

# Licensing and Regulatory Sub- Committee Agenda

For enquiries regarding this agenda;

**Contact:** Democratic Services (01737 276182)

**Email:** Democratic@reigate-banstead.gov.uk



28 April 2020

## To the Members of the LICENSING AND REGULATORY SUB-COMMITTEE

**Councillors:** F. Kelly (Chairman),

S. J. G. Rickman

J. E. Philpott

For a meeting of the **LICENSING AND REGULATORY SUB-COMMITTEE** to be held on **WEDNESDAY, 6 MAY 2020** at **10.00 am** virtually using Webex.

This meeting was originally due to take place on Wednesday 22 April.

John Jory  
Chief Executive

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF INTEREST**

To receive any declarations of interest.

**3. LICENSING HEARING PROCEDURE NOTE**

(Pages 5 - 8)

To note the attached procedure note which will be followed by the Licensing & Regulatory Sub-Committee, at the discretion of the Chairman, when considering the application at agenda item 4.

**4. APPLICATION TO REVIEW THE PREMISES LICENCE FOR JOULES WINE AND COCKTAIL BAR, 85 BELL STREET, REIGATE, RH2 7AN**

(Pages 9 - 36)

**5. IF NECESSARY, TO CONSIDER PASSING THE FOLLOWING RESOLUTION:**

That, pursuant to Section 100A of the Local Government Act 1972, the press and public be excluded on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing it, and therefore that exempt information is likely to be disclosed, as defined in paragraphs 1 and 7 of Schedule 12A of the Act.

**6. EXEMPT REPORT - ITEM 4 - JOULES WINE AND COCKTAIL BAR**

(Pages 37 - 50)

**7. MEDIATED APPLICATION**

(Pages 51 - 52)

To note and confirm the following application determined through mediation without the need for a hearing.

**Application reference: 20/00279/LAPNEW** for a new premises licence: Lebnani, 11 Church Street, Reigate, RH2 0AA.

A copy of the conditions agreed through mediation is attached at Annex 1.



### **Our meetings**

As we would all appreciate, our meetings will be conducted in a spirit of mutual respect and trust, working together for the benefit of our Community and the Council, and in accordance with our Member Code of Conduct. Courtesy will be shown to all those taking part.



### **Webcasting of meetings**

This meeting will be held virtually using Webex. This meeting will not be broadcast live. The meeting will be recorded for internal purposes only and therefore, anyone present recognises that they may be recorded.



### **Accessibility**

The Council's agenda and minutes are provided in English. However, the Council also embraces its duty to anticipate the need to provide documents in different formats, such as audio, large print or in other languages. The Council will provide such formats where a need is identified prior to publication or on request.

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## Licensing & Regulatory Sub-Committee

### Hearings Procedure Note

#### Series A: Licensing Act 2003

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Note: Before the meeting begins the Chairman will remind everyone that although the meeting is not being broadcast live and will not be made available to the public, the meeting is being recorded for internal purposes and that anyone present therefore accepts that they may be filmed or recorded.

*The order of business will be as follows, although the Chairman has discretionary power to vary it subject to all parties receiving a fair hearing*

1. **The Chairman** will introduce him/herself, and will invite the Sub Committee, officers, the applicant and other interested parties to introduce themselves.
2. **The Chairman** will ask the interested parties whether agreement has been reached on any of the issues which are in dispute.
3. **The Chairman** will ask the applicant (or their representative) to confirm who will be speaking at the hearing.
4. **The Chairman** will ask other interested parties to confirm who will be speaking at the hearing.

**Note:**

*Only those having made written representations (or their appointed representative) may speak at the hearing.*

*Details of all speakers should be provided to Democratic Services when returning the LAR1 notification form, at least five working days before the hearing.*

*Any late request to speak will be at the discretion of the Chairman and subject to equal treatment of all parties.*

# Agenda Item 3

Licensing & Regulatory Sub Committee  
22 April 2020

20/00535/LAPNEW: Review of Premises Licence  
for Joules Wine & Cocktail Bar

5. **The Chairman** will invite the **Licensing Officer** to present the report, giving a brief outline of the application and the issues for consideration by the Sub-Committee.
6. **The Chairman** will invite the parties to make their representations to the Sub-Committee, in the following order:
  - (a) Applicant (or representative)
  - (b) Responsible authorities
  - (c) Other interested parties either for or against the application.

7. **The Chairman** will invite questions to and from the parties in the following order:

- (a) from the Licensing & Regulatory Sub Committee members to:
  - i. the Licensing Officer
  - ii. the applicant (and/or their representative)
  - iii. the responsible authorities
  - iv. any other speaker
- (b) from the Licensing Officer to any other party;
- (c) from the applicant and/or representative to any other party;
- (d) from the responsible authorities to any other party;
- (e) from any other speaker to any other party

*Note: All questions must be put through the Chairman. There is to be no direct cross-examination between the parties, at any time, without the express permission of the Chairman.*

8. **The Chairman** will invite closing submissions from the parties in the following order:
  - (a) the applicant (or their representative),
  - (b) the responsible authorities,
  - (c) any other speakers.

# Agenda Item 3

Licensing & Regulatory Sub Committee  
22 April 2020

20/00535/LAPNEW: Review of Premises Licence  
for Joules Wine & Cocktail Bar

9. **The Chairman** will confirm that no one else has anything further to add and will then adjourn the meeting.
10. The Sub-Committee will deliberate in private, attended by the legal officer and the democratic services officer who may only give professional advice or guidance.
11. If it is necessary to recall any party to clarify points in issue, all parties will be invited to return.
12. When the Sub-Committee has reached its decision all parties will be advised and the Chairman will resume the meeting.
13. **A summary of the decision will be given**, which is to be considered as provisional and subject to amendment or correction in the detail, until the formal decision is issued in writing.

**HEARING FORMALLY CLOSED**

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# Agenda Item 4



<b>REPORT OF:</b>	HEAD OF NEIGHBOURHOOD OPERATIONS
<b>AUTHOR:</b>	DIANNE MITCHELL
<b>TELEPHONE:</b>	01737 276804
<b>E-MAIL:</b>	Dianne.Mitchell@reigate-banstead.gov.uk
<b>TO:</b>	LICENSING & REGULATORY COMMITTEE
<b>DATE:</b>	WEDNESDAY 22 <sup>ND</sup> APRIL 2020

<b>AGENDA ITEM NO:</b>	4	<b>WARD(S) AFFECTED:</b>	REIGATE CENTRAL
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<b>SUBJECT:</b>	APPLICATION TO REVIEW THE PREMISES LICENCE FOR JOULES WINE AND COCKTAIL BAR 85 BELL STREET REIGATE RH2 7AN
<b>PURPOSE OF THE REPORT:</b>	TO DETERMINE THE REVIEW APPLICATION

### OPTIONS

The Committee, having regard to the application and any relevant representations, may take such steps as mentioned below (if any) as considered appropriate for the promotion of the licensing objectives:

- (a) modify the conditions of the licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months;
- (e) revoke the licence;

Where the authority takes a step mentioned in (a) or (b), it may require the modification or exclusion to have effect for a limited period not exceeding three months.

The Committee has authority to determine the above options.

### Background

1. The current premises licence for Joules Wine and Cocktail bar reference 18/03964/LAPREM is attached at Annex 1. This licence was issued in July 2018, as a result of a minor variation application. Following an intervention from the police licensing officer, conditions 1 to 12 in Annex 2 of the licence were voluntarily included on the licence.
2. A location plan showing adjacent properties in Bell Street, and other town centre properties in High Street and Church Street is attached at Annex 2.

# Agenda Item 4

## **Application**

3. The application to review the premises licence was made by Angie Austin, Borough Inspector. The representation is attached at Annex 3 and relates to the following licensing objectives;
  - (a) The prevention of crime and disorder
  - (b) Public safety
  - (c) The protection of children from harm
4. Additional information in support of the police application was presented to Mr Cummings and Mr Carey on 11 March 2020 by Ian Sandwell, Police licensing officer. This information includes CCTV evidence which is the subject of ongoing criminal proceedings and therefore exempt from the public meeting. Two timeline documents detailing the CCTV evidence in support of the police application were supplied to the licence holder on 2 April 2020
5. Annex 4 contains an extract from the confidential information detailed above. This document lists the measures proposed by the police in order to promote the licensing objectives referred to in paragraph 3 above

## **Representations**

6. A representation was received from the responsible authority for Environmental Protection. The representation is included at Annex 5 and advises that the licence in respect of live and recorded music has the ability to cause public nuisance. It further explains that the operating schedule does not contain sufficient measures to promote the licensing objectives. Several proposed measures are included in the representation, which in the view of the responsible authority will promote the licensing objective, prevention of public nuisance.
7. No further representations were received

## **Policy and Legal Considerations**

8. Relevant to this application are sections 6 to 9 of the Council's Statement of Licensing Policy – The Licensing Objectives, Section 149 Equality Act 2010 - Public Sector Equality Duty, Human Rights Act 1998. Licensing Act 2003; Part 2 Licensing Authorities (sections 4-6); Part 3 Premise Licences (sections 51-53); section 182 Home Office guidance; section 183 Hearings and other matters considered relevant on the facts.

## **Appeals Procedure**

9. In cases where an application for a review of a premises licence is either rejected or granted, in full or in part, an appeal may be made to the Magistrates Court within 21 days beginning with the day on which the appellant was notified of the decision. The rights of appeal are available to the applicant, the holder of the premises licence or any other person who made relevant representation. Any determination does not have effect--

# Agenda Item 4

- (a) until the end of the period given for appealing against the decision, or  
(b) if the decision is appealed against, until the appeal is disposed of.

Background Papers:	None
Annex 1	Premises licence 18/03964/LAPREM
Annex 2	Location plan
Annex 3	Application to review the premises licence
Annex 4	Police proposed conditions
Annex 5	Representation from responsible authority for environmental protection

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## PREMISES LICENCE

**Premises Licence Number**

R&BBC 18/03964/LAPREM

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Joules Wine and Cocktail Bar  
 85 Bell Street  
 Reigate  
 Surrey  
 RH2 7AN

**Telephone number**      01737 245566

**Where the licence is time limited the dates**

-

**Licensable activities authorised by the licence**

Dancing  
 Making Music  
 Performances of Dance  
 Exhibition of a Film  
 Live Music  
 Recorded Music  
 Late Night Refreshment  
 Sale of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Provision of facilities Other	
Friday and Saturday	19:00 - 01:30
Monday to Thursday	19:00 - 00:30
Sunday	19:00 - 00:30
Dancing	
Friday and Saturday	19:00 - 01:30

Monday to Thursday	19:00 - 00:30
Sunday	19:00 - 00:30
<b>Making Music</b>	
Friday and Saturday	19:00 - 01:30
Monday to Thursday	19:00 - 00:30
Sunday	19:00 - 00:30
<b>Performances of Dance</b>	
Friday and Saturday	19:00 - 01:30
Monday to Thursday	19:00 - 00:30
Sunday	19:00 - 00:30
<b>Exhibition of a Film</b>	
Friday and Saturday	08:00 - 02:00
Monday to Thursday	08:00 - 01:00
Sunday	08:00 - 01:00
<b>Live Music</b>	
Friday and Saturday	19:00 - 01:30
Monday to Thursday	19:00 - 00:30
Sunday	19:00 - 00:30
<b>Recorded Music</b>	
Friday and Saturday	19:00 - 01:30
Monday to Thursday	19:00 - 00:30
Sunday	19:00 - 00:30
<b>Late Night Refreshment</b>	
Friday and Saturday	23:00 - 02:00
Monday to Thursday	23:00 - 01:00
Sunday	23:00 - 01:00
<b>Sale of Alcohol</b>	
Friday and Saturday	08:00 - 02:00
Monday to Thursday	08:00 - 01:00
Sunday	08:00 - 01:00

<b>The opening hours of the premises</b>	
Monday	08:00 - 01:30
Tuesday	08:00 - 01:30
Wednesday	08:00 - 01:30
Thursday	08:00 - 01:30
Friday	08:00 - 02:30
Saturday	08:00 - 02:30
Sunday	08:00 - 01:30

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premises

**Licence Granted : 07.01.2006**

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Michael Carey

[Redacted]

Mr Sean Cummins

[Redacted]

Applicants Electronic Mail

[Redacted]

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Michael Carey

[Redacted]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: RBBC/12/01107/LAPER

Licensing Authority: Reigate & Banstead Borough Council

## Annex 1 – Mandatory conditions

### 1 Premises Licence, Sale of Alcohol permitted

"No supply of alcohol may be made under this licence

- a. At a time when there is no designated premises supervisor in respect of it or,
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended"

"Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence."

### 2 Premises Licence, Films permitted

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board, or
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that Section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

### 3 Premises Licence, Door Supervisors

Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-

- a. unauthorised access or occupation (e.g. through door supervision), or
- b. outbreaks of disorder, or
- c. damage

NB This condition will only be imposed where the premises licence contains a condition that at specified times one or more individuals must be at premises to carry out the activities specified in the above condition. The condition is not mandatory in respect of premises:-

- \* with premises licences authorising the performance of plays or films
- \* being used exclusively by a club with a club premises certificate
- \* under a TEN authorising plays or films
- \* under a gaming licence .(but see Licensing Act S21(2)(b))
- \* being used for an occasion prescribed by regulations under the SIA.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;



- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
  - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)"valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

Providing a 30-minute extension of opening hours after the end of the sale of alcohol will promote this objective as the last drink will be consumed less quickly, with access to the pub's toilet facilities

Regular liaison with Police

Zero tolerance policy on the use or supply of drugs.

The fire safety measures with which the premises are provided, will be maintained in good working order, and their adequacy will be determined on a regular basis, by carrying out a fire risk assessment. As the safety of occupants is influenced by numbers of persons present, their disposition and the activities taking place, a safe occupancy level will be maintained. No risks are identified that are not covered by other legislation.

All regulated entertainment will end at least half an hour before the supply of alcohol.

Regular noise checks during regulated entertainment.

Outside areas kept clean and tidy and bins emptied quietly.

No drinks taken off-site apart from off-sales.

1 CCTV shall be installed on the premises and fully maintained, showing correct date and time information. The CCTV will cover internal public areas and external doorways, smoking area, beer garden and the external areas at the front of the premises, including the frontage on Bell Street. The CCTV shall provide clear images of evidential quality and shall capture images of people entering and exiting the premises. The premises licence holder must ensure that staff are able to make copies available at the request of the Police or other authorised licensing authority within 24 hours. CCTV footage must be retained for minimum of 31 days.

2 The Premises Licence Holder shall employ a minimum of 3 SIA door supervisors when the premises is operating on a Friday and Saturday, until 0230hrs. (One SIA door supervisor shall start at 2000hrs and the other two SIA door supervisors shall start at 2100hrs). A door supervisor will supervise the beer garden/ smoking area, at all times the venue is open for business.

3. The Premises Licence Holder shall risk assess the requirement for door supervisors on days other than a Friday and a Saturday, to include a Thursday night, seasonal variations and the day preceding a bank holiday.

4. A personal licence holder shall be on the premises, when the premises is open for business after 2100hrs.

5. The Premises Licence Holder shall ensure that patrons are counted in and out of the venue to comply with capacity limits for the premises. A written record of the number of persons on the premises, will be recorded at hourly intervals after 2100hrs until the premises is closed. These records are to be retained for twelve months and available to inspection by a police officer or other responsible authority.

6. Staff training shall be undertaken on appointment and updated every 6 months. Training delivered to staff shall be recorded .Training shall cover:

- The licensing objectives
- The requirements for ID as part of age verification.
- Dealing with an intoxicated person
- Dealing with disorderly incidents/disorderly persons
- Dealing with drug related activity on a licensed premises
- Recording of any refusal to sell alcohol
- Recording of incidents
- Reporting of incidents to police and information to be shared with police to promote the licensing objectives
- All training records will be available to an authorised officer on request
- An incident log shall be maintained on the premises documenting the date and time of any incidents involving the premises which could undermine the four 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:
  - 1 All crimes reported at the venue
  - 2 All ejections of patrons
  - 3 Any complaints received concerning crime and disorder
  - 4 All drugs seized or found
  - 5 Any incidents of disorder
  - 6 Any faults in the CCTV system, including action taken to remedy
  - 7 Persons banned from the premises

7. There shall be a record of any refused sale of alcohol. The refusal register shall be inspected on a regular basis (at least weekly) by the DPS or a personal licence holder and endorsed accordingly.

8. The Premises Licence Holder shall adopt a 'Challenge 25' policy, as a condition of entry into the premises.

9. The Premises Licence Holder shall have a drugs policy for the venue.

10. The toilets shall be checked hourly and a record of these checks maintained by the venue for a period of three months.

11. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly and respect the neighbourhood.

12. The premises will have a dispersal policy to ensure patrons safely disperse from the premises.

## **Embedded Restrictions**

### **1 Entertainment**

The appropriate sections of the Regulations and Conditions for Entertainment Licences dated August 1996 issued by Reigate and Banstead Borough Council apply.

The following special conditions also must be adhered to:-

### **2 Permitted Hours General**

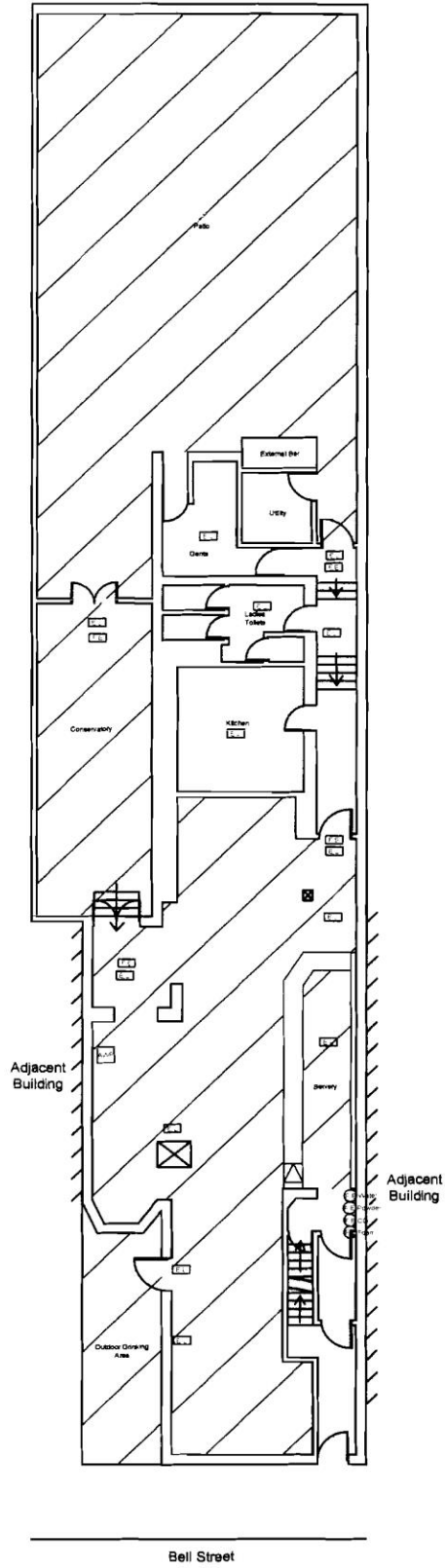
"Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

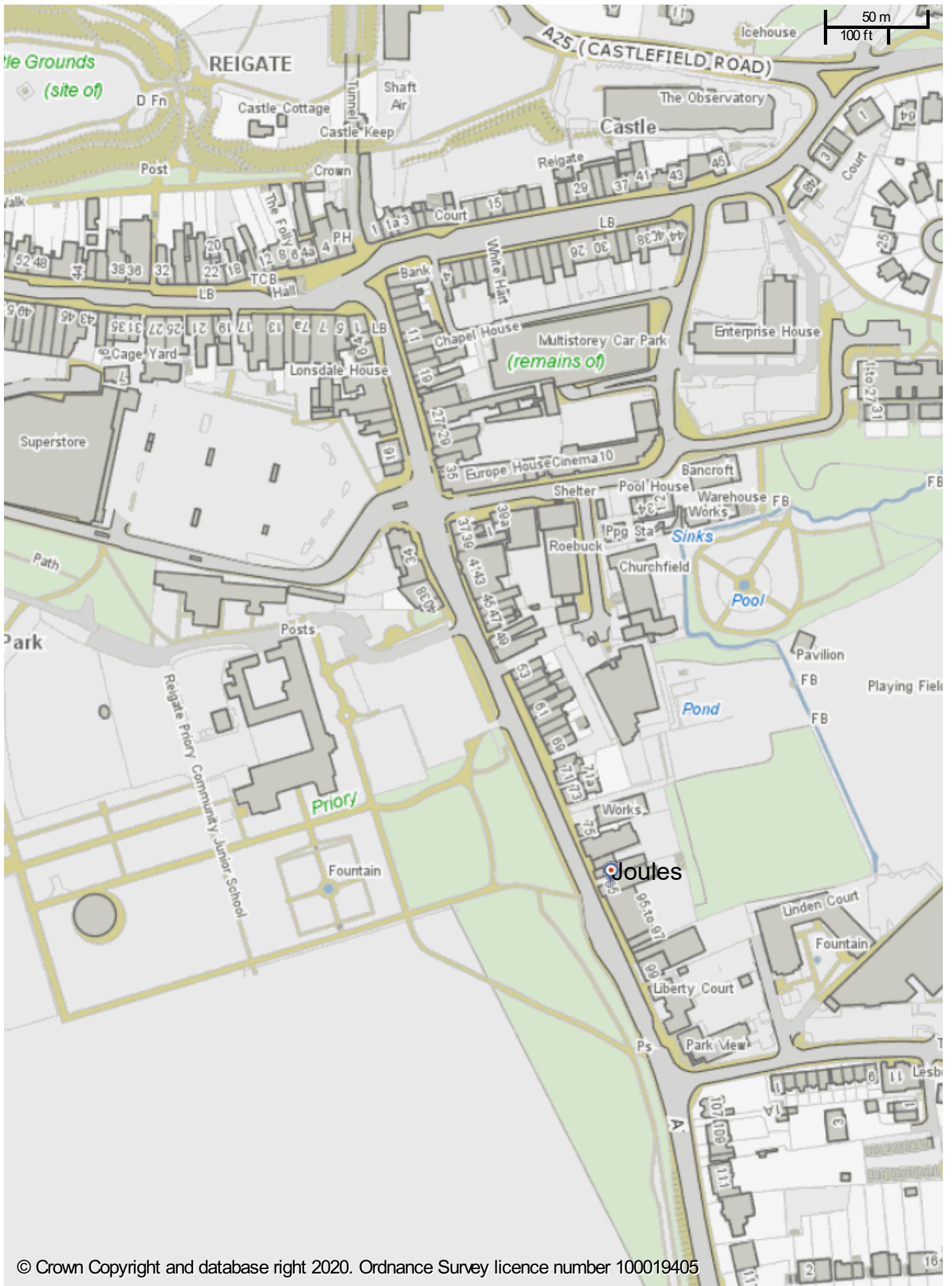
The above restrictions do not prohibit:

- (a) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- (b) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- (c) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- (d) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises."

Annex 4 – Plans



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**Joules, 85 Bell Street**

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Printed on: 9/4/2020 at 13:38 PM

Reigate & Banstead Borough Council  
 Castlefield Road, Reigate  
 Surrey, RH2 0SH



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■ SURREY ■  
**POLICE**

Eastern Licensing Unit,  
P O Box 101,  
Guildford,  
Surrey,  
GU1 9PE,

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**Licensing Act 2003  
Review of Premises Licence**

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**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance note at the end of the form. If you are completing this form by hand please print. Please ensure your answers are inside the boxes and written in black ink. You may use additional sheets if necessary. You may wish to keep a copy of the completed form for use by you at any hearing held by the Council or the Magistrates Court as a result of this representation.

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I, the undersigned, hereby make representations to review the following Premises Licence.

Details of club premises certificate you wish to make representations against.

<b>Name of Premises or Club</b> Joules Wine and Cocktail Bar	
<b>Address of Premises or Club</b>  85 Bell Street	
<b>Post town</b> Reigate	<b>Post code (if known)</b> RH2 7AN

**Type of application**

	<b>Please tick ✓</b>
<b>Premises Licence application</b>	
<b>Review of Premises Licence</b>	X
<b>Variation to a Premises Licence</b>	
<b>Club Premises Certificate application</b>	
<b>Variation of a Club Premises Certificate</b>	
<b>Temporary Event Notice</b>	

## Representor's Details

I am

Please tick one only ✓

1) A person who is not a responsible authority (please complete section (A) below)	<input type="checkbox"/>
2) A responsible authority (please complete section (B) below)	<input checked="" type="checkbox"/>

If you do not fall into one of the above categories you may not be entitled to make representations.

### Section A - DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Surname or Family Name
Forenames
Address of where you live (you can give an alternative address for correspondence later in this form)
Daytime Telephone
E-mail address (optional)

### Section B - DETAILS OF RESPONSIBLE AUTHORITY

Name of contact person completing this form Licensing Enforcement Officer Ian Sandwell - authorised by Inspector Angela Austin, Reigate Borough Commander.
Name of Authority <b>SURREY POLICE</b>
Address of Authority <b>P O BOX 101 GUILDFORD SURREY GU1 9PE</b>
Telephone number of contact person <b>01483 - 631465</b>

If your representation does not relate to one of the above objectives your representation will be invalid.

Please tick ✓

- I understand that this representation may result in a hearing before a Licensing Sub-Committee and if the decision of that Sub-Committee is appealed against, a hearing in the Magistrate's Court.
- I understand that this representation will become a public document and will be included in the agenda for any Licensing Sub-Committee hearing that may be held as a result of this representation.

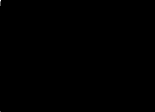
X
X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS REPRESENTATION. THIS IS PUNISHABLE, ON CONVICTION, BY A FINE OF UP TO £5,000.

This representation must be signed by:

a person making a representation or

a person authorised to do so by a Responsible Authority.

Signed  ANGIE AUSTIN, Inspector 1921 Date 21/2/20

Address for correspondence

Contact address for correspondence if different from that given in Sections A or B, above.	
LICENSING ENFORCEMENT OFFICER	
ADDRESS AS ABOVE	
Post town	Post code
Daytime Telephone number (if any) 01483 - 631465	
e-mail address (optional) ian.sandwell@surrey.pnn.police.uk	

Please state the ground(s) for the representation and how it relates to one of the licensing objectives. Please use additional blank sheets if necessary.

Crime and Disorder/ Protecting Young People from Harm/Public Safety

Surrey Police are making this premises licence review application based on incidents reported to police which are linked to the licensed premises called Joules Wine and Cocktail Bar. Surrey Police believe the above licensing objectives are not being promoted by the management of the licensed premises and this application seeks to address those concerns.

Surrey Police have established that a person under the age of eighteen has been able to access the licensed premises.

Reports received by Surrey Police, link the licensed premises to public disorder. Intoxication is evident in a number of these incidents of public disorder.

Surrey Police have concerns for the public safety of patrons on leaving the licensed premises.

Continuation –Please see separate sheet

**This representation relates to the following licensing objectives(s)**

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

X
X
X

**The following information is extracted from the confidential information provided by the police in support of the review application**

Surrey Police, having met with the premises licence holder on Monday 20<sup>th</sup> January 2020, set out conditions which police sought to be added to the premises licence by the premises licence holder. This attempt to mediate conditions in the promotion of the licensing objectives has subsequently not been supported by the premises licence holder and the actions proposed in response by the premises licence holder are not satisfactory and there is no agreement to amend the premises licence.

In light of this failure to mediate conditions, Surrey Police are left with no option but to submit this review to seek conditions that mitigate against the poor management these incidents have highlighted and to ensure the licensing objectives are being promoted within the establishment above everything else.

In addition to the conditions reference above, Surrey Police have further identified that CCTV coverage of the dance floor in Joules, requires upgrading, to improve picture quality that would support the licensing objectives.

Surrey Police are therefore asking the licensing committee to consider the following conditions being applied to the premises licence, to promote the crime and disorder, the prevention of children from harm and public safety licensing objectives:

1. ID Scanning shall be a condition of entry to the licensed premises. ID scanning of a patrons passport, driving licence or pass card, shall take place when entering the premises on every occasion. Where a person refuses to allow an approved ID to be scanned, they shall be refused entry. The ID scanning capability shall include facial recognition and authentication of the approved ID presented. ID scanning to be conducted in a location where the CCTV at the premises can record each procedure.
2. In the event that the ID scanner is not working, each patron entering the premises must be photographed or filmed and that record retained for a minimum of 31 days. A record of the failure must be recorded in a log and the police notified, together with the steps taken to have the ID Scanner repaired/replaced at the earliest opportunity.
3. No patrons under the age of 21 shall be admitted onto the licensed premises.
4. The premises shall have a written search policy, which shall require the consent of a patron to a voluntary search as a condition of entry. The policy to include a minimum search ratio of 1 in 4 persons being subject to a voluntary search, as a condition of entry. The written search policy to be available for inspection at the venue by a police officer or authorised officer.
5. Annex 2 condition 2, to be amended to state the minimum number of SIA employed shall be 4 SIA door supervisors. All 4 SIA door supervisors to be on duty by 2100hrs until closing and dispersal.
6. Annex 2 condition 12, to be amended, so that the dispersal policy, to ensure safe dispersal of patrons, shall be in a written format, available on the premises for inspection by the police or authorised officer and the policy to include door supervisors wearing reflective jackets when at the front of the premises.

7. Persons purchasing alcohol at the bar will be required to show proof of age if they appear to be under 25 years of age.
8. CCTV coverage of the dance floor to be of an evidential standard, providing clear images of patrons on the dance floor and covering all areas of the dance floor.

The removal of the existing DPS, Mr Michael Carey is also sought by Surrey Police.

Surrey Police recognise that by reducing the hours the premises is allowed to sell alcohol and to stay open, it is likely to have a positive impact on reducing the risk of intoxicated patrons leaving the venue and being on the highway, placing themselves and other road users at risk.

Reducing the operating hours and drinking time will also have a positive impact on the number of assaults reported to police inside the venue and outside the venue on closing, which have a link to the venue.

Surrey Police believe that to reduce the level of intoxication, level of violence and associated risks to patrons, the premises should close at 00:30hrs and no sale of alcohol after 00:00hrs.

Surrey Police believe that the above conditions and consideration of the operator's hours to reduce consumption are necessary and proportionate to promote the licensing objectives of the prevention of crime and disorder, the protection of children from harm and public safety.

Should the licensing committee be minded to implement conditions as set out by Surrey Police, then suspending the premises licence, whilst the conditions are being adequately implemented, would ensure the licensing objectives are being promoted above everything else.

# Environmental Health

The Licensing Authority for the District of Reigate & Banstead BC  
c/o The Licensing Team  
Environmental Health  
Reigate and Banstead Borough Council  
Town Hall, Castlefield Road  
Reigate, Surrey  
RH2 0SH

Our ref: 20/01333/EJLAPP

Your ref:

Date: 25<sup>th</sup> March 2020

Dear Mrs Mitchell

**Licensing Act 2003,**

**Premises Licence Review.**

**Joules Wine Bar, 85 Bell Street, Reigate, Surrey, RH2 7AN**

As a responsible authority as defined in section 13(4)(e) of the Licensing Act 2003 we hereby make representation in respect of the premises known as Joules Wine Bar, 85 Bell Street, Reigate, Surrey.

The reason for making representation is that the current licence in respect of the live and recorded music have the ability to cause public nuisance and the operating schedule does not contain sufficient measures to promote the licensing objectives.

There are 29 residential flats within 50m radius with some immediately adjacent to the premises and we have received noise complaints in the past from local residents:

20.07.2019 - Excessively loud music from the bar the vibrates my windows with bass from approx 8:30pm until 2:30am. Queue for bar placed outside my windows, and not outside their own premises where there is adequate space to do so. Some people knock on my windows or bang on my windows. Lots of shouting outside the windows. People smoking outside my windows in the queue for the bar, living room and bedroom smell like cigarettes - Noise App recordings made

23.07.2018 - After 11pm Thursdays to Saturdays the noise from people in the beer garden is so loud.

09.07.2018 - We are all delighted by the success of the England football team, but to have to put up with "football's coming home" being bellowed on Saturday night from the time you opened until closure without any noise monitoring, displayed the utmost contempt for your neighbours some of whom (myself included,) were kept awake until gone 2am and some had to get up at 5am to go to work! Even earplugs failed to reduce the noise!!

02.07.2018 - Continuous heavy bass notes from music being played. Screaming and shouting from the customers.

**For the prevention of public nuisance due to the proximity of residential premises to the licensed premises, and previous complaints I am putting forward the following conditions:**

Prevention of noise break out from the premises:

- All windows and external doors shall be kept closed between 19:00 hours and 02:30hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- The premises shall ensure that any regulated entertainment provided at the premises shall not cause a disturbance to local residents. At all times any noise shall be inaudible in any residential property, the test of which is that it shall be no more than barely audible at the boundary of any residential property.
- While any regulated entertainment takes place, a member of staff shall at least once an hour undertake monitoring of noise levels at the boundary of the



nearest noise-sensitive locations (as defined in within the 50m radius on the attached map) A written record shall be kept of any monitoring, including the date, time and location of monitoring; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of Reigate and Banstead Borough Council.

- Speakers shall not be located/operated in the entrance lobby or outside the premises.
- Staff and/or door staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

#### Use of a last entry time for the premises

- There shall be no admittance or re-admittance to the premises after 23:00hours.
- Signs advising of the curfew to be prominently displayed at the entrance to the premises and also on their website/online communications

#### Effective management of external areas

- Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.
- Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
- Patrons permitted to temporarily leave and then re-enter the premises, eg. to smoke, shall not be permitted to take drinks or glass containers with them after 22:00hours

#### Prevention of customers causing disturbance when leaving the premises

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

- The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers, who will be encouraged to use such services.

Yours sincerely,



Eugenia Govett

Environmental Services Officer

Direct dial: 01737 276666

Email: [eugenia.govett@reigate-banstead.gov.uk](mailto:eugenia.govett@reigate-banstead.gov.uk)

## **NOTICE OF HEARING**

### **Licensing Act 2003 (Hearings) Regulations 2005**

**Notice** is hereby given in pursuance of Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 that the time limit in respect of the following application:

**20/00535/LAPNEW: Review of Premises Licence for  
Joules Wine & Cocktail Bar, 85 Bell St, Reigate, Surrey RH2 7AN**

has been extended such that the time and date of the Hearing will now be:

**Wednesday 6 May 2020 at 10:00am**

This extension has been made following a request from the representatives of the license holder.

Democratic Services  
Reigate and Banstead Borough Council  
21 April 2020

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# Agenda Item 7

**Application reference 20/00279/LAPNEW  
Lebnani, 11 Church Street Reigate RH2 0AA**

This is a new premises licence application made by Bubush Ltd., for a café and restaurant the ground floor of the above premises. A previous restaurant on this site was known as Little Tuscany. The only licensable activity applied for is the sale of alcohol from 11:00 hrs until 23:00 hrs Friday and Saturday, 21:00 hrs Monday to Thursday and 18:00 Sunday.

The following mediated conditions were agreed with the Police following their objection;

1. CCTV shall be fully maintained, showing correct date and time information. The CCTV will cover areas within the premises used for licensable activity, consumption and the smoking area. The CCTV shall provide good quality images of people entering and exiting the premises. The premises licence holder must ensure that staff are able to make copies available at the request of the Police or other authorised licensing authority within 48 hours. CCTV footage must be retained for minimum of 31 days.
2. Staff training for licensable activity, shall be on appointment, be recorded and refreshed every 12 months. Training shall cover:
  - The licensing objectives.
  - The requirements for ID as part of age verification.
  - Dealing with an intoxicated person & disorderly incidents /disorderly persons.
  - Dealing with drug related activity
  - Recording of any refusal to sell alcohol
  - Recording of incidents
  - Reporting of incidents to police and information to be shared with police to promote the licensing objectives
  - Safeguarding of children in licensed premises
3. 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:
  - All crimes reported at the venue
  - All ejections of patrons
  - All drugs seized or found
  - Any incidents of disorder
  - Any incidents relating to safeguarding
  - Any faults in the CCTV system, including action taken to remedy
  - Persons banned from the premises
4. There shall be a record of any refused sale of alcohol. The refusal register shall be inspected on a regular basis (no less than weekly) by the designated premises supervisor or a personal licence holder and a record made of the inspection.

## Agenda Item 7

5. The premises licence holder shall ensure a 'Challenge 21/25' policy is adopted within licensable areas at all times. Signage of the 'Challenge 21/25' policy shall be prominently displayed on the premises.