

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 22 May 2017 commencing at 2.03 pm

Sub Committee: Councillors A Lynch (Chairman), Mrs A Tarrant and Mrs R Absalom

Also present: Councillors V Broad* and Mrs R Turner

* Part meeting

29. 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.

30. MINUTES

RESOLVED that the minutes of the meetings held on 27 March 2017 be confirmed as a correct record.

31. DECLARATIONS OF INTEREST

There were no declarations of interest.

32. LICENSING HEARING PROCEDURE NOTE

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

33. APPLICATIONS DETERMINED THROUGH MEDIATION

There were no applications determined through mediation.

**34. APPLICATION FOR A PREMISES LICENCE:
Station Building, Cross Road, TADWORTH**

In attendance and speaking at the hearing:

Applicant: Mr T Akyuz
Agent for the applicant: Mr B Hubert

Making representations: Councillor Mrs R Turner
Mr P Kennedy
Mrs S Kennedy
Mrs A Stonelake
Mrs A O'Hehir

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.

It was noted that, in response to the representations received, the applicant had amended the hours requested as set out in the report.

The Licensing Officer advised that the terminal hour requested for live music in the amended hours was an error and should have said 21h30. The licensing officer also clarified that the applicant had requested opening hours set to end before the timings for regulated entertainment in order to stop new entry whilst allowing people already on the premises to continue with their meals.

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 representative (**'the applicant'**) to make submissions in support of the application.

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

- The applicant suggested that the majority of relevant objections were focused on the late hours requested, live music and dance, the likelihood that this would attract custom from outside the village, and the potential for people to be drinking and/or smoking on the pavement outside. In response to this the applicant:
 - advised that it was going to be a family-type business with only low background piped music;
 - recognised that the hours originally requested had been optimistic and affirmed that the terminal hours had been reduced considerably in response to all the representations;
 - stated that the live music would consist of an occasional tribute artiste no more than once or twice a month and that it would not be heavy rock music or anything of that sort;
 - advised that dancing was not being requested for the clientele, and was for short mid-week performances of popular dance such as belly-dancing;
 - reassured residents that it was not going to be a late night club with loud music so it was unlikely to attract unwelcome attention from outside the village;
 - stated that the alcohol licence was only for the restaurant and no drinks would be served outside;

- advised that there would be a reserved smoking area, towards the back of the premises and not on the street;
- advised that only one comment had been received from a responsible authority, in respect of the Prevention of Children from Harm licensing objective. The applicant had amended the condition to reflect the comment and no further representations had been received;
- advised that it was rare for people to come into the premises to buy alcohol without having a meal and that, in any event, alcohol would not be served without food after 9.30 pm; and
- advised that expert advice was being taken to ensure that CCTV cameras were placed to the best advantage.
- A notice advertising the application had been properly displayed at the premises and also appeared in the local press in accordance with the licensing regulations.
- Regulated entertainment was permitted until 23h00 in any event, without needing to apply for a licence.

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

Councillor Mrs Turner, Mr and Mrs Kennedy, Mrs Hein, Mrs Stonelake and Mrs O’Hehir all made representations during which the following points were noted.

- There was no objection to the restaurant in principle but the excessive hours applied for had been a concern. The reduction in hours was welcomed although there was still concern about the potential for noise and disturbance later in the evening.
- There were families with very young children living in close proximity to the restaurant and it was unacceptable that their sleep should be disturbed by increased noise.
- Other residents’ gardens were close to the car park and there were concerns about noise from cars, smoking and late-night spill-out.
- There would be public nuisance from taxi drop offs and pick ups and little likely being left lying around.
- There had to be an assurance that there would be no outside smoking or drinking.
- The location was on a blind bend and the increase in traffic movements at night would be a safety hazard.
- Tadworth and Walton was a small village and many residents had moved there to benefit from its quiet nature. The restaurant could change this, particularly if people from outside the village were being attracted to it late in the evening.
- Other shops in the area selling alcohol closed at 21h00 and the restaurant should be following that example.
- Bringing the building back into use was welcomed and the applicant’s submissions today about the nature of the business were reassuring as long as it did not change.
- Having a fixed closing time would be preferable.

- Additional conditions suggested as being desirable were: to control the number of clients allowed inside at any time; not to allow alcohol to be served without food, a decibel limit to be set or windows to be kept closed.
- Further information on the arrangements for smokers and waste storage on the premises was sought.
- How could the restriction on people smoking outside be enforced?
- Late night music and belly dancing did not really equate to the idea of a family restaurant.
- The village was on a hillside and sound reverberated. Particular attention to sound reduction was needed.
- If the application was permitted any conditions should be rigorously enforced to prevent public nuisance.
- It would be better if live music and dance was not allowed, to bring the premises into line with others in Tadworth.
- A restaurant run by the applicant in Cheam only had dancing once or twice a week. 23h00 was considered late for the village.

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 about whether the restaurant had air conditioning and if the ground and first floor windows were double-glazed and/or could be opened.*
The applicant responded that there was air conditioning in the building, the windows were double glazed and although they could be opened they would be kept closed when music was played. Residents subsequently queried whether the windows could be double glazed, as they appeared to be in soft wood frames, and the applicant confirmed that, although the original style of window frames had been kept, they were nonetheless double glazed.
- *When asked about the risks of noise and smoke close to children's bedroom.:*
The applicant responded that the smoking area was an open area away from the front of the building and that it would not affect the houses.
- *In response to being asked whether he would be willing to set a closing time for patrons to leave by.*
The applicant explained that, whilst new customers would not be allowed into the restaurant after a certain time, it was intended to offer a relaxed venue where people could come to enjoy their meal without being under pressure. The licensing officer reminded those present that restrictions on hours may also be imposed by planning condition although not relevant to this application.
- *When asked for an assurance that there would be no noise spill out so that young children would not be disturbed in the evening.*
The applicant queried whether this was actually relevant to the licensing objective of protecting children from harm, but went on to say that, in any event, loud music would not be played and live music would only be happening on rare occasions. The licensing officer further clarified that recent changes in licensing legislation meant that regulated entertainment was permitted until 23h00 without the need to

apply for permission. The applicant stressed that he had no wish to antagonise residents and was keen to collaborate with them to avoid any nuisance. He was also happy for a condition to be imposed saying that windows must be kept closed when live music was played.

➤ *In response to questions about staff parking arrangements and leaving times:*

the applicant responded that there would be no more than one or two staff cars parked at any time. Normally staff would have finished clearing up and would be leaving the premises around 20 minutes after the last customer had left.

He assured residents that staff using the car park would be considerate of neighbours in making as little noise as possible and that the parking area would be kept clear of litter.

In response to a question about what residents could do, if the licence was granted and there was subsequently a nuisance from noise.

The licensing officer clarified that residents would be able to apply for a review of the licence. If the review application was successful then conditions may be imposed on the licence including controls on regulated entertainment before 23h00.

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

The applicant made no further comments.

Those making representations summarised by saying that they were keen to liaise with the applicant to ensure that the restaurant was a success, as long as there was no noise or other nuisance.

*The Sub Committee adjourned to deliberate at 3.27 pm
and resumed at 4.15 pm to give its decision.*

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

Activity	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Live Music			1900 to 2130	1900 to 2130	1900 to 2130	1900 to 2200	1100 to 2130
Recorded Music	1100 to 2230	1100 to 2230	1100 to 2230	1100 to 2230	1100 to 2300	1100 to 2300	1100 to 2130
Performances of Dance			1900 to 2100	1900 to 2100			
Late Night Refreshment							
Sale of Alcohol	1100 to 2200	1100 to 2200	1100 to 2230	1100 to 2230	1100 to 2300	1100 to 2300	1100 to 2130
Opening Hours	1100 to 2130	1100 to 2130	1100 to 2130	1100 to 2200	1100 to 2230	1100 to 2230	1100 to 2100

Addition condition submitted for the protection of children from harm:

The management will ensure that signs will be placed in prominent positions at the entrance to the restaurant which set out clearly that no sales of alcohol to those under age will be permitted and that the system of Challenge 21 is in force. The management will also ensure that a refusal log is available to all staff which will record the date, time and product which was requested. The reason for the refusal to supply it ie no ID, signature of the person refusing to supply and if possible another member of staff who can witness the refusal and any other details which may be relevant. The management will also ensure that it introduces a policy on preventing harm to children and this will include documented staff training including providing each member of staff with a copy of the Child Sexual Exploitation Leaflet and they will be required to sign to acknowledge receipt and understanding of the information provided and the management will provide information to the staff on where and how to make a referral if any concerns are raised for children or any suspected perpetrator.

Additional conditions to be imposed on the licence:

1. After 8 pm on any evening all windows to be kept closed whilst live and/or recorded music is being played, air conditioning to be used if required.

2. Alcohol to be served and consumed in the dining area only during licensing hours.
3. No alcohol to be served without a main meal after 9.30 pm on any evening.

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 noted that the applicant reduced the hours requested in response to concerns and representations made by local residents and has agreed to further conditions at the hearing.
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 encourages the applicant to continue 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 4.18 pm

