

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING COMMITTEE**

Minutes of a meeting of the Licensing Committee held at the Town Hall, Reigate on Thursday, 14th September 2006 at 7.30 p.m.

Present: Councillor B.C. Cowle (Chairman); Councillors Mrs. L.J. Brunt, Mrs. G.L. Circus, A.J. De Save, Mrs. D.E. Durward, R.K. Ellingham, N.D. Harrison, Mrs. S.F. King, A.M. Lynch, Mrs. R.S. Turner and Mrs. A.N. Venn.

#### **11. MINUTES**

**RESOLVED** that the Minutes of the meeting held on 23rd May 2006 be approved as a correct record and signed.

#### **12. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J.M. Ellacott, S.A. Gates and R. Harper.

#### **13. DECLARATIONS OF INTEREST**

None.

#### **14. LICENSING SUB-COMMITTEE - MINUTES**

**RESOLVED** that the Minutes of the meetings of the Licensing Sub-Committee held on 20th June and 21st July 2006 (Appendices A and B hereto) be approved and signed as a correct record.

#### **15. GAMBLING ACT 2005: STATEMENT OF POLICY**

The Committee received a copy of the draft Statement of Policy arising from the Gambling Act 2005 which gave effect to the Government's proposal for the reform of the law on gambling; a new regulatory system and introduced 3 new categories of licences - operating, personal and premises. The Gaming Board of Great Britain had been replaced by the Gambling Commission.

The draft Statement included:

- An introductory section which incorporated the draft licensing objectives; responsible authorities; interested parties and enforcement;
- Details of premises licences;
- Details of Permits, Temporary and Occasional Use Notices.

The Committee noted the new responsibilities for Reigate and Banstead as one of the licensing authorities.

**RESOLVED** that the Executive be informed of the following comments and be requested to change the draft Statement of Policy accordingly:

- (i) that the list of premises located in close proximity to premises be expanded to include Colleges and Youth Clubs;
- (ii) that for the Adult Gaming Centres the emphasis of the issues for applicants be changed to 'recommended' from 'encouraged' as currently worded;
- (iii) that the Committee was concerned about the (Alcohol) Licensed premises gaming machine permits in relation to the monitoring arrangements for ensuring that machines were not being used by those under 18. It requested therefore that this part of the Policy Statement be extended to provide for staff checking that the users of machines were 18 by requesting for proof of age; and
- (iv) the labelling of the map of the Borough be clarified in relation to the reference to Epsom Downs which was thought should be relabelled as Tadworth.

16. **ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 7.51 p.m.**

**APPENDIX A  
MINUTE 14****APPENDIX A  
MINUTE 14****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, 20th June, 2006 at 10.00 a.m.

Present: Councillor Mrs. G.L. Circus (Chairman); Councillors J.M. Ellacott and Mrs. S.F. King.

Also present: Councillor A.J. De Save.

**17. MINUTES**

In accordance with the revised procedures recently approved by Council, it was

**RESOLVED** that the Minutes of the meeting of the Sub-Committee held on 17th May 2006 be approved as a correct record and signed.

**18. LICENSING SUB-COMMITTEE - PROCEDURE RULES**

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

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

A report on an application to vary the Premises Licence relating to the above property had been circulated with the agenda for this meeting. It was noted that under the provisions of Section 11 of the Licensing Act 2003 (Hearings) Regulations, the Licensing Sub-Committee had authority to extend the time within which an application could be determined, where it considered this to be necessary in the public interest.

It was reported that the applicant was not in a position to proceed with the application at this meeting and had asked for the matter to be adjourned. In addition, Members of this Sub-Committee had been involved with a previous application relating to The Hatch and to avoid any bias or any perception of bias it was necessary to find other councillors to take their place. In this respect, no other suitable councillor was available for this meeting. Consequently, the Sub-Committee was asked to adjourn the Hearing for The Hatch, and it was noted that officers would liaise with the applicant and Interested Parties to agree a new date for this Hearing.

## APPENDIX A - Continued

## APPENDIX A - Continued

**RESOLVED** that the Hearing for the application for variation of the Premises Licence in respect of The Hatch, 44 Hatchlands Road, Redhill be adjourned to a date to be agreed in consultation with the applicant and Interested Parties.

20. **APPLICATION FOR NEW PREMISES LICENCE - PLANET SWEET, 82 VICTORIA ROAD, HORLEY**

The Sub-Committee received a report on an application for a new Premises Licence in respect of Planet Sweet, 82 Victoria Road, Horley.

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, representations from the applicant, and from the representative of the Local Planning Authority who had made representations as a Responsible Authority. Those representations related to the proposed opening hours of the premises which differed from the opening hours currently approved under planning permission P/03/02161/CU dated 4<sup>th</sup> December, 2003. In response to queries, further clarification was given to the sections of the application relating to the hours the premises will be open to the public and the proposed hours for the sale of alcohol. In this respect it was explained that a further planning application had been submitted seeking approval for the hours under the planning legislation to be amended to coincide with the hours sought under this licensing application. The current planning application had not yet been determined. It was also noted that one written representation had been received from a member of the public, but the objector was not present at the meeting.

Questions were put to the Licensing Officer, the applicant and the representative of the Local Planning Authority, 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 10.18 a.m. to 10.44 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 information supplied by the applicant and the further clarification given at the meeting. No representations had been received from the Police or the Environmental Protection Authority. The written views of the other objector 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. 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 new Premises Licence in respect of Planet Sweet, 82 Victoria Road, Horley be granted subject to the following hours and conditions being attached to the Licence:-

**APPENDIX A - Continued****APPENDIX A - Continued**

(i) The hours the premises are open to the public (Section O of the application) shall be Mondays to Saturdays 0700 hours to 2200 hours and on Sundays 0700 hours to 2100 hours;

(ii) The hours for the supply of alcohol (Section M of the application) shall be Mondays to Saturdays 0700 hours to 2130 hours and on Sundays 1200 hours to 2030 hours; and

(iii) Live Music (Section E of the application ) be approved only on Saturdays or Sundays between 1200 hours and 2000 hours, and no more than 30 live music events be permitted each year.

**21. 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.

**22. ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 10.46 a.m.**

**APPENDIX B  
MINUTE 14****APPENDIX B  
MINUTE 14****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.

**23. LICENSING SUB-COMMITTEE - PROCEDURE RULES**

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

**24. 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.

## APPENDIX B - Continued

## APPENDIX B - Continued

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 18<sup>th</sup> December, 2003 and P/05/02094/CU dated 24<sup>th</sup> March, 2006. A planning application for the extension of the opening hours had been refused on 9<sup>th</sup> 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

## APPENDIX B - Continued

## APPENDIX B - Continued

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

25. **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



**APPENDIX B - Continued****APPENDIX B - Continued**

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.

**26. 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.

**27. ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 1.24 p.m.**