

BOROUGH OF REIGATE AND BANSTEAD

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held at the Town Hall, Reigate on Thursday, 6th March 2008 at 7.30 p.m.

Present: Councillor A.M. Lynch (Chairman); Councillors Mrs. G.L. Circus, B.C. Cowle, A.J. De Save, S.N. Farrer, R. Harper, Mrs. S.F. King, G.L. Norman, R. Rampertab, Mrs. R.S. Turner and R.F.C. Wagner.

15. MINUTES

RESOLVED that the Minutes of the meeting held on 13th September 2007 be approved as a correct record and signed.

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N.D. Harrison, R.S. Mantle, T.D. Stoddart and Mrs. A.N. Venn.

17. DECLARATIONS OF INTEREST

None.

18. LICENSING SUB-COMMITTEE - MINUTES

RESOLVED that the Minutes of the meeting of the Licensing Sub-Committee held on 4th December 2007 (Appendix A hereto) be approved as a correct record and signed.

19. LICENSING ACT 2003 : EXERCISE OF DELEGATED FUNCTIONS BY OFFICERS

The Committee noted that the guidance issued by the Department of Culture, Media and Sport under Section 182 of the Licensing Act 2003 advised that Licensing Committees should receive regular reports on decisions made by officers under delegated powers so that Members could maintain an overview of the general situation. The Committee had previously agreed that update reports should be submitted to each of its meetings in future.

Accordingly a report was submitted that set out details of the various statutory powers and issues involved, and outlined the legal and financial implications. The report included an annex that set out the delegation of various licensing functions in tabular form, and a second annex that gave details of the corresponding activity level by officers.

It was noted that during the consultations carried out in connection with the previous year's review of the Council's Licensing policy, comments had been made that the definition of "vicinity" had been drawn too tightly to be of any great benefit to residents, and it had been suggested that Ward Councillors' opinions should be sought in determining the extent of such boundaries. It was explained, however, that each case was considered individually having regard to local and geographical considerations. The boundaries were normally defined on a wide basis and there was no intention to exclude anyone from the process.

In reply to a query from a Member, it was noted that Ward Councillors did not normally attend meetings of Sub-Committees that considered applications in their particular Wards as they did not have an automatic right to speak at such hearings.

RESOLVED that the level of licensing activity undertaken through delegated functions as detailed in the submitted report be noted.

20. LICENSING ACT 2003 – COMMITTEE PROCEDURES

The Committee considered a report concerning the existing Licensing Sub-Committee procedures, a copy of which were reproduced at Annex 1 of the report. In the light of experience over the past few years, Members were asked to consider whether or not any amendments were required to those procedures.

It was noted that three years had elapsed since the procedures were first introduced and originally local authorities had no experience of how the implementation of the new legislation could best be achieved.

Members generally welcomed the procedures and indicated that they had found them to be extremely useful as a guide to the proceedings of the Sub-Committee. Particular reference was made to paragraph 10.1(a) regarding the adjournment of a meeting to a specified date. A recent instance had occurred when the meeting had been adjourned to a specified time on the same date, and it was suggested that the wording of that paragraph should be amended to take account of such instances.

RESOLVED that the existing procedures for meetings of Licensing Sub-Committees be continued subject to the above amendment to paragraph 10.1(a).

21. ANY OTHER URGENT BUSINESS

Review of the Licensing Act

It was reported that a review of the Licensing Act had been published within the past few days, and officers confirmed that a report would be brought to Members if there were any particular changes to be made as a result of that review.

A Member made reference to applications for the review of Premises Licences in relation to the sale of alcohol to under age persons, and it was noted that officers were liaising with Trading Standards Officers regarding such items.

RESOLVED that the position be noted.

The meeting closed at 7.49 p.m.

**APPENDIX A
MINUTE 18****APPENDIX A
MINUTE 18****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, 4th December 2007 at 7.00 p.m.

Present: Councillor N.D. Harrison (Chairman); Councillors R. Harper and G.L. Norman.

22. 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 26th October 2007 be approved as a correct record and signed.

23. LICENSING SUB-COMMITTEE - PROCEDURE RULES

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

**24. APPLICATION FOR VARIATION OF PREMISES LICENCE - 39-41
CHURCH STREET, REIGATE**

The Sub-Committee received a report on an application for the variation of the Premises Licence relating to JJ Whispers (formerly Tickled Ivory) at 39-41 Church Street, Reigate.

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 were addressed by the applicants and their representatives. The Sub-Committee also heard representations from other Interested Parties (objectors who had registered to speak and, with the agreement of the Sub-Committee, a representative of an objector who was not able to be present in person). It was noted that no representations had been received from the Police or any of the other responsible authorities.

APPENDIX A – Continued**APPENDIX A – Continued**

The application related to variations to the capacity of the premises, and the timing of live music, recorded music, performances of dance, provision of facilities for dancing, late night refreshment, supply of alcohol and the hours during which the premises would be open to the public. The submitted report included copies of the application, the existing premises licence, the representations that had been received within the specified period, and the notice of hearing.

Questions were put to the Licensing Officer, the applicant and his representatives and the other interested parties, and in response to a specific query it was noted that the risk assessment on public safety had now been carried out and was available for the Council to inspect. At the conclusion of the questions, all parties were invited to give their closing statements.

On completion of the hearing the Sub-Committee adjourned to deliberate its decision from 7.51 p.m. to 8.36 p.m. On return, the Chairman explained that the Sub-Committee had taken account of the following factors in reaching its decision. Reference was made to the representations that had been received against the application within the period allowed for objections, but Members felt that these were not sufficiently specific and could not be directly linked to these premises. The Sub-Committee also took into account the fact that no representations had been received from the Police or from any of the other responsible authorities. The Sub-Committee noted the aims of the Licensing Act 2003 and paid regard to the Council's Statement of Licensing Policy, statutory guidance, human rights legislation and the rules of natural justice.

RESOLVED that:

- (i) the application to vary the premises licence in respect of 39-41 Church Street, Reigate be granted in accordance with the application as submitted, including the additional steps to promote the licensing objectives as set out in section P of the application form; and
- (ii) the risk assessment on public safety be submitted to the Council's Licensing Officer within 7 days and that any requirements of that assessment be undertaken and completed within a period of one month.

25. 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.

26. ANY OTHER URGENT BUSINESS

None.

The meeting closed at 8.40 p.m.