

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, 21st July, 2006 at 10.00 a.m.

Present: Councillor A.M. Lynch (Chairman); Councillors Mrs. D.E. Durward and S.A. Gates.

Also present: Councillors Mrs. L.J. Brunt and Mrs. R.S. Turner.

1. LICENSING SUB-COMMITTEE - PROCEDURE RULES

RESOLVED that the Procedure Rules for meetings of the Licensing Sub-Committee be noted.

2. APPLICATION FOR GRANT OF NEW PREMISES LICENCE - THE SPAGHETTI TREE RESTAURANT, WALTON ON THE HILL

The Sub-Committee received a report on an application for a new Premises Licence in respect of The Spaghetti Tree Restaurant, Walton on the Hill.

The Sub-Committee followed the 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 noted the following amendments to the submitted report:-

Paragraph 1 - Delete ".....the adjacent premises at 3 Walton Street" and substitute ".....the adjacent premises at 3 and 5 Walton Street."

Paragraph 7 - Delete ".....for consumption both off and on the premises..." and substitute ".....for consumption on the premises..."

The Sub-Committee heard representations from the applicant and her legal representative, from the representative of the Local Planning Authority who had made representations as a Responsible Authority, and from two representatives of the Tadworth and Walton Residents' Association who had objected to the application. Members noted that representations had been received within the relevant period from sixteen local residents objecting to the application, and eleven letters of support had also been received. Copies of all representations were appended to the Sub-Committee report.

It was noted that a current licence existed for No. 1 Walton Street and this application sought to extend the licence to Nos. 3 and 5 Walton Street. With the agreement of the Sub-Committee, a document was circulated at the meeting outlining the applicants proposals for these premises, and a copy of an aerial view of the site was also circulated.

The representations received related mainly to the proposed opening hours of the premises which differed from the opening hours currently approved under planning permissions P/03/02389/CU dated 18th December, 2003 and P/05/02094/CU dated 24th March, 2006. A planning application for the extension of the opening hours had been refused on 9th March, 2006 under reference P/05/02707/F. In response to queries, further clarification was given to the hours requested for the premises to be open to the public and it was confirmed that these would be as shown in Section O of the application form, a copy of which was appended to the agenda. By way of clarification, it was also confirmed that the non-standard timings for New Year's Eve would be from 10.00 hours to 01.00 hours on New Year's Day.

The Sub-Committee also heard representations relating to parking problems, noise and disturbance to nearby residents and allegations of breaches of hours permitted under the planning consents. With regard to the latter it was reported that a Planning Contravention Notice had been served and that investigations were ongoing.

Questions were put to the Licensing Officer, the applicant and her legal representative, the representative of the Local Planning Authority, and the representatives of the Residents' Association, who 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 11.28 a.m. to 12.38 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 information supplied by the applicant and her legal representative and to the further clarification given at the meeting. No representations had been received from the Police or the Environmental Protection Authority. The views of all objectors, both oral and written, together with the letters of support had also been considered, and regard was had to the complaints from the Tadworth and Walton Residents Association that had been investigated by the Council's Planning Department. Reference was also made to the incident involving the Spaghetti Tree staff and members of the public, but the Sub-Committee did not attach particular weight to this incident as no further action had been taken, no complaint had been raised by the Police and there appeared to be no evidence to suggest The Spaghetti Tree had been at fault. The Sub-Committee also noted the aims of the Licensing Act 2003 and had paid regard to the Council's Statement of Licensing Policy, the Statutory Guidance, Human Rights Legislation and the Rules of Natural Justice. Members took the view that in order to promote the licensing objective of the prevention of public nuisance, the conditions set out below needed to be imposed.

RESOLVED that the application for a premises licence for The Spaghetti Tree, 1 Walton Street to include the adjacent premises at 3 and 5 Walton Street, Walton on the Hill be granted subject to the following additional conditions:-

(i) The hours permitted for activities under Section O (Hours Premises are open to the Public) to be as follows:

Mondays – Saturdays	:	10.00 hours to 00.00 hours
Sundays	:	12.00 hours to 23.30 hours

On New Year's Eve the permitted opening hours to be as follows:

10.00 hours to 01.00 hours

(ii) The hours permitted for activities under Section M (Sale of Alcohol) to be as follows:

Mondays to Saturdays	:	10.00 hours to 23.30 hours
Sundays	:	12.00 hours to 23.00 hours

(iii) The hours permitted for activities under Section L (Late Night Refreshment) to be as follows:

Mondays to Saturdays	:	10.00 hours to 00.00 hours
Sundays	:	12.00 hours to 23.30 hours

3. **APPLICATION FOR VARIATION OF PREMISES LICENCE - THE HATCH PUBLIC HOUSE, 44 HATCHLANDS ROAD, REDHILL**

The Sub-Committee received a report on an application for the variation of the Premises Licence in respect of The Hatch Public House, 44 Hatchlands Road, Redhill.

The Sub-Committee followed the 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 her representative. It was noted that four local residents had made representation within the relevant period, mainly concerning the potential for increased public nuisance, but none of the objectors was present at the Hearing. Arising from a query from a Member, it was noted that the existing Premises Licence included a condition for CCTV to be installed at the premises. The applicant explained that a refurbishment of the premises was being planned and this item would be considered at that stage.

Questions were put to the Licensing Officer and to the applicant and her representative, who 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 12.55 p.m. to 13.21 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 information supplied by the applicant and her representative and to the further clarification given at the meeting. No representations had been received from the Police or the Responsible Authorities for Environmental Protection or Planning. The written views of the objectors had also been considered. The Sub-Committee noted the aims of the Licensing Act 2003 and had paid regard to the Council's Statement of Licensing Policy, the Statutory Guidance, Human Rights Legislation and the Rules of Natural Justice.

RESOLVED that the application for the variation of the Premises Licence in respect of The Hatch Public House, 44 Hatchlands Road, Redhill be granted in accordance with the application and subject to the terms and conditions attached to the existing Premises Licence.

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 1.24 p.m.