

**BOROUGH OF REIGATE AND BANSTEAD**

**LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on 20 April 2015 at 2 pm.

Present: Councillor A Lynch (Chairman); Councillors K Foreman and Mrs R Turner.

12. **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.

13. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

14. **MINUTES**

**RESOLVED**, that the minutes of the meeting held on 28 July 2014 be confirmed as a correct record and signed.

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

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

16. **APPLICATION FOR A VARIATION TO A PREMISES LICENCE:  
Church Street Coffee Company Ltd, Church Street, Reigate**

*In attendance and speaking at the hearing:*

*Licenceholder: Mr Angus Northover*

*Premises owner: Mr Barry Wickens*

*Responsible authority: Mr Jon Parsons (Environmental Protection)*

*Licensing officer: Mr Ben Murray*

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

The application was as set out in the agenda papers and related to a variation of the plans for the premises. All other details and conditions remained as for the existing licence.

A representation had been received from the responsible authority for environmental services on the grounds that the application had the potential to cause public nuisance.

The applicant attended the hearing, accompanied by the owner of the premises.

The licensing officer presented the application and advised the Sub Committee that the only matter for its consideration as a variation to the licence was the plan attached to the licence. All references to hours of use should be disregarded as this did not form part of the application and no changes from the current licence were being requested, as specifically mentioned on page 16 of the application.

The applicant was invited to make his submissions, during the course of which Mr Northover advised that the inaccuracy of the original plan resulted from a clerical error, in that he had not noticed the plan sent with the new licence was inaccurate.

Planning permission for the extension had been granted in spring 2014, and the premises had been operating without a valid licence for the extension since August 2014. No complaints had been received to date, despite the increase in size and clientele.

Mr Wickens informed the Sub Committee that he had recently taken over the lease for all four apartments above the premises, for a 15 year- period and that the tenants had been advised of this.

This meant that he had control over the tenancy of the flats and that he would be able to monitor the situation. If there were any issues with noise, he would be in a position to be able to terminate the tenancies and to use the flats as staff accommodation.

Mr Parsons presented the representation on behalf of the responsible authority for environmental health and safety, which revolved around the potential for noise disturbance to the flats and any neighbouring properties.

The licensed hours of use for the premises were until 02h00 every day and the extension of the premises would mean an associated increase in the number of clients.

The Chairman invited questions and then offered the parties an opportunity to make any concluding remarks, before adjourning the hearing.

*(The Sub-Committee adjourned to deliberate at 2.18 pm  
and resumed at 3.09 pm)*

## **Decision**

**RESOLVED** to **GRANT** the application for a variation of the premises licence in respect of Church Street Coffee Company Ltd, Church Street, Reigate, as applied for.

## **Reasons for the decision**

1. The Licensing Sub Committee reviewed the report and the annexes circulated with the agenda.
2. The Licensing Sub Committee had due regard to Licensing Objectives, in particular Public Nuisance, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.
3. It is the view of the committee that this application is overdue and should have been made before using the proposed area.
4. The committee's main concern is the potential impact of this variation on residents above and near to the proposed area. These concerns have in some way been addressed by the applicant's confirmation that he has recently taken control of the residential properties above the licensed premises by way of a 15 year lease.
5. The Committee is aware that the licensed premise has been well-run to date with no significant complaints.
6. The promotion of the licensing objectives is of paramount concern at all times; including protecting the public and local residents from noise nuisance. This is to be achieved whilst recognising the important role licensed premises play in our local community by minimising the regulatory burden on business.
7. The Licensing Sub Committee gave due regard to the individual merits of this application, s149 Equality Act 2010, Human Rights/ECHR legislation in particular article 8 and article 1 First Protocol and the rules of natural justice.

## **Observations:**

Environmental Health / Environmental Protection should closely monitor noise and public nuisance at the licensed premises.

If there are future concerns regarding public nuisance there is a right for the licence to be reviewed accordingly.

17. **MEDIATED APPLICATIONS**

There were no mediated applications.

The meeting closed at 3.12 pm