



REPORT OF:	HEAD OF ENVIRONMENTAL HEALTH SERVICES
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TO:	LICENSING & REGULATORY COMMITTEE
DATE:	10 NOVEMBER 2004

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

Background

1. An application has been received from Mrs Juliette Barnett, Licensee of The Ship public house, Copse Road, Meadvale for a public entertainment licence for music and dancing.
2. The application is for entertainment consisting of karaoke, and small bands for a maximum of 70 persons.
3. The application is for a maximum of 26 events per year, with no more than one event to be held in any week. There would be no more than one karaoke event per month, held on the last Friday of the month. An occasional musical event (live band) would be held on a Sunday between 14.00 hrs and 19.00 hrs. Discos, without dancing, do not require to be licensed as public entertainment events and would be held on most Friday nights.
4. The entertainment will take place in the main bar area.
5. A plan of the locality is attached at Annex 16.

Factors for Consideration

6. Surrey Police have confirmed they have no objections to the application.
7. Surrey Fire & Rescue Service has confirmed that they have no objections to the application.
8. 15 letters of objection have been received from residents residing in the area. (Annexes 1-15). The objections mainly relate to noise caused by parties/discos and karaoke nights regularly held at the public house. Other objectors mention unruly and rowdy behaviour from those frequenting the public house.

9. The applicant and objectors have been invited to attend the committee meeting to state their case and have been advised that they may be represented at the meeting.
10. A fire alarm is currently being installed linking the bar premises to the residential quarters upstairs. The fire alarm will be linked to RCD sockets so that in the event of a fire the music will cut.
11. Peter Long, Senior Environmental Health Officer, has recommended that if the Committee is minded to approve the application, then the following additional conditions should be applied:
 - The number of events shall be restricted to no more than two in any week and no more than 30 per year.
 - Events shall not start before 10.00 hrs nor end after 23.00 hrs.
 - The noise level from any public entertainment authorised in this licence shall be no greater than 55 dB $L_{Aeq\ 3\ min}$ when measured at any point being half way between the western elevation of the public house and the eastern elevation of 33 Copse Road, Redhill.
12. In order to achieve the above noise levels, it is likely that the sound insulation of the public house will need to be improved. Suggested works which would improve the sound insulation would include blocking up large air bricks to external walls, fitting a door between the bar area and the rear lobby, and installing secondary glazing in the public bar and window facing onto the rear garden.
13. The Licensee intends to provide disabled access by installing a ramp to the front door. However, in view of the limited number of persons attending the venue and the cost of constructing a toilet for the use of disabled people, it would not be practical or financially viable to do so in the immediate future.

Human Rights Issues

14. 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.
15. 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

16. The Licensing and 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.

17. If the Committee is minded to approve the application, then the licence would not be granted until the fire alarm is installed and the required inspection certificates have been provided.

Appeal Procedure

18. 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:
 - An applicant for the grant of an entertainments licence in respect of any place 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.

Recommendation

19. Members are requested to determine the application for a public entertainment licence. It is not considered appropriate for officers to make recommendations.

Background Papers: None.