

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, 31st January 2006 at 10.00 a.m.

Present: Councillor J.H. Prevett (Chairman); Councillors N.D. Harrison, Mrs S.F. King (for items 1 and 2) and Mrs. D.E. Durward (for items 3 to 5).

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 – REIGATE KEBAB AND BURGER HOUSE, 6 LONDON ROAD, REIGATE

The Sub-Committee received a report on an application for a new premises licence for Reigate Kebab and Burger House, 6 London Road, 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, and representations from the applicant and from the Responsible Authority for Environmental Protection.

Questions were put to the Licensing Officer, to the applicant, and to the representative of the Environmental Protection Team, who were then invited to give their closing statements. At this stage, the applicant offered a concession to amend the opening hours applied for in respect of Sundays to Thursdays to 1600 hours to 0000 hours, but indicated her wish to retain the hours for Fridays and Saturdays to those applied for, i.e. 1600 hours to 0200 hours on the following day.

On completion of hearing all the representations, questions/answers and summing up from all parties, the Sub-Committee adjourned to deliberate its decision from 10.18 a.m. to 11.07 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 those made by the Environmental Protection Team. Members noted the hours under which the applicant had traded under the previous legislation, and had regard to the concession offered by the applicant regarding the trading hours on Sundays to Thursdays. Members also had regard to the proximity of residential properties and former noise complaints, but it was noted that no objection had been received from the Police. It was noted that the applicant had not completed all sections of the application form relating to the promotion of the Council's licensing objectives, particularly relating to noise, but regard was had to the verbal details given by the applicant. The Sub-Committee noted the aims of the Licensing Act 2003 and paid regard 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 the agreed conditions would address the concerns raised, and was necessary for the prevention of public nuisance.

RESOLVED that the application submitted by Mrs. Clare Eskisan in respect of a new premises licence for Reigate Kebab and Burger House, 6 London Road, Reigate be granted subject to the following:-

(i) Section O – Hours the premises are open to the public:-

1600 hours to 0000 hours on Sundays to Thursdays inclusive

1600 hours to 0100 hours on the following day on Fridays and Saturdays

(ii) Section L – Late Night Refreshment:-

From 2300 hours until the end of opening hours as specified in (i) above.

3. **APPLICATION FOR A NEW PREMISES LICENCE – WINEFLOW LIMITED, STATION BUILDINGS, CROSS ROAD, TADWORTH**

The Sub-Committee received a report on an application for a new premises licence for Wineflow Limited, Station Buildings, Cross Road, Tadworth.

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 representatives of the Responsible Authorities for Environmental Protection and Planning. Written representations had been received from thirty local residents, a number of whom including the Ward Member were present at the meeting and submitted oral representations in support of their written objections. The Members of the Sub-Committee indicated that they knew one of the objectors, viz. Councillor R.M. Bennett, and Councillors Mrs. D.E. Durward and J.H. Prevett also knew former Councillor J.A. Chiles. In addition, Councillor Harrison informed the meeting that he knew one of the objectors not present at the meeting, i.e. the Vice-Chairman of the Tadworth and Walton Residents Association who had submitted written representations.

Questions were put to the Licensing Officer, to the applicant and her representative, to the representatives of the Responsible Authorities for Environmental Protection and Planning, and to the objectors present, all of whom were then invited 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 1.25 p.m. to 3.03 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 applicant and her representative, and those made in writing and orally by the objectors. Members had regard to the views of local residents and the proximity of dwellings to the proposed wine bar. Members paid regard to the village character of the area that had been emphasised by most of the objectors, and noted the target audience for the proposal which was understood to be a wine bar for the over 30s age group rather than a public house. The lack of any objection from the Police was noted, and account was taken of the views of objectors relating to the possibility of crime and disorder. Members also took into account the current planning permission and the conditions attached to it and noted that a further

planning application had been submitted. The capacity of the premises was considered, but the Sub-Committee did not feel that it was its role to deal with the imposition of limits. Similarly, the views on parking problems were felt to be more of a planning issue than a licensing matter and consequently the Sub-Committee had not attached great weight to them. Members noted that a petition had been organised in support of the application, but did not attach any weight to it due to its late submission and the inability to test any of the information contained in it. With reference to regulated entertainment, Members felt that there was a lack of clarity from the applicant regarding the type of events that were envisaged. Members noted that the applicant and her representative had offered several concessions during this Hearing which had been incorporated into the conditions that the Sub-Committee had imposed. The Sub-Committee noted the aims of the Licensing Act 2003 and paid regard 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 the following conditions would help to address the concerns raised, and were necessary for the prevention of public nuisance.

RESOLVED that the application for a new premises licence for Wineflow Limited, Station Buildings, Cross Road, Tadworth be granted subject to the following:-

- (i) Hours premises are open to the public, Section O, be permitted during the following hours:

10.00 hours to 23.30 hours daily.

- (ii) Supply of alcohol, Section M, be permitted during the following hours:

11.00 hours to 23.00 hours daily.

- (iii) Regulated entertainments covered by Sections E, F, G and J be permitted during the following hours:

15.00 hours to 23.00 hours daily.

- (iv) 2 annual extension days are permitted, where the hours the premises will be open to the public will be as follows:

St. Patrick's Day	:	10.00 hours to 00.00 hours
New Year's Eve	:	10.00 hours to 02.00 hours

On these days all licensable activities covered by Section M are permitted during the following hours:

St. Patrick's Day	:	11.00 hours to 00.00 hours
New Year's Eve	:	11.00 hours to 02.00 hours

On these days all licensable activities covered by Sections E, F, G and J are permitted during the following hours:

St. Patrick's Day	:	15.00 hours to 00.00 hours
New Year's Day	:	15.00 hours to 02.00 hours.

- (v) All conditions contained in Section P of the operating schedule shall be attached as conditions to the Licence.

- (vi) There shall be no amplification of live music.

- (vii) There shall be no more than 30 events per calendar year.

- (viii) There shall be no more than two events per week.
- (ix) The licensee shall ensure that any music provided at the premises shall not cause a disturbance to local residents.
- (x) External lighting to be kept to a minimum compatible with safety purposes after 23.00 hours.

4. **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.

5. **ANY OTHER URGENT BUSINESS**

None.

The meeting closed at 3.08 p.m.