

BOROUGH OF REIGATE AND BANSTEAD
LICENSING & REGULATORY SUB-COMMITTEE

Minutes of a meeting of the Licensing & Regulatory Sub-Committee held at the Town Hall, Reigate on Monday 27 March 2017 commencing at 2 pm

Sub Committee: Councillors K Foreman (Chairman), Mrs A Tarrant and Ms B Thomson

Also present: Councillors Mrs R Absalom and C Whinney

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

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

24. MINUTES

RESOLVED that the minutes of the meetings held on 6 February 2017 be confirmed as a correct record.

25. DECLARATIONS OF INTEREST

There were no declarations of interest.

26. LICENSING HEARING PROCEDURE NOTE

RESOLVED to note the procedure note to be followed at the discretion of the Chairman.

27. APPLICATIONS DETERMINED THROUGH MEDIATION

There were no applications determined through mediation.

**28. APPLICATION FOR A PREMISES LICENCE:
Four Hops, 12 West Street, Reigate**

In attendance and speaking at the hearing:

<i>Applicant:</i>	<i>Mr M Barfoot</i>
<i>Agent for the applicant:</i>	<i>Mr G Cooper</i>
<i>Licensing consultant</i>	<i>Mr T Lewis</i>

<i>Making representations:</i>	<i>Councillor C Whinney</i>
	<i>Mr A Morrow (representing Mr Patel)</i>
	<i>Mrs A Morrow</i>
	<i>Sir Colin Chandler</i>

The Sub Committee was requested to determine an application for a new premises licence at the above premises.

The report before the Sub Committee set out the application and included details of the representations received, both for and against the application.

An appendix was also circulated prior to the meeting, containing information provided by the applicant, including a request for amended hours made in response to the representations received.

The Licensing Officer introduced the report and confirmed that the application had been amended as follows:

Hours of opening:

Sunday to Thursday: 10h00 to 20h00

Friday and Saturday: 1000 to 2100

Sale of alcohol for consumption on and off the premises:

Sunday to Thursday: 10h00 to 20h00

Friday and Saturday: 10h00 to 21h00

Informative:

At the end of the hearing clarification was sought upon the opening hours requested for Sunday, as conflicting timings were given in the applicant's accompanying submission.

The applicant confirmed that he was happy for a closing time of 16h00 to be applied on a Sunday and the decision issued took account of this.

The licensing officer reminded those present that the Sub Committee was required to determine the application, having regard to all representations, based upon the four licensing objectives.

It was noted that a planning application had been made for a change of use but that the grant or otherwise of this was not a relevant consideration in determining the licensing application.

Following the licensing officer's introduction, the Chairman invited the applicant and his representatives (**the applicant**) to make submissions in support of the application.

During the course of the presentation the following points were noted:

- The application was for a modest and low-risk proposal, being for retail and consumption of craft beers not to be likened to a public house or general off-licence.
- The submission document set out proposed conditions all of which related to the four licensing objectives.
- The opening hours had been amended and now coincided with the hours for authorised sale of alcohol, in response to concerns raised in representations against the application.

- To date, a petition of over 250 signatures in support of the application had been compiled.
- No representations had been received from the responsible authorities from which it could be concluded that there were no substantial concerns on the part of the Police or others.
- Some of the representations received, relating to issues with other premises in the area, were not relevant to the current application the grant of which would not worsen these matters.
- Other representations were not relevant to the licensing objectives and in particular it should be noted that a licensee was not responsible for the behaviour of patrons after they had left the premises.
- The licence holder would take all steps necessary to ensure that patrons behaved responsibly whilst on the premises.
- Mr Lewis was an independent licensing consultant who had been employed to visit the area from 16h45 to 21h30 on Friday 17 March and to compile a report of his findings.
- Mr Lewis concluded that prior to 19h00 there were few movements in West Street, although the High Street was busy.
- There were two public houses in the vicinity which attracted a younger clientele but no signs of rowdy behaviour were observed during his visit.
- It was possible that rowdy behaviour linked to these premises or other off-licences in the area occurred later in the evening but the applicant premises would be closed at 21h00 and would not contribute to this.
- In general, the area appeared to be a pleasant neighbourhood with low levels of crime and disorder.
- The clientele being aimed at was those with an interest in craft beer tasting and sales for consumption at home.

The Chairman thanked the applicant and invited those who had made written representations to speak.

Councillor Whinney, Mr Morrow (on behalf of Mr Patel), Mrs Morrow and Sir Colin Chandler all made oral submissions and the following points were noted:

- The application was for both on- and off-premises which meant that on-street drinking could not be excluded.
- The application was described as low-risk, but the consultant's report was based upon only one visit.
- Reference was made to sales of craft beers which could not be found in other premises, but this was not the case as they could be bought elsewhere in Reigate.
- There were already two other public houses in the area and grant of this application would increase the sale and consumption of alcohol.

- There were other restaurants with a liquor licence in the area as well as private clubs in Park Lane, nearby.
- Residents' concerns encompassed vandalism, an increase in urination and vomiting in front gardens already experienced, the impact upon children with particular reference to the nearby scout meeting place, and issues of nuisance and public safety because of the existing high level of on-street parking.
- Residents already experienced rowdy behaviour linked to alcohol.
- The problems went in peaks and troughs, involving the two public houses in the locality, and if granted this application could well be the tipping point in making this worse.
- Problems associated with the recently closed Nutley Hall public house were well-documented, including noise and windows being broken. Residents did not want to see a return to this situation.
- West Street was predominantly residential and a further licensed premises was not wanted.
- The licensing consultant had visited on a Friday when many residents were not yet home from work. A Saturday night would have given a more accurate representation of movements and people in the area.
- The high level of on-street parking was well known to all, and further traffic associated with the premises would be a public nuisance and safety issue.
- Deliveries to the premises were likely to be via Slipshoe Lane which was a very narrow one-way street with a junction onto Nutley Lane. This was a further safety concern.

The Chairman thanked everyone for their oral submissions and opened the floor to questions, during the course of which the following points were noted:

- *When asked whether patrons would be able to remain drinking on the premises after the scheduled closing time:*

The applicant responded that this would not be the case. Last drinks would be served 30 minutes before to ensure the premises were empty at closing time.

- *In response to a question about arrangements for dealing with litter:*

The applicant responded that empty bottles would be collected at the rear and that patrons would be discouraged from drinking outside at the front. The intention was to sell bottles or cans to be taken home and not for on-street consumption.

- *When asked what evidence of an impact on local scouts could be provided:*

Councillor Whinney responded that he was very familiar with the area and that the scouts met from 19h00 to 21h00. He was regularly in contact with residents and knew that people who drink could be verbally abusive.

- *In response to a comment on traffic, public safety and delivery arrangements:*

The applicant advised that all deliveries would be made to the front of the shop, where there were loading bays, and not via Slipshoe Street. The likelihood was that all deliveries would be made by small transit vans.

It was further noted that the licence holder could not be expected to have any direct control on traffic or parking in the area.

- *When asked whether he was willing to offer a guarantee not to apply to extend the opening hours if the application was granted:*

The applicant accepted to do so reiterating that it was an application for a retail premises and not a public house.

The Chairman confirmed that everyone had had an opportunity to put questions or seek clarifications and then invited the parties to make closing remarks.

The applicant concluded by commenting that whether or not residents felt that the premises was needed was not a relevant licensing consideration.

This was a low-risk venture and the applicant did not believe that it would undermine the licensing objectives in any way.

Those making representations concluded by stating that it was not the retail sales they were objecting to and that their concerns related to the consumption of alcohol on the premises.

*The Sub Committee adjourned to begin deliberating at 3.03 pm
but then reconvened at 3.14 pm.*

The Chairman sought clarification from the applicant on what the capacity of the tasting venue was and whether the toilet facilities indicated in the outline plan were for customer use or for staff only.

The applicant advised that the seating capacity was 28 which was likely to be the maximum number on the premises at any one time.

The toilets upstairs were for general use and, dependent on the application being granted, it was envisaged to provide further staff toilets at ground-floor level.

In response to a further question on whether separate Ladies and Gentlemen facilities would be provided, the applicant responded that the layout had not yet been fixed definitively whilst the outcome of the application remained unknown.

He was happy to confirm, however, that, if the application was granted he would ensure that the facilities provided were of an adequate standard to meet environmental health requirements.

In further clarification, the applicant advised that the tasting events would normally involve a maximum of four tasting samples served in a third-pint sized glass, and these would often be food-matched.

The Sub Committee adjourned to conclude its deliberations at 3.21 pm and resumed at 3.50 pm to give its decision.

RESOLVED that the application for a premises licence be **GRANTED** in the following terms:

Hours of opening:

Sunday: 10h00 to 16h00
Monday to Thursday: 10h00 to 20h00
Friday and Saturday: 1000 to 2100

Sale of alcohol for consumption on and off the premises:

Sunday: 10h00 to 16h00
Monday to Thursday: 10h00 to 20h00
Friday and Saturday: 10h00 to 21h00

Conditions to be attached to the licence:

The Premises Licence Holder shall ensure:

General

- *That the Age Verification Policy at this site will be Challenge 25.*
- *That all staff are trained at least every six months concerning the legal sale of alcohol, drugs awareness and dealing with conflict. Records of this training will be retained at the premises for inspection.*
- *A CCTV system of a standard consistent with the Home Office Guidance for small businesses (Home Office CAST publication 37/10) is in operation at the premises covering both trading areas.*

Prevention of Crime and Disorder

- *An intruder alarm is installed and maintained at the Premises.*

Public Safety

- *That adequate lighting is installed inside and outside the premises, with the external lighting being attenuated to reduce the level of lighting when the premises close.*
- *That a first aid box is kept at the premises*
- *That regular glass collections take place during trading hours and bottle bins are available inside the premises.*

The Prevention of Public Nuisance

- *That a 'leave quietly' notice is displayed inside the premises near the main door.*
- *That deliveries and collections from the premises are carried out at reasonable times.*

The Protection of Children from Harm

- *That all persons under sixteen years are accompanied by an adult whilst on the premises*

Reasons for the decision

1. The Licensing & Regulatory Sub Committee has carefully reviewed all the papers before it and noted all the written representations received, both for and against the application.
2. It appreciates that a number of local residents have attended the hearing to express their concerns and it has paid careful attention to all the oral submissions made today.
3. The Licensing & Regulatory Sub Committee has taken into account that the application has been modified by the applicant, in response to the representations made, to bring the opening hours and hours for sale of alcohol into line.
4. It also notes that there have been no representations from any of the responsible authorities, including Surrey Police.
5. The Sub Committee has had regard to the Licensing Objectives, and in particular Public Nuisance, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.
6. The Licensing Sub Committee has given 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.

General Observations

7. The Licensing & Regulatory Sub Committee recognises the concerns raised , including those of litter and anti-social behaviour. It is pleased to note that the applicant intends to liaise with residents if there are any ongoing issues related to the premises and residents are encouraged to notify the applicant if this is the case.
8. It would remind residents that they maintain the right to request a review of the licence should there be any subsequent breach of the licensing conditions.

The meeting closed at 3.54 pm