

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, 19th March 2009 at 10.30 a.m.

Present: Councillor R.F.C. Wagner (Chairman); Councillors V.W. Broad and Mrs C.M. Poulter.

62. MINUTES

RESOLVED that the Minutes of the meetings held on 12th November 2008 and 13th January 2009 be approved as a correct record and signed.

63. APOLOGIES FOR ABSENCE AND RECONSTITUTION OF THE SUB-COMMITTEE

There were no apologies for absence and membership of the Sub-Committee was as set out in the agenda.

64. DECLARATIONS OF INTEREST

Councillors Wagner, Broad and Mrs Poulter declared a personal interest in the application before them because they were, or had been, in contact with some of the objectors through their other duties as a councillor.

The applicant confirmed that he had no objections to the hearing proceeding with the current membership.

65. LICENSING SUB-COMMITTEE PROCEDURE RULES

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

66. APPLICATION FOR A NEW PREMISES LICENCE - ROBINS COOKE FARM, KINGS MILL LANE, REDHILL

The Sub-Committee considered an application for an annual premises licence to hold a two-day festival event at the above site.

The report before the Sub-Committee set out full details of the application, the representations received from responsible authorities and consequent conditions agreed in mediation, together with copies of representations received from local residents.

The hearing followed the procedure set out in Appendix B to the agenda.

The Licensing Officer outlined the application and informed the Sub-Committee that the applicant had agreed to conditions proposed by both the police and the responsible authorities for health and safety and for environmental protection. A drafted schedule of key dates and milestones to comply with these conditions was tabled at the meeting.

The applicant then presented his case, followed by submissions from four local residents and a representative from the Redhill Aerodrome, all of whom were objecting to the application.

In the course of their submissions, the objectors circulated a number of photographs with the agreement of the applicant.

The Committee also noted an objector's reference to an email exchange with Surrey County Council about the public footpath running through the site.

Surrey County Council had not made any formal representations against the application and the applicant confirmed that he had no intention of asking for the public footpath to be closed.

Members of the Sub-Committee put questions to the parties present and also invited both sides to put questions to each other through the committee.

In response to a question from the Chairman, the applicant confirmed that he would be willing for a condition to be imposed so that if the parking was deemed to be unsuitable because of weather conditions the event would be cancelled.

The Sub-Committee adjourned at 12.18 p.m. and resumed at 12.31 p.m.

The Chairman invited the applicant and the objectors to make their closing statements.

The Sub-Committee adjourned to deliberate at 12.36 p.m. and resumed at 2.14 p.m.

Decision

The Chairman advised the applicant that the Sub-Committee had considered the application for a new premises licence and

RESOLVED that the application for a premises licence in respect of Robins Cooke Farm be **GRANTED** for the calendar year 2009 only, the applicant giving notice as required within the specified time subject to the following conditions:

- (i) Environmental Health conditions as set out in Annex 7;
- (ii) Health and Safety conditions as set out in Annex 9;
- (iii) Police conditions as set out in Annex 10 – amendment to no. 10 of the conditions to insert the word “*under*” before “16s”;

(iv) the erection of a 2 meter Herras fencing around the boundary of the festival site. For the avoidance of doubt this includes the car parking area. The fencing should not obstruct the public footpath.

Reason:

The sub committee paid particular attention to both the evidence from the applicant and the objectors and considered the condition to be necessary in order to promote public safety and the avoidance of public nuisance

(v) Agreement for two emergency exits to be approved by Health and Safety.

Reason:

To enhance public safety.

(vi) In the event of the designated parking area being, in the opinion of the licensing officer, unable to sustain the numbers envisaged the applicant agrees to cancel the event.

Reason:

To further the prevention of public nuisance.

(vii) The subcommittee has granted the conditions in regards to the licensable activities except for M where the supply of alcohol on Sunday will be from 1200 hours to 2200 hours.

Reason:

To enhance the prevention of public nuisance.

Reasons for the Decision

1. The Sub-Committee had considered the papers before it and listened to the oral submissions made by all parties present at the hearing.

2. It took into account the Council's own Statement of Licensing Policy, the Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003 and the impact of the Human Rights Act, having regard to the four licensing objectives:

- to prevent public nuisance
- to prevent crime and disorder
- to promote public safety
- to protect children from harm

3. Conditions had been agreed between the applicant and the responsible authorities in respect of environmental health and health and safety. The police had also agreed conditions with the applicant and did not attend the meeting.

4. The committee took time to consider the 4 licensing objectives when making this decision and agree it provides the applicant with conditions to enhance the 4 licensing objectives.

67. **APPLICATION FOR A NEW PREMISES LICENCE- CHINA HOUSE RESTAURANT, HOLMESDALE ROAD, REIGATE**

The Committee was advised that the only representation received in respect of the above application was submitted by the responsible authority for environmental health.

Agreement had subsequently been reached between the parties, through mediation, and Appendix D listed the changes to be made to the operating schedule attached as Annex 1.

The Committee thereby

RESOLVED that the application be **GRANTED** as applied for subject to the changes to the operating schedule as set out in Appendix D on the agenda.

68. **MEDIATION CASES**

None.

The meeting closed at 2.19 p.m.