

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING COMMITTEE**

Minutes of a meeting of the Licensing Committee held at the Town Hall, Reigate on Thursday, 8th March 2007 at 7.30 p.m.

Present: Councillor A.M. Lynch (Vice Chairman in the Chair); Councillors Mrs. L.J. Brunt, Mrs. G.L. Circus, A.J. De Save, Mrs. F.D.M. Dixon, Mrs. D.E. Durward, J.M. Ellacott, S.A. Gates, R. Harper, N.D. Harrison, Mrs. S.F. King and Mrs. R.S. Turner.

#### **17. MINUTES**

**RESOLVED** that the Minutes of the meeting held on 14th September 2006 be approved as a correct record and signed.

#### **18. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B.C. Cowle and Mrs. A.N. Venn.

#### **19. DECLARATIONS OF INTEREST**

None.

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

**RESOLVED** that the Minutes of the meetings of the Licensing Sub-Committee held on 7th November and 11th January 2007 (Appendices A and B hereto) be approved and signed as a correct record.

#### **21. LICENSING ACT 2003: EXERCISE OF DELEGATED FUNCTIONS BY OFFICERS**

The Committee were informed that Department for Culture, Media and Sport (DCMS) Guidance under the Licensing Act 2003 stated that 'Licensing Committees should receive regular reports on decisions made by officers so that they maintain an overview of the general situation.'

The Committee received a breakdown of the activities undertaken through delegated functions. In noting this information the Committee agreed that it should receive similar update reports at each of its meetings in future.

**RESOLVED** that the level of licensing activity undertaken through delegated functions as detailed in Annex 2 of the report to the Committee be noted.

22. **LICENSING ACT 2003; CONSULTATION ON THE REVISED SECTION 182 GUIDANCE ISSUED JANUARY 2007**

The Committee were informed that the Government provided Guidance to aid licensing authorities to carry out their functions under the Licensing Act 2003. The Guidance was first issued in July 2004 to be reviewed in two stages.

The initial review led to the publication of Supplementary Guidance in June 2006 that primarily provided clarification on issues in the guidance and consolidating advice.

The consultation under consideration by the Committee was the second stage of the review that addressed two areas: substantive policy issues and the format and style of the Guidance (including the removal of matters that dealt with the transitional period).

The consultation document included 31 questions covering 13 issues. The Committee focussed its consideration on the following matters, which it asked the Head of Environmental Health Services to take into account when submitting the Council's response.

**Conditions**

Option 2 presented in the consultation paper, to retain Annexes D-H in the Guidance, updating/expanding as necessary with regular supplements to the Guidance was supported.

**Role of Councillors in the Licensing process**

Concern that the role of Councillors in either making representations or speaking on behalf of their constituents varied under the Licensing Act guidance, the Gambling Act and that proposed under the Local Government and Public Involvement in Health Bill. Members considered that there was an element of inconsistency being applied in respect of their roles and that it could lead to confusion.

**Nature of evidence required to support representations**

The Committee considered that the guidance on evidence to support representations should remain unchanged.

**RESOLVED** that the Head of Environmental Health Services be authorised in consultation with the Chairman of the Committee to respond to the Department for Culture, Media and Sport on the consultation document on behalf of the Committee taking account of the above comments.

23. **LICENSING ACT 2003: STATEMENT OF LICENSING POLICY**

The Committee noted that the Licensing Act 2003 required the licensing policy to be reviewed every 3 years. The Policy had been in place for almost three years and a

timetable for its review was presented.

The Committee were reminded of some of the issues that Members identified for clarification, addition or deletion following their experience of operating the existing policy.

The Committee identified the following issues that they thought should be considered in preparation for the formal consultation process:

- possible clarification between the roles of the planning and the licensing services in relation to their respective responsibilities;
- whether there was a need to hold an open meeting to allow the community to express views on how the licensing objectives were being met;
- whether the Committee needed to receive a monitoring report on the impact of the policy on race equalities;
- whether the protocols with Surrey Police and Surrey Fire and Rescue Service regarding the enforcement of licensing law had been established; and
- whether the brewers could be encouraged to be more explicit in some of the detail on their proposed operation of premises e.g. CCTV.

**RESOLVED** that the Head of Environmental Health Services take account of the above comments in preparing the Statement of Licensing Policy for public consultation purposes.

24. **ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 8.15 p.m.**

**APPENDIX A  
MINUTE 20****APPENDIX A  
MINUTE 20****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, 7th November 2006 at 10.00 a.m.

Present: Councillor Mrs. G.L. Circus (Chairman); Councillors Mrs. F.D.M. Dixon and N.D. Harrison.

**25. MINUTES**

**RESOLVED** that the Minutes of the meeting of the Sub-Committee held on 22nd September, 2006 be approved as a correct record and signed.

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

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

**27. APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE TICKLED IVORY, 39 - 41 CHURCH STREET, REIGATE**

It was reported that an application had been received for the variation of the Premises Licence in respect of the above property. Following clarification of various details contained in the application, Members noted that agreement had been reached between the applicant and the Responsible Authorities for Environmental Protection and for Health and Safety who had originally 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 Responsible Authorities for Environmental Protection and Health and Safety, the parties had agreed to the following conditions being placed on the Licence:

- (i) The premises licence holder 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) There shall be no use of outdoor areas by patrons after 23.00 hours, except for ingress to (to include queuing) and egress from the premises.

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

(iii) There shall be no music produced or reproduced outdoors at any time.

(iv) The number of persons to be admitted shall not exceed 150.

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 Premises Licence for the Tickled Ivory, 39 - 41 Church Street, Reigate be granted subject to the additional conditions set out in (i) to (iv) inclusive above.

**28. 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.

**29. ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 10.08 a.m.**

**APPENDIX B  
MINUTE 20****APPENDIX B  
MINUTE 20****BOROUGH OF REIGATE AND BANSTEAD****LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Thursday, 11th January 2007 at 10.09 a.m.

Present: Councillor A.J. De Save (Chairman); Councillors Mrs. D.E. Durward and S.A. Gates.

**30. MINUTES**

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

**RESOLVED** that the Minutes of the meeting of the Sub-Committee held on 19th December, 2006 be approved as a correct record and signed.

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

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

**32. APPLICATION FOR GRANT OF A NEW PREMISES LICENCE - RUCHITA TANDOORI, 6-10 STATION APPROACH WEST, REDHILL**

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 circulation of the agenda for this meeting, agreement had been reached between the applicant and the Responsible Authority for Environmental Protection who had originally submitted the only representation received to this application. The applicant and the Responsible Authority for Environmental Protection had agreed to the following conditions being placed on the Licence:

(i) There shall be no music of any description between 00.00 hours and 10.00 hours daily.

(ii) All windows and doors shall remain closed at all times that the premises are carrying out licensable activities.

(iii) There shall be no off sales of alcohol between 00.00 hours and 10.00 hours daily except to those persons who have visited the premises to purchase a meal.

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 Ruchita Tandoori, 6-10 Station Approach West, Redhill be granted subject to the

**APPENDIX B**  
**MINUTE 20**

**APPENDIX B**  
**MINUTE 20**

additional conditions set out in (i) to (iii) above.

**APPENDIX B - Continued****APPENDIX B - Continued****33. APPLICATION FOR VARIATION OF PREMISES LICENCE - THE AIR BALLOON, 60 BRIGHTON ROAD, HORLEY**

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 subsequent to the circulation of the agenda for this meeting, agreement had been reached between the applicant and the Responsible Authority for Environmental Protection who had originally submitted the only representation received to this application. The applicant and the Responsible Authority for Environmental Protection had agreed to the following conditions being placed on the Licence:

(i) There shall be no use by patrons of outdoor areas after 23.30 hours except for (a) ingress to and egress from the premises and (b) the designated areas shown on the plan(s) submitted with the application at the Hearing.

(ii) There shall be no food or alcohol consumed outside the building after 23.30 hours.

(iii) The licensee shall ensure that the use of the outdoor areas after 23.30 hours does not cause a disturbance to local residents.

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 Premises Licence for The Air Balloon, 60 Brighton Road, Horley be granted subject to the additional conditions set out in (i) to (iii) above.

**34. 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.

**35. ANY OTHER URGENT BUSINESS**

None.

**The meeting closed at 10.16 a.m.**