

BOROUGH OF REIGATE AND BANSTEAD

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held at the Town Hall, Reigate on Thursday 16th September 2010 at 7.30 p.m.

Present: Councillor A.M. Lynch (Chairman), B.C. Cowle, A.J. De Save, S.N. Farrer, Dr. L.R. Hack, R. Harper, R.C. Newstead, Mrs. C.E. Poulter and R.F.C. Wagner.

11. MINUTES

RESOLVED that the minutes of the meeting held on 25th May 2010 be approved as a correct record and signed.

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N.D. Harrison, Mrs. S.F. King, R.S. Mantle, Mrs. R. Mill and R. Rampertab.

13. DECLARATIONS OF INTEREST

None.

14. REVIEW OF LICENSING POLICY

The Committee were advised by the Monitoring Officer and Head of Legal and Property Services that the responsibility for determining the review of the Licensing Policy was a matter excluded from Executive responsibilities under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

The Committee were further advised that the approach adopted in the report, to request that the Executive consider the responses to the consultation and recommend the Policy to Council, was therefore contrary to the above Regulations. The correct route for determining the Policy was for the Committee to receive a report on the outcome of the consultation exercise and for it to take account of the comments received and recommend the revised Policy to Council.

In the circumstances the Committee was advised to defer the report to a special meeting which would consider the outcome of the consultation working to the timetable documented in the report.

RESOLVED that the review of the Licensing Policy be deferred for consideration at a special meeting of the Committee on a date to be determined (in consultation with the Chairman).

15. PROCEDURE FOR DEALING WITH FILM CLASSIFICATION

The Committee received a report setting out its responsibilities for dealing with requests for film classifications under the Licensing Act 2003. The Committee, as the licensing authority, may be requested to classify previously unclassified films, consider appeals by distributors against the British Board of Film Classification's (BBFC) decisions or determine requests to reclassify films.

Annex 1 to the report was a copy of the British Board of Film Classification Guidelines, and Annex 2 set out a draft procedure for dealing with classification requests for the Committee's consideration.

The number of occasions upon which the Committee would be asked to make a film classification was likely to be small, as it was anticipated that the BBFC would continue to deal with the majority of classifications. However, the Council had the overriding right to classify films shown in licensed premises such as cinemas, pubs and clubs, and it was important to have procedures in place to deal with any such eventuality.

The Committee considered the advantages and disadvantages of operating this responsibility at the Committee or Sub Committee level. They also considered the options of establishing a Sub Committee consisting of 5 Members to provide more input to the consideration of requests.

The Committee sought assurances about the implications of legal challenges being mounted against film classification determinations made on such requests. The Head of Legal and Property Services indicated that provided that full consideration was given to the British Board of Film Classification guidance, the authority's licensing objectives and that good common sense and a consistent approach was adopted then the likelihood of a legal challenge was limited, but not impossible.

Concern was expressed about the skills/training required by both Members and Officers to support the determination of film classification requests received and Officers were asked to investigate the options available.

RESOLVED that:

- (i) the consideration of film classification requests be determined by the Licensing Committee and that the option of delegating this to a Sub Committee be rejected; and
- (ii) the procedure as set out in Annex 2, for dealing with film classification matters, which are the responsibility of the Council as licensing authority, be approved subject to removing references to the consideration of such applications by a Sub Committee being replaced with the Licensing Committee.

16. ANY OTHER URGENT BUSINESS

None.

The meeting closed at 8.13 p.m.

BOROUGH OF REIGATE AND BANSTEAD
LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Monday, 14th June 2010 at 2.06 p.m.

Present: Councillor R.F.C. Wagner (Chairman); Councillors S.N. Farrer and Dr. L.R. Hack.

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

There were no apologies for absence. The Sub-Committee was as set out in the agenda and listed above.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LICENSING SUB-COMMITTEE PROCEDURE RULES

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

4. APPLICATION FOR A PREMISES LICENCE: MERSTHAM COMMUNITY FESTIVAL, ST NICHOLAS SCHOOL, TAYNTON DRIVE, MERSTHAM

The Sub-Committee considered an application for a premises licence in respect of the above premises. The application was as set out in the report and accompanying papers.

The application was for a community event to be held in the grounds of St Nicholas School on one Saturday in each year.

Representations had been received from the responsible authorities for Environmental Protection and for Health and Safety, however, agreement had been reached with the applicant, in the course of mediation, subject to the imposition of conditions as set out in Annexes 5 and 6 appended to the report.

Decision

The Sub-Committee

RESOLVED to GRANT the application as set out below:

- **Provision of live music (Section E)**
 - **Provision of recorded music (Section F)**
 - **Performance of dance (Section G)**
 - **Entertainment of a similar description to that falling within sections E, F and G (Section H)**
 - **Provision of facilities for making music (Section I) and**
 - **Provision of facilities for dancing (Section J)**
- to be from 10h00 to 22h30 on Saturday.
- **Opening hours**
- to be from 22h00 to 23h00 on Saturday.

Conditions to be imposed on the Licence:

CONDITIONS RELATING TO NOISE:

1. Except during the carrying out of sound checks as detailed herein, and between 10.00 and 22.30 on Saturday, no music shall be audible within noise-sensitive premises with the windows open in a typical manner for ventilation. The test for compliance with this condition is that the noise shall be no more than barely audible at or close to the boundary of any residential premises (at a position to which the organisers are allowed access).
2. The sound levels from any live or recorded music between 10.00 and 22.30 on Saturday shall not exceed 65 dBA measured as a 15 minute Leq over any 15 minute period when measured (at a position to which the organisers are allowed access) at or close to the boundary of any residential premises.
3. A noise complaint system shall be put in place and shall consist an allocated telephone number. The line shall open and be manned at all times throughout the period 10.00 to 22.30 Saturday. The number shall be provided to all the emergency services, the Police, the Licensing Authority, the Responsible Authority for Environmental Protection and the Council's Emergency Call-Out Service. Every call shall be fully logged and responded to by the event organisers, if necessary in a substantive way. (An example of an appropriate response would be to advise the caller as to the nature of the event and its duration, if necessary explain the noise levels that have been set by condition and to make noise level measurements at the complainant's property. If noise levels exceed those set by condition, appropriate action shall be taken to reduce sound levels). The log shall be annotated with a description of the action taken in respect of every call.

4. The organisers shall employ the services of a suitably trained person to undertake noise measurements for the duration of the period 10.00 to 22.30 on Saturday at the (accessible) boundaries of noise sensitive properties. The measurements must entail the measurement of noise levels in such a way that potential breaches of the 15 minute condition can be identified before they occur and corrective action taken to prevent a breach. The person undertaking the measurements and assessments must be able to immediately contact the person in control of the noise levels (for example, controller of the amplification).
5. If the sound levels exceed those specified above, the persons monitoring the sound levels shall have the authority during the event to direct that appropriate action be taken to reduce the sound levels to below 65 LAeq,15 min at the nearest noise sensitive properties.
6. A sound check shall be conducted so as to ensure a reasonable chance of complying with the conditions - involving amplification from the system of music and measurements at nearby residences.
7. Any of the above conditions pertaining to noise levels at particular properties shall not be applicable in the case of any such property where the occupiers of that property have agreed by signed letter, an original of which has been passed to the Licensing Authority at least three working days before the event, that they are content that those conditions shall not be applicable at their property.
8. Within three weeks of Saturday the persons who undertook the noise monitoring shall furnish the Responsible Authority for Environmental Protection a written report detailing their findings during that monitoring and detailing any breaches detected of the above levels.
9. Within three weeks of Saturday the organisers shall provide copies of the complaint log including details of the calls and action taken in response.

NOTES:

"Noise sensitive premises" includes premises used for residential purposes, hospitals and similar institutions, education establishments (when they are in use), places of worship and any premises used for any other purposes likely to be affected by the music.

"Saturday" means the 10th July 2010 and one Saturday per calendar year thereafter the date being that notified to the Licensing Authority at least three months in advance for the relevant year.

CONDITIONS RELATING TO PUBLIC SAFETY:

1. PLANNING AND ORGANISATION

1.1 Site Plan

- 1.1.1 A finalised detailed plan of the layout of the site shall be submitted to the Licensing Authority no later than 7 days prior to commencement of the event, with the area where licensed entertainment will take place clearly marked. The location of all structures and facilities including roadways

and event areas shall be clearly indicated and entry and exit points of all structures and areas shown. The Fire Points, Medical and First Aid Points and Information Points shall also be shown.

1.2 Certification

1.2.1 The following documents, where applicable, must be submitted to the Licensing Authority for their approval not later than 21 days prior to commencement of the event.

- a. Test figures, loadings and wind tests for any demountable structures including any stages and marquees.
- b. Fire retardancy test certificates (marquees).
- c. Site security arrangements.
- d. Access and egress details for pedestrians and vehicles.

1.2.2 Suppliers of all temporary structures must submit all associated drawings and specified details, and a written report detailing their safety and suitability to the Licensing Authority not later than noon on the first day of the event.

1.3 Insurance

1.3.1 The Premises Licence Holder shall take out Public Liability and Third Party insurance to cover at least £5,000,000.00 (five million pounds) for any one occurrence. The effective period of the Insurance shall be from 4 days prior to the commencement of the event until and including 2 days after the conclusion of the event. The Premises Licence Holder shall provide the Licensing Authority with certified copies of the Policy and Certificates of Insurance, or other acceptable proof of cover, not later than 14 days prior to the commencement of the event.

1.4 Access for Inspection

1.4.1 All parts of the licensed area shall be available for inspection during the occupancy of the Premises Licence Holder by any officer of Surrey Police, Surrey Fire and Rescue Service, South East Coast Ambulance Service and/or the Licensing Authority duly authorised for the purpose.

1.5 Premises Licence Holder's Responsibilities

1.5.1 The Premises Licence Holder or nominated assistant shall be in charge of and be in attendance at the licensed area during the event, except where such control is exercised by authorised officers of the Emergency Services, and he shall not engage in any duties, which will prevent him from exercising general supervision of the event.

1.6 Contractors

- 1.6.1 The Licence Holder shall, so far as is reasonably practical, take all reasonable steps to enable his contractors and any sub contractors, to maintain public safety at the event and meet their statutory obligations in relation to the health and safety of their employees.

2. MANAGEMENT

2.1 General

- 2.1.1 The Premises Licence Holder shall prepare an Event Management Plan for each event that is to take place. This will set out how the event will be managed and the precautions which have been taken to cater for all reasonably foreseeable contingencies, and which will demonstrate the procedures, roles and specific responsibilities of his management team, stewards and associated personnel. The Premises Licence Holder shall also prepare Risk Assessments for each event that is to take place. The Event Management Plan and Risk Assessments must be submitted to the Licensing Authority not later than 14 days before the event. The finalised versions of such plans and Risk Assessments must be submitted to and approved by the Licensing Authority not later than 7 days prior to commencement of the event.

- 2.1.2 The Premises Licence Holder shall prepare an Emergency Contingency Plan in consultation with authorised representatives of Surrey Police, Surrey Fire and Rescue, and South East Coast Ambulance Service, and submit it to the Licensing Authority for their approval not later than 14 days prior to commencement of the event. This should include specific roles and responsibilities of named individuals.

- 2.1.3 The sale of bottles of drink or any item in a glass container shall not be permitted in any part of the festival site.

- 2.1.4 All public address systems shall be under the control of the premises licence holder or his nominated representative so that broadcast messages can override the musical entertainment and can be delivered clearly and audibly to all parts of the site.

- 2.1.5 The power supply to the arena public address system shall be such as to ensure continuous operation of that system in the event of the failure of any of its constituent parts.

- 2.1.7 In a major incident all public address systems shall be made available to the emergency services.

3. CROWD SAFETY AND VENUE STANDARDS

3.1 Stewarding Arrangements

- 3.1.1 The Premises Licence Holder shall ensure that adequate stewarding arrangements are in place and are effective during the event.

3.1.2 The Premises Licence Holder must ensure that stewards receive a written statement of their duties, a checklist (if appropriate), and a plan showing key features. The Premises Licence Holder must ensure so far as reasonable that stewards are fully briefed before the event, particularly about communicating with supervisors and others in the event of a major incident.

3.1.3 The Premises Licence Holder must ensure that stewards fully understand and adhere to their duties, including:

- Understanding their general responsibilities towards the health and safety of all categories of audience (including those with special needs and children), other stewards, event workers and themselves;
- Carrying out pre-event safety checks;
- Being familiar with the layout of the site and able to assist the audience by giving information about the available facilities including first aid, toilet, welfare and facilities for people with special needs, etc;
- Staffing entrances, exits and other strategic points;
- Controlling or directing the flow of traffic as it is entering or leaving the event;
- Investigating any disturbances or incidents;
- Assist in ensuring that combustible refuse does not accumulate;
- Responding to emergencies (such as the early stages of a fire), raising the alarm and taking the necessary immediate action;
- Being familiar with the arrangements for evacuating the event, including coded messages and undertaking specific duties in an emergency;
- Communicating with the incident control centre in the event of an emergency.

3.1.4 The Premises Licence Holder must ensure that all stewards are effectively trained so that they can carry out their duties effectively. The level of training will depend on the duty to be performed, but will need to include training in fire safety matters, emergency evacuation and dealing with incidents such as bomb threats.

3.2 Electrical Systems

3.2.1 A Certificate, which must be completed by an appropriately qualified and experienced person or persons, declaring that all electrical installations at the site are installed, tested and maintained in accordance with the latest edition of the Institution of Electrical Engineers' "Regulations for Electrical Installations" (the IEE Wiring Regulations) which now also form British Standard 7671 "The Requirements for Wiring Installations", must be submitted to the Licensing Authority for their approval not later than noon immediately prior to the event. The person providing the certificate

should also supply details of their own qualifications and experience, in order to demonstrate their competence for the task of certifying the installation.

- 3.2.2 All electrical equipment shall be installed, so far as is reasonably practicable, so that the public or unauthorised persons cannot interfere it.
- 3.2.3 All equipment which may be exposed to inclement weather or moisture shall be constructed and protected so as to prevent malfunction as a result of such exposure.
- 3.2.4 Any electrical equipment used in association with hand held devices, e.g. microphones, shall be protected by a miniature circuit breaker and also a residual current device (RCD) having a 30 mA tripping current and installed on a distribution board (not a plug-in type).
- 3.2.5 All exits, walkways, vehicle routes, tents or marquees and areas containing toilets on the site, and the main entrance to the festival site shall be adequately illuminated during the hours of darkness. The illumination shall be maintained at a level which will enable the public and staff to see their way easily and safely. The position of lighting equipment shall be clearly marked on the site plan.

4. VENUE FACILITIES

4.1 Traffic and Transport

- 4.1.1 Signs indicating vehicle access points and parking areas shall be provided and displayed prominently at those access points.
- 4.1.2 Vehicle access routes leading to the car parking area must be securely fenced so as to provide adequate separation from areas where the festival is taking place. This shall be designed so as to separate vehicles from pedestrian access routes.
- 4.1.3 Vehicles, except for emergency services vehicles, shall not be permitted to enter the festival site during the times when the site is open to the public for the event.

4.2 Medical and First Aid Facilities

- 4.2.1 The Premises Licence Holder shall ensure that the event risk assessment includes consideration of the required level of medical and first aid provision. Specifically, there shall be no less than two first aiders per thousand attendees for the first 3000 people attending.

4.3 Sanitary Accommodation

4.3.1 The Premises Licence Holder shall provide sanitary accommodation for use by persons attending the event and sanitary conveniences, which shall be distributed over the site so as to provide reasonable accessibility. This shall consist of a minimum provision of 8 WC units.

4.3.2 Chemical closets, where provided, shall be regularly and properly maintained and adequate provision shall be made for their emptying and cleaning, more often if necessary, taking into account periods of peak demand.

4.3.3 The Premises Licence Holder shall provide a minimum of 2 unisex WC units, suitable for use by disabled persons, sited conveniently in the main site and designed to comply with the provisions of the Current British Standard Code of Practice BS 5810:1979 and Part M of the Building Regulations.

4.3.4 All sanitary accommodation shall be:

- Provided with adequate artificial lighting.
- Provided with suitable means of escape. Any steps/ramps shall be securely fixed and provided with satisfactory handrails.
- Clearly marked for the sex for which they are intended.
- Provided at all times with adequate supplies of hand wash, including water, soap, and hand drying facilities.
- Provided with a hygienic method for the disposal of sanitary towels.
- The Premises Licence Holder shall make arrangements for the collection and disposal of used hand towels, used sanitary towels and other refuse from the sanitary accommodation throughout the day.

4.4 Catering

4.4.1 The Premises Licence Holder shall supply details of all of the caterers expected on the site to the Licensing Authority not later than 14 days prior to commencement of the event. This shall include full names and addresses of all caterers.

4.5 Special Risks

4.5.1 No pyrotechnics, explosive devices, smoke producing devices or flammable substances shall be used at any performance without the prior written approval of the Licensing Authority.

4.5.2 Any inflatable play device or bouncy castle must have been subject to an annual thorough examination by an inspector who is registered with either the ADIPS or the PIPA schemes. Copies of current certificates of

examination (PIPA scheme) or Declaration of Operational Compliance (ADIPS scheme) must be submitted to the Licensing Authority not later than 7 days prior to commencement of the event.

- 4.5.3 Any fairground rides must have been subject to an annual thorough examination by an inspector who is registered with the ADIPS scheme (Amusement Device Inspection Procedures Scheme). Copies of current Declarations of Operational Compliance must be submitted to the Licensing Authority not later than 7 days prior to commencement of the event.

4.6 Waste Management

- 4.6.1 The Premises Licence Holder shall make arrangements for the collection and disposal of refuse from all parts of the site.

5. FIRE SAFETY

5.1 Fire Safety - General

- 5.1.1 The Premises Licence Holder shall appoint a Fire Safety Officer. The details and identity of same shall be submitted to the Licensing Authority for their approval not later than 14 days prior to commencement of the event.
- 5.1.2 The Premises Licence Holder shall provide fire-fighting equipment at locations throughout the licensed area, according to a schedule submitted to the Licensing Authority for their approval not later than 14 days prior to commencement of the event. The equipment must be properly maintained, identified and signposted and kept ready for immediate use.
- 5.1.3 Portable fire fighting equipment is to be provided in accordance with the recommendations set out in Chapter 3 of the Event Safety Guide (HSG 195), 2nd Edition 1999, and also section 3 of the 'Open Air Events and Venues' document published by H.M. Government, which is available to download at www.firesafetyguides.communities.gov.uk.
- 5.1.4 The premises licence holder must provide an access track from the public highway to allow emergency vehicles to come within 50 metres of the furthest point of any tent, marquee or temporary structure. The track must be 3.7m wide with a clear height of not less than 3.7m and have a suitable area to allow an emergency vehicle to turn around. The track must be capable of withstanding the weight of a 12.5 ton fire appliance in all weather conditions. The track is to be without dips or ridges which could impede emergency vehicles.
- 5.1.5 So far as is reasonably practicable the Licence Holder shall ensure effective action is taken to ensure that combustible material does not accumulate at any point on site. Grass will be cut as and when necessary in order to

address the risk of fire. Any cuttings will be removed from site immediately and disposed of appropriately.

- 5.1.6 The use of any pyrotechnics, explosive devices, flammable substances or smoke producing devices is not permitted without the prior consent of the Fire Authority. Full details of any special effects to be used must be submitted for approval prior to the commencement of the event.

5.2 Tents and Marquees

- 5.2.1 There shall be a gap of at least 6 metres between any structures, tents or marquees provided by the Licensee, his employees or agents; details of any alternative fire resistance measures shall be submitted, in writing, no later than 14 days prior to commencement of the event to the Licensing Authority for their approval.
- 5.2.2 The Premises Licence Holder shall ensure that in tented structures and/or marquees provided by him, his employees or agents, and to which the public have access, exits which consist of wall flaps or similar material are only used where fewer than 50 persons are to be accommodated. In such circumstances the exits should be boldly indicated at the edges and so arranged as to be opened easily and immediately from the inside. Whenever 50 or more persons are to be accommodated in a tented structure and where it had flap doors, those flap doors shall be fixed permanently open, unless the structure has open sides.
- 5.2.3 Within the Licensed area guy ropes, tent pegs and stakes shall not be allowed to obstruct a route to a place of safety. Tent pegs and stakes shall be shielded to form a passageway, or marked and illuminated so they can be seen clearly at all times.
- 5.2.4 The Premises Licence Holder shall ensure that in all marquees and structures provided by him, his employees or agents, and to which the public have access that all exits and fire exit doors, openings, and gates are identified by the appropriate signs in white lettering on a green background. The signs must be positioned immediately above the relevant door, opening or gate unless the headroom or area location prohibits such a fixing in which case the notice should be fixed as high as possible to the door or gate. All exit notices and directional notices indicating routes of escape shall be illuminated. Details of the dimensions, style and location of the signs shall be submitted to the Licensing Authority, in writing, for their approval not later than 14 days prior to commencement of the event.

5.3 Liquefied Petroleum Gases (LPG)

- 5.3.1 LPG used for heating, cooking or lighting shall be of a fixed type installation stored outside any stall or vehicle and only cylinders using pressure relief valves shall be used. These should be positively secured in

an upright position. The storage and use of all LPG installations shall comply fully with the requirements of the Health and Safety at Work etc. Act 1974 and all related Regulations and Code of Practice, in particular the Dangerous Substances & Explosive Atmospheres Regulations 2002 (DSEAR).

5.3.2 All LPG Cylinders not in use must be stored in the open air away from any fixed or temporary source of ignition and a suitable temporary hazard sign shall be placed at these locations.

5.3.3 The Premises Licence Holder shall submit to the Licensing Authority, in writing, not later than 14 days prior to commencement of the event full details of the method of supply and storage of LPG for traders, caterers etc.

6 GENERAL PROVISIONS

6.1.1 The festival shall not commence until all approvals which are required to be granted by the Licensing Authority have been agreed, provided that the failure of the Licensing Authority to consider granting any approval shall not delay the commencement of the festival.

6.1.2 The Premises Licence Holder shall comply with the terms and conditions of the Event Safety Plan for that year's event, and with any subsequent agreed versions, whether or not expressed as a duty or a power, subject to these conditions.

Reasons for the Decision

1. It was noted that only two representations had been received, from the responsible authorities for Environmental Protection and Health and Safety. Agreement had been reached with the applicant subject to conditions to be attached to the licence.

2. The Sub-Committee 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, the individual merits of the case, Human Rights legislation and the rules of natural justice.

3. The Sub-Committee considered that the application, as granted with conditions, met the four licensing objectives.

5. APPLICATION FOR A PREMISES LICENCE: COOP, 1-3 NORK WAY, BANSTEAD SM7 1PB

The Sub-Committee considered an application for a premises licence in respect of the above premises. The application was as set out in the report and accompanying papers.

The application was for the sale of alcohol for consumption off the premises (Section M) from 06h00 to 23h00, and for corresponding opening hours (Section O).

The application was before the Sub-Committee because representations had been received from two local residents who were concerned that this could cause an increase in anti-social behaviour associated with late night drinking.

The applicant and a legal representative attended the meeting. None of those having made representations attended the meeting.

The hearing followed the procedure as set out in the annex to the agenda.

The Licensing Officer presented the application before the Sub-Committee.

The applicant's counsel then presented the application on behalf of the applicant.

In the course of the applicant's submissions it was noted that part of the application premises had previously operated as an off-licence with opening hours until 23h00.

It was the applicant's intention to knock nos. 1 and 3 Nork Way into a single site which would operate as a Coop General Store with a broad range of goods on sale, including alcohol.

The applicant was mindful of the concerns raised by local residents, and indicated that it would be the Coop's intention to introduce the following practices in order to mitigate against any potential problems:

- Challenge 25 policy would be operated. A log book of all refusals would be maintained and regularly reviewed by the Designated Premises Supervisor to identify any patterns.
- All staff would be comprehensively trained in procedures to be followed when selling alcohol, with refresher courses every three months.
- CCTV of a high specification would operate throughout the site.
- A security guard would be employed at the premises on opening for a period of time .

The applicant also indicated a desire to play a positive role in the local community and to encourage local residents to report any concerns or problems so that these could be acted upon.

In submitting the case for the application, the legal representative also referred to the lack of representations from the police and suggested that greater weight should be put upon this, rather than the potential nature of the concerns raised by those having made representations.

The Police Licensing Officer was present at the meeting and confirmed that, whilst there had been generalised problems with youths in the area which had resulted in a dispersal order being imposed, the police had no formal objections to this specific application.

The Sub-Committee put questions to the applicant.

The Sub Committee noted that the report referred to the Challenge 21 policy, but the applicant confirmed that it would, in fact, be operating the Challenge 25 policy.

The Sub-Committee queried the opening hour of 06h00 requested for Sundays. The applicant advised that it was company policy to request standard hours for all stores, but local variations frequently operated, depending on demand. The hours of operation for this particular store had yet to be analysed and confirmed.

The applicant's representatives confirmed that the company would be happy to have conditions imposed on the licence, relating to the Challenge 25 policy, storage of CCTV, and maintenance of a refusals log.

(The Sub-Committee adjourned to deliberate at 2.50 pm and reconvened at 3.35 pm.)

Decision

The Sub-Committee

RESOLVED to GRANT the application in the following terms:

- **Hours for the supply of alcohol for consumption off the premises (Section M)**
to be from 06h00 to 23h00
- **Opening hours (Section O)**
to be from 06h00 to 23h00.

Conditions to be imposed on the licence:

1. All staff will be trained in the law relating to their responsibilities in selling alcohol, such training to take place on joining the organisation and thereafter at least every three months during their employment. All training will be recorded in a logbook and made available for inspection by any responsible authority on demand.
2. CCTV covering the premises will be installed prior to commencement of trading. Recording will be to a standard agreed with Surrey Police.
3. CCTV recordings will be held for not less than 31 days and made available to the responsible authorities on demand.

4. A refusals log will be maintained and available for inspection by the responsible authorities on demand.
5. A Challenge 25 policy (or higher age as determined by Southern Coop from time to time) will operate at the premises.

Reasons for the Decision

1. The Sub Committee took into account all the written submissions as set out in the report and the oral presentations made during the course of the hearing, including by the Police Licensing Officer.
2. It noted that two written representations had been made by local residents objecting on the grounds of a potential increase in anti-social behaviour.
3. The Sub-Committee 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, the individual merits of the case, Human Rights legislation and the rules of natural justice.
4. The Sub-Committee considered that the application, as granted with conditions, met the four licensing objectives.

6. MEDIATION CASES

None.

The meeting closed at 3.40 p.m.

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Monday 16 August 2010 at 10 am.

Present: Councillor Dr. L.R. Hack (Chairman); Councillors B.C. Cowle, N.D. Harrison* and R.F.C. Wagner**

*Agenda item 5; **Agenda item 7

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

Apologies for absence were received from Councillor Mrs R. Mill, who was unwell. Councillor B.C. Cowle took her place on the Sub-Committee for all agenda items and the Sub-Committee was as listed above.

8. MINUTES

RESOLVED that the minutes of the meeting held on 14 June 2010 be confirmed as a correct record.

9. DECLARATIONS OF INTEREST

Councillors Dr. L.J. Hack and R.F.C. Wagner declared a personal interest in agenda item 7 (Minute 12) because the site is in an area of great landscape value (AGLV). and they are both members of the Surrey Hills Area of Outstanding Natural Beauty (AONB).

The applicant and interested parties were happy for Councillors Dr. Hack and Wagner to continue to sit on the Sub-Committee.

10. LICENSING SUB-COMMITTEE PROCEDURE RULES

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

11. APPLICATION FOR A PREMISES LICENCE: HONG KONG RESTAURANT, 56-58 Brighton Road, Hooley

The Sub-Committee considered an application for a premises licence in respect of

the above restaurant.

The application was for the supply of alcohol (section M) and opening hours (section O) to be from 12h00 to 23h00 every day.

Section P of the application set out the measures the applicant proposed taking to promote the four licensing objectives.

Representations had been received from two local residents, as set out in Annex 5. The objectors did not attend the meeting.

The hearing followed the procedure as set out in the agenda.

The Licensing Officer presented the application before the Sub-Committee.

The applicant's representative presented the application.

The following points were noted:

In the course of his presentation the applicant offered an additional condition to be imposed on the licence, restricting the sale of alcohol to those purchasing food.

The applicant also stated that he would be happy for a condition to be imposed, to prevent smokers taking drinks outside from the restaurant.

(The Sub-Committee adjourned to deliberate at 10.13 am and reconvened at 10.44 am)

Decision

The Sub Committee **RESOLVED** to **GRANT** the application in the following terms:

- Supply of alcohol (section M)
to be from
12:00 to 23:00 hours every day
- Opening hours (section O)
to be from
12:00 to 23:00 hours every day

Conditions to be imposed on the licence:

1. The installation and maintenance of clear quality closed-circuit television, in order to deter disorder, nuisance and anti-social behaviour and crime in general:
 - (a) digital recording colour CCTV comprising a multicamera system;
 - (b) the head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium;
 - (c) a CD or DVD burner will also form part of the system to facilitate making copies of the images;
 - (d) if the head unit (recorder) is kept on the premises it must be located

in a secure cabinet or other secure area, preferably out of the sight and reach of the public. The unit must be further secured by physical means to prevent anyone from merely picking up and removing the unit, eg a secure metal boot or metal case strap, bolted to an immovable object like a wall or floor;

(e) the quality of the images must be of a sufficiently high standard to allow identification of the subject matter;

(f) cameras will cover key areas identified by the operator and Police. These will include external cameras covering any outside area used by patrons of the premises, the external entrance and exit doors, clear headshots of persons entering the premises, approach route to the toilets, the bar and till areas and other areas not in full view from the bar;

(g) images must be retained for a period of 31 days before overwriting;

(h) the images will be made available on reasonable demand by the Police and authorised officers of Surrey County Council or Reigate & Banstead Borough Council;

(i) this system will be fully maintained at all times to ensure correct operation.

2. Alcohol consumed on the premises will be by persons seated at a table taking a table meal, and ancillary to that meal.
3. All alcohol will be served by staff.
4. All alcohol will only be accessible by staff.
5. There will be no vertical drinking.
6. No alcohol may be consumed at any bar or service area of the premises with the exception of persons waiting for a table to become vacant.
7. Sale of alcohol for consumption off the premises will only be to persons purchasing a meal.
8. No alcohol shall be taken off the premises in an open container. For the avoidance of doubt 'open container' shall include glasses, cans or bottles.
9. Regular review of general fire precautions to comply with current legislation. Applicant to carry out regular fire risk assessments to identify any risks and precautions to be taken in compliance with current legislation.
10. The applicant shall conduct regular risk assessments on noise levels outside the premises.
11. Staff shall implement a litter clearing policy outside the premises as within the definition of immediately outside.
12. All customers attempting to purchase alcohol who appear to be under the

age of 25 shall be required to produce a valid form of identification. Acceptable forms of identification are a proof of age card bearing the PASS hologram logo, an EU photocard, full driving licence or a passport.

13. All alcohol to be displayed and sold at the premises to be kept behind the counter/bar and to be dispensed by a member of staff only.

Reasons for the Decision

The Sub Committee:

1. noted that two representations had been received from local residents but that there were no representations from the statutory authorities;
2. took into account all the oral presentations made during the course of the hearing;
3. 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, the individual merits of the case, Human Rights legislation and the rules of natural justice; and
4. considered that the application, as granted with conditions, met the four licensing objectives.

Observations

The Chairman gave a verbal summary of the Sub-Committee's decision but, for the avoidance of doubt in case of conflict, advised that the definitive decision would be as formally communicated to the applicant in writing.

(The Sub-Committee adjourned at 10.50 am and resumed at 11.11 am)

12. RECONSTITUTION OF THE SUB-COMMITTEE

Councillor R.F.C. Wagner took the place of Councillor N.D. Harrison on the Sub-Committee, for consideration of the following item.

13. APPLICATION FOR A CLUB PREMISES CERTIFICATE: OLD REIGATIANS RUGBY FOOTBALL CLUB, Geoffrey Knight Fields, Park Lane, Reigate

The Sub-Committee considered an application for a club premises certificate in respect of the above premises.

The application was for:

- Exhibition of films (section B)
- Indoor Sporting Events (section C)
- Live Music (section E)
- Recorded Music (section F)
- Performance of Dance (section G)

- Provision of Facilities for Dancing (section J)
- Supply of Alcohol (section L)

to be from

08:00 hours to 23:00 hours Monday to Thursday;
08:00 hours to 23:30 hours Friday and Saturday; and
08:00 hours to 22:30 hours on Sunday

- Opening Hours (section M)

to be from

08:00 hours to 23:30 hours Monday to Thursday;
08:00 hours to 24:00 hours Friday and Saturday; and
08:00 hours to 23:00 hours on Sunday

Non-standard timings were requested for the above activities as set out in the report.

Section P of the application set out the measures the applicant proposed taking to promote the four licensing objectives.

Representations were received from 19 members of the public and a local residents' association, as set out in Annex 5 to the report. Annex 6 set out the representation received from the responsible authority for environmental health.

Members of the public having made representations and an officer from the responsible authority for environmental health attended the meeting.

The hearing followed the procedure as set out in the annex to the agenda.

The Licensing Officer presented the application before the Sub-Committee.

The applicant's counsel presented the application on behalf of the applicant.

A representative of the responsible authority for environmental protection attended the meeting and made representations.

Three members of the public, having already made written representations, spoke against the application.

Councillor A. DeSave, Ward Councillor, represented the Park Lane Residents Association which had made written representations against the application.

The Sub-Committee put questions to the applicant and to the objectors. The applicant and objectors were also given an opportunity to put questions to each other.

In the course of the hearing the following points were noted:

- The Licensing Officer reported that the map at page 113 of the agenda was incorrect and that the correct plans had been circulated to all interested parties prior to the hearing.

One valid representation had also been omitted from the report. A copy had been sent to the applicant and was tabled at the meeting. The representation did not raise any new issues beyond those previously submitted with the report.

- The applicant reported that the plans submitted at page 86 of the report, in respect of both the ground floor and first floor, should have delineated the bar area as being within the area of the licensing application. Correct copies of the plan were circulated to all interested parties and agreed as forming part of the application.

The application before the Sub-Committee was primarily for a permanent bar on the first floor, but it included an application to have a temporary bar on the ground floor until the building works for the new club premises had been completed. The applicant was happy for a condition to be imposed to ensure that only one bar would operate at any one time.

A meeting had been held with local residents to keep them informed of the club's plans. Residents had concerns, some of which related to planning matters, and it was important to remember that planning and licensing legislation were completely distinct and that the licensing application had to be considered in isolation. Moreover, the decision and any conditions imposed by the Licensing Sub Committee would not supersede the planning conditions already in existence.

The licence on the previous club house had allowed for the sale of alcohol and music until 23:00 hours, however, no terminal hour had been set meaning that the club could effectively have stayed open all night for people to drink up.

Although the current application requested additional facilities it did propose a terminal hour and was more restrictive than the previous licence in this respect.

The responsible authority for environmental health had made representations against the application on the grounds that it may cause public nuisance. The authority had subsequently written to the applicant proposing a number of conditions as a basis for discussion, subject to which it would find the application acceptable.

The applicant confirmed that he was happy to agree with conditions 1 to 6 proposed by the responsible authority, subject to finalisation of the detail.

(The Sub-Committee adjourned from 11:37 to 11:45 hours to allow those present to read the letter from the Environmental Protection Manager setting out the proposed conditions as this had not been submitted as part of the application and report.)

It was the intention of the applicant to install CCTV, to include coverage of the car park and exits and the Club would also be happy to operate a Challenge 25 policy.

In response to a question from the Sub-Committee the applicant

confirmed that the club's windows on the first floor faced onto the pitches and not towards residents.

The applicant was asking for a start time of 08:00 hours to allow for flexibility, so that the club could broadcast the occasional early morning sporting event, but it was not part of its plan to open at 08:00 hours every day. Equally, the club would not necessarily be staying open until 23:00 hours every evening, but it was looking for flexibility to be able to do so without having to apply for permission every time.

The applicant would be happy to meet with residents on a quarterly basis to discuss any concerns as they were keen to be good neighbours.

Although the club did not have the resources to provide stewarding of the car park, it was the intention to have an arrangement with a local taxi firm so that members left the premises as quickly as possible. The applicant confirmed that the club would be happy to impose a condition not to empty glass waste into the recycling bins after 23:00 hours.

- Those making representations raised concerns about the increased proximity of the new club house to residential properties. The new club house was considerably larger than the old one and there were concerns that this would mean an intensification of use meaning even more disturbance from members and guests, particularly when leaving the premises late at night. Residents were also concerned at the potential of noise disturbance from amplified music.

Those making representations were keen to receive an assurance that the club would be putting appropriate measures in place to deal with the four licensing objectives and noted that the operating schedule gave little information or reassurance in this respect.

Residents noted the applicant's offer to hold quarterly meetings but would prefer to see adequate arrangements put in place to deal with noise nuisance immediately. It was proposed that a noise complaints service should be provided by the applicant, with a contact number available at all times, and that a record should be kept of all complaints received. The applicant confirmed that it would be happy to provide this arrangement.

Residents also referred to the applicant's request for non-standard timings on bank holidays and over the Christmas and New Year period which would cause additional disturbance to residents. In this respect, the applicant intimated that they would be willing to forego the additional hour on a Sunday before Bank Holidays if this allayed other concerns.

(The Sub-Committee adjourned to deliberate at 1.17 pm and reconvened at 3.16 pm)

The Sub-Committee put further questions to the applicant in respect of their proposed fire and safety precautions and arrangements for storing and accessing alcohol held on the premises.

(The Sub-Committee adjourned to continue its deliberations at 3.23 pm and reconvened at 4.24 pm.)

The Sub Committee **RESOLVED** to **GRANT** the application in the following terms:

- Exhibition of films (section B)
- Indoor Sporting Events (section C)
to be from
08:00 to 22:30 hours Sunday to Thursday
08:00 to 23:00 hours Friday and Saturday;
- Live Music (section E)
- Recorded Music (section F)
- Performance of Dance (section G)
- Provision of Facilities for Dancing (section J)
- Supply of Alcohol (section L)
to be from:
10:00 to 22:30 hours Sunday to Thursday
10:00 to 23:00 hours Friday and Saturday;
- Opening hours (section M)
to be from:
08:00 to 23:00 hours Sunday to Thursday
08:00 to 23:30 hours Friday and Saturday
- Non Standard Timings
to be:
an additional hour from normal closing time on Christmas Eve and Boxing Day; and
from normal closing hours to the start of permitted hours on the following day on New Year's Eve.

Conditions to be imposed on the Licence

1. No more than 30 events involving regulated entertainments per calendar year. A log of events related to this condition shall be maintained and made available for inspection at the premises on demand by the Police and authorised officers of Surrey County Council and Reigate & Banstead Borough Council.
2. No more than two events involving regulated entertainments per week.
3. At all times any regulated entertainment 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.
4. No regulated entertainments shall be held at any time except within the areas outlined in red and blue on the plans attached to the licence and as detailed in condition 5 below.
5. the use of licensable activities above ground level, as outlined in red on the plans, shall only occur once the use of the downstairs bar outlined in blue on the

plans has permanently terminated.

6. There shall be no use of outdoor areas after 23:00 hours, except for ingress to and egress from the premises and except for no more than ten people at any time to be outside for the purposes of smoking within an area agreed with the Environment Protection Manager.

7. External lighting to be kept to a minimum compatible with safety purposes after 23:00 hours.

8. Clear quality closed circuit TV to be installed and maintained in good working order. Siting and technical requirements of CCTV to be agreed by Surrey Police subject to the following:

(a) cameras will cover key areas identified by the operator and Police. These will include external cameras covering the car park and exits to the public highways;

(b) images must be retained for a period of 31 days;

(c) the images will be made available on reasonable demand by the Police and authorised officers of Surrey County Council and Reigate & Banstead Borough Council; and

(d) the system will be fully maintained at all times to ensure correct operation.

9. The applicant shall carry out regular fire risk assessments to identify risks and precautions to be taken to comply with current legislation.

10. All customers attempting to purchase alcohol who appear to be under the age of 25 shall be required to produce a valid form of identification. Acceptable forms of identification are a proof of age card bearing the PASS hologram logo, an EU photocard, full driving licence or a passport. A log of refusals related to this condition shall be maintained and made available for inspection at the premises on demand by the Police and authorised officers of Surrey County Council and Reigate & Banstead Borough Council.

Reasons for the Decision

The Sub Committee:

1. noted that representations had been received from a number of local residents, the Park Lane Residents' Association and from the responsible authority for environmental health;

2. took account of all the oral representations made during the course of the hearing;

3. 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,

the individual merits of the case, Human Rights legislation and the rules of natural justice; and

4. considered that the application, as granted with conditions, met the four licensing objectives.

14. **MEDIATION CASES**

None.

The meeting closed at 2.33 pm.

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Monday 4 October 2010 at 10 am.

Present: Councillor R.S. Mantle (Chairman); Councillors S.N. Farrer and Mrs A.F. Tarrant.

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

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

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. LICENSING SUB-COMMITTEE PROCEDURE RULES

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

18. APPLICATION FOR A PREMISES LICENCE: SHELVERS HILL NEWS, 7-9 Shelvers Hill, Tadworth KT20 5PU

The Sub-Committee considered an application for a premises licence in respect of the above premises.

The application was as set out in the agenda papers and summarised below:

Supply of alcohol for consumption off the premises (section M)

06:00 hours to 23:00 hours Monday to Saturday.

08:00 hours to 22:30 hours on Sunday.

Opening hours (section O):

06:00 hours to 23:30 hours Monday to Saturday.

07:00 hours to 23:00 hours on Sunday.

One representation had been received from the police, who sought assurance that the applicant was not related to the previous proprietor whose licence had been revoked, in November 2008, because of the sale of alcohol to persons under age.

The Committee noted that the applicant's solicitor had provided satisfactory evidence to the police, confirming that the applicant had no relationship with the previous proprietor and that agreement had been reached between the applicant and the police on conditions to be imposed on the licence, if granted.

In accordance with the Council's licensing procedures, the Sub-Committee was thereby requested to approve the mediated application.

Decision

The Sub-Committee

RESOLVED to GRANT the application as set out below:

Supply of alcohol for consumption off the premises (section M) to be:

06:00 hours to 23:00 hours Monday to Saturday.

08:00 hours to 22:30 hours on Sunday.

Opening hours (section O) to be:

06:00 hours to 23:30 hours Monday to Saturday.

07:00 hours to 23:00 hours on Sunday.

Conditions to be imposed on the Licence:

1. The installation and maintenance of clear quality closed-circuit television system.
2. Digital recording colour CCTV comprising a multi camera system.
3. The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium.
4. A CD or DVD burner will also form part of the system to facilitate making copies of the images.
5. If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public. The unit must be further secured by physical means to prevent anyone from merely picking up and removing the unit.
6. The quality of the images must be of a sufficiently high standard to allow identification of the subject matter.
7. Cameras will cover key areas identified by the operator and Police. These will include clear headshots of persons entering the shop area, the till area and areas where alcohol is displayed for sale.
8. Images must be retained for a period of 31 days before overwriting.
9. The images will be made available on reasonable demand by the Police and authorised officers of Surrey County Council.

10. This system will be fully maintained at all times to ensure correct operation.

11. All customers attempting to purchase alcohol who appear to be under the age of 25 shall be required to produce a valid form of identification. Acceptable forms of identification are a proof of age card bearing the PASS hologram logo, an EU photo card, full driving licence or a passport.

Reasons for the Decision

1. It was noted that only one representation had been received from the Police, and that agreement had been reached with the applicant on conditions to be attached to the licence.

2. The Sub-Committee 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, the individual merits of the case, Human Rights legislation and the rules of natural justice.

3. The Sub-Committee considered that the application, as granted with conditions, met the four licensing objectives.

19. MEDIATION CASES

None.

The meeting closed at 10.02 am