



REPORT OF:	HEAD OF ENVIRONMENTAL HEALTH SERVICES
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TO:	LICENSING & REGULATORY COMMITTEE
DATE:	12 NOVEMBER 2003

AGENDA ITEM NO:	4	WARD(S) AFFECTED:	
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SUBJECT:	APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE
PURPOSE OF THE REPORT:	TO DETERMINE THE APPLICATION FOR RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE FOR THE PRINCE OF WALES PUBLIC HOUSE, HOLMESDALE ROAD, REIGATE
RECOMMENDATIONS:	
The Committee is recommended to determine the application.	

Background

1. An application has been received from Mr Keith Wild, licensee of the Prince of Wales PH for renewal of the public entertainment licence. Mr Wild has been licensee of the premises since 1 October 2003.
2. The premises was first licensed for public entertainment in 1996. A location plan is shown at Annex 1
3. Mr Wild has requested a licence for Thursdays, Fridays and Saturdays 8pm – 11pm, and Sundays 4pm-7pm, for live music (bands).
4. The licence granted to the previous licensee was for entertainment 7 days a week, 12 noon until 11pm.
5. The following conditions are placed on the current public entertainment licence:
 1. The number of persons to be admitted shall not exceed 190.
 2. The premises shall only be open for the purposes permitted by the Public Entertainment Licence between 12 noon and 11.00pm.
 3. All doors and windows to be kept shut during Public Entertainment events and the licensee, or someone deputed by him, to walk the surrounding area of the licensed premises from time to time during Public Entertainment events, to assess noise levels and cause them to be adjusted to avoid disturbance.
 4. The noise level shall be controlled in accordance with any directions issued by the Director of Environmental Services.

Factors for Consideration

6. Surrey Police and Surrey Fire & Rescue Service have confirmed that they have no objections to the application.

7. Five letters of objection (Annexes 2–6) have been received from nearby residents. The objectors refer to loud music, disturbance and loutish behaviour of patrons leaving the pub.
8. One of the objectors complained to the Council on 13 August 2003 about loud music. She was invited to complete a Noise Record Sheet which has not yet been returned to the Environmental Protection Team.
9. The Council's Senior Environmental Health Officer (Environmental Protection) has recommended that the following condition should be applied to any public entertainment licence issued or renewed for these premises. His recommendation is based on the proposal to hold events on more than two occasions per week and might be different if fewer events were proposed. The recommendation is in accord with the Institute of Acoustics' Code of Practice on the Control of Noise from Pubs and Clubs.
 - "All amplified sound (including music and speech) from events covered by the licence shall be inaudible within any room of any nearby residential property which has one or more windows to the room open. The test for compliance will be that the amplified sound is no more than barely audible outside nearby residential properties."
10. The required inspection certificates for electrical installation, emergency lighting, gas and fire alarm have not yet been provided. If the Committee were minded to approve this application, the licence would not be granted until satisfactory inspection certificates had been received.
11. The applicant and objectors have been invited to attend the Committee meeting and have been advised that they may attend with legal or other representation.

Human Rights Issues

12. In determining the application, the Committee must take into account that, under the Human Rights Act 1998, objectors and other local residents have the right to respect for their private and family life and their home (Article 8, European Convention on Human Rights). The Council cannot interfere with that right unless such interference is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others. Any interference must be proportionate to the aim to be achieved.
13. Both the objectors and the applicant have the right to peaceful enjoyment of their possessions (Article 1 of the First Protocol to the European Convention on Human Rights). A licence is classed as a possession for this purpose. The Council may not deprive a person of his/her possessions except in the public interest and subject to conditions provided by law.

The Committee must give reasons for any decision reached.

Options

14. The Licensing & Regulatory Committee may:
 - Refuse the application;
 - Grant the application with or without additional conditions to the general conditions imposed by the Council's Regulations and Conditions.

Appeal Procedure

15. The following persons may appeal to the Magistrates' Court at any time before the expiration of the period of 21 days beginning with the relevant date, i.e. the date on which the applicant receives written notification of the Council's decision:
- An applicant for the variation of the terms, conditions or restrictions subject to which an entertainments licence in respect of any place is held, whose application is refused.
 - A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held.

Background Papers: None