) The 30 "Event" days requested in section M are to be reduced to 12, and at least 14 days notice will 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.

RESOLVED that the application for the variation of the existing Justices' Licence for BUPA Hospital, Canada Drive, Redhill be granted subject to the above condition.

4. **APPLICATION FOR VARIATION OF PREMISES LICENCE – SALFORDS SPORTS AND SOCIAL 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) The club 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 hrs, except for ingress to and egress from the premises.
- (iii) External lighting to be kept to a minimum compatible with safety purposes after 23.00hrs.

RESOLVED that the application for the variation of the existing Justices' Licence for Salfords Sports and Social Club be granted subject to 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 12.19 p.m.