

BOROUGH OF REIGATE AND BANSTEAD
LICENSING AND REGULATORY SUB-COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Sub-Committee held at the New Council Chamber - Town Hall, Reigate on 24 January 2020 at 10.30 am.

Present: Councillors A. M. Lynch (Chairman), F. Kelly (Vice-Chair) and C. M. Neame.

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. APOLOGIES FOR ABSENCE

There were no apologies for absence.

9. LICENSING HEARING PROCEDURE NOTE

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

10. APPLICATION FOR A NEW PREMISES LICENCE FOR REIGATE KEBAB AND BURGER HOUSE, 6 LONDON ROAD, REIGATE RH2 9HY

In attendance and speaking at the hearing:

Applicant:

Mr Erdal Eskisan, Applicant

Mr Murat Surucu, on behalf of the applicant

Making public representations:

Ms. J. Hill

Ms. C. Kirby

Mr. G. Pew

The Sub-Committee was requested to determine an application for a premises licence for Reigate Kebab and Burger House, 6 London Road, Reigate, for late night refreshment.

Full details of the applicant and representations received were as set out in the report.

The Chair asked if agreement had been reached in relation to any of the issues in dispute. It was reported that agreement had been reached on the conditions proposed by the responsible authority for crime and disorder.

The Licensing Officer presented the report and provided an outline of the application and the issues for consideration by the Sub-Committee. It was identified that the Council had received representations from the police in relation to the licensing objectives, and that a further 4 valid representations were received from interested parties objecting to the application with regard to the licensing objectives.

It was identified that as the conditions proposed by the police had been agreed by the premises, no further representations in this respect were required.

The chair invited the parties in attendance to make their representations to the Sub-Committee.

Mr. Surucu, on behalf of the applicant, made statements with regard to the following points:

- That the applicant had been trading at the site for seven years, under a previous licence, and had been in the business for approximately twenty-five years.
- That the hours of operation applied for were important to the function of the business.

Ms. Hill addressed the Sub-Committee and made statements with regard to the following points:

- That late-night attendees were frequently intoxicated, and frequently caused problems through mess and nuisance, including noise, litter, vomit, and damage to street furniture.
- That when the shop had closed earlier, these problems had had much reduced prevalence.
- That they had experience these issues over a period of several years.

The Chair noted that it would have been beneficial had a representative of the police, as the responsible authority for crime and disorder, been in attendance to provide additional information on any reported disorderly activity in the area.

Ms. Kirby addressed the Sub-Committee and made statements with regard to the following points:

- That they had also experienced issues when the late opening hours had previously been in operating, including noise, trespassing, a broken window and urination on their doorstep.
- That these incidents had been disruptive to their children's lives and general quality of life.
- That there had been a violent incident directed at one of the shop's staff in the preceding weeks.

Mr. Pew addressed the Sub-Committee and made statements with regard to the following points:

- That they supported the concerns already expressed and the connection to late-night opening.
- That there were also concerns about nuisance caused by taxi parking at late hours in relation to the shop.

The Chair opened the floor to questions, during the course of which the following matters were raised:

- That late-night attendees represented a significant proportion of sales by the shop under the previous licence.
- That intoxicated persons in the area were not under the control of the shop, which did not serve alcohol.
- That a number of alcohol serving premises in the area were open until midnight or later.
- That the applicant was also keen to discourage nuisance and antisocial behaviour in the area.
- That one of the conditions agreed would prevent the serving of persons under the age of 18 during late-night hours.
- That the applicant identified the potential to provide a security person at the premises during the busier periods of Friday and Saturday. It was identified that not all local residents would be supportive of this measure.
- That the applicant would be willing to undertake to clean the surrounding area. It was stated that some cleaning of the area had been undertaken previously by shop staff, but it was stated that this had not taken place consistently.
- That the violent incident directed at the member of staff had taken place at approximately 20:00, and it was therefore unclear that the late-night opening hours would have bearing on this.
- That cctv cameras were in operation at the shop, that they were visible from a monitor in the shop, and that recordings were retained for the required period. It was confirmed that responding to incidents captured on cctv was a police matter.

The Sub-Committee adjourned to deliberate at 11:09 and reconvened at 12:02 to give its decision.

The Licensing and Regulatory Sub-Committee **RESOLVED** that the application be **GRANTED** subject to the following conditions:

1. The amended operating schedule as set out below:

Activity	Monday to Thursday	Friday to Saturday	Sunday
Late Night Refreshment	In line with mandatory hours of 23:00 hrs	23:00 hrs to 00:00 hrs	In line with mandatory hours of 23:00 hrs
Opening Hours	16:00 hrs to 23:30 hrs	23:00 hrs to 00:30 hrs	16:00 hrs to 23:30 hrs

2. Conditions 1 - 5 as proposed by the responsible authority for Crime and Disorder, as agreed by the applicant, as set out below:

1. CCTV shall monitor the public area as set out in the premises plan and the pavement immediately outside the front of the shop. The CCTV shall continually record whilst the premises is open to the public for late night refreshment. All recordings shall of evidential standard, time and date

stamped, maintained for a 31-day period and made available to the police or authorised officer of the licensing authority upon request. The CCTV shall be maintained by a suitably qualified person.

2. CCTV – A sufficiently competent person should be authorised by the premises licence holder that at all time the premises is open to the public for late night refreshment, a member of staff is available to show the police or authorised person when formally requested to do so, any footage/images from the CCTV system, with the minimum of delay.
3. CCTV – A sufficiently competent person should be authorised by the premises licence holder to provide the police with downloaded CCTV data (footage and/or images in appropriate recorded format, to include a disc, memory stick or data file sent electronically) when formally requested to do so. The authorised person shall facilitate such data to be obtained by the police within 24 hours of a formal request being made.
4. The premises licence holder shall ensure that staff are instructed to report incidents of crime and disorder to the police.
5. An incident log shall be maintained on the premises, which documents the date and time of any incidents involving the premises, which could undermine the licensing objectives. This shall be completed within 24 hours of the incident, be available upon request of a police officer or an authorised officer and will record the following:
 - Any incidents concerning the protection of children from harm
 - All crimes reported at the venue
 - All ejections of customers
 - All drugs related incidents
 - Any incidents of disorder
 - Any faults in the CCTV system, including action taken to remedy
 - Persons banned from the premises

3. The following additional conditions:

1. Signs to be clearly displayed informing customers there is no admittance after 00:10 hrs on Friday and Saturday nights.
2. On Friday and Saturday nights, the front door of the premises is to remain closed at all times after 00:10 hrs, except for the egress of customers already in the shop.
3. Children and young persons under the age of 18 shall not be permitted to enter the premises during late night refreshment hours unless accompanied by a parent or guardian.

Reasons for the decision:

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. It has paid careful attention to all the oral submissions made today.

Having considered these, and with reference to the points identified below, the Sub-Committee therefore considers that the application, subject to the specified conditions, is consistent with the Licensing Objectives.

1. It notes that there have been representations from Surrey Police, as the responsible authority for Crime and Disorder. It notes that conditions proposed by the responsible authority for Crime and Disorder were agreeable to the applicant, and that these support the Licensing Objectives.
2. It notes that 4 additional representations were received from interested parties, and that several of these parties have attended the hearing to represent their concerns. The Sub-Committee has had regard to the elements of these representations relevant to the Licensing Objectives, including regarding potential noise nuisance, odour, litter, crime and disorder.
3. The Sub Committee has had regard to the Licensing Objectives, and in particular Crime and Disorder, Public Nuisance, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.
4. 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

The Licensing & Regulatory Sub-Committee:

1. Encourages the applicant to liaise with residents if there are any issues related to the premises, and residents are encouraged to notify the applicant if this is the case.
2. 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.
3. Would remind residents that they retain the option to contact the Council's street cleaning and Joint Enforcement Team regarding littering and antisocial behaviour.

The Meeting closed at 12.07 pm