

BOROUGH OF REIGATE AND BANSTEAD
LICENSING AND REGULATORY SUB-COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Sub-Committee held virtually on 22 September 2020 at 10.00 am.

Present: Councillors F. Kelly (Chairman), D. A. Ross and C. M. Neame.

Clerk's Note: The agenda frontsheet displayed the incorrect membership of the Sub-Committee. The Chairman confirmed the Sub-Committee was made up of Cllrs Kelly, Neame and Ross.

1. APOLOGIES FOR ABSENCE

There were none.

2. DECLARATIONS OF INTEREST

There were none.

3. LICENSING HEARING PROCEDURE

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

4. APPLICATION FOR A VARIATION TO A PREMISES LICENCE FOR GIGGLING SQUID, 65 HIGH STREET, REIGATE

In attendance and speaking at the meeting:

Applicant:

Craig Bayliss, Giggling Squid Legal Representative
Simon Gallagher, Giggling Squid Operations Manager

Responsible Authority:

Justin Haves, Environmental Protection Officer

Making Public Representations:

Elaine Hanan
David Johns
Claire Trench
John Warbey

The Sub-Committee was asked to consider an application for a variation to the premises licence, against which representations had been received.

Full details of the application were as set out in the report. The Sub-Committee also received an amended outside garden seating plan as an addendum to the agenda.

The Chairman asked if any agreement had been reached in relation to the issues in dispute. No agreement was identified.

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 public representations that had been received during the relevant period contained some matter not covered by the licensing regime.

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

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

- A number of irrelevant issues had been included in the representations that had been received.
- Since the application had been lodged, discussions had taken place between the applicant and the responsible authority for environmental protection and the application had been amended.
- The amendments were a reduction in the number of patrons using the rear garden at any one time to 16, alcohol sales to cease at 18:30 for patrons in the garden, and the area to be cleared by 19:00.
- Permission was sought during the covid period which was until 30 September 2021. Permission may be sought after that to make the variation permanent.
- The variation would allow the number of covers to increase, and that the changes put forward were a reasonable compromise.

Mr Haves addressed the Sub-Committee and made a statement with regard to the following point:

- The responsible authority for environmental health were happy with the compromises and amended proposals, did not have any specific concerns and would not look to make further representations based on the proposals.

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

- The concern around this application was that the use of the rear garden would materially affect the quality of life. Residents would be affected by noise and the change of atmosphere
- The current conditions protected the quality of life for residents and there were no significant grounds to change the conditions.

Ms Hanan addressed the Sub-Committee and made a statement with regard to the following point:

- If smoking was to be permitted there would be an appalling impact on residents, regardless of the noise.

Ms Trench addressed the Sub-Committee and made a statement with regard to the following point:

- The noise potentially made by 16 people under the influence of alcohol, especially as it is close to resident's bedrooms.

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

- The reasons for the current conditions were very well set out. There was no reason why these should change
- The internal space was not being utilised by the Gigging Squid
- There was no legal right of access or egress from the rear fire escape and current conditions were not being met by the Gigging Squid.

The Chairman reminded residents that if there were breaches of the conditions, residents were able to ask for a review of the licence and appeal.

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

- Confirmation was received from the applicant that there would not be seating on the balcony at the rear of the premises
- Confirmation was received from the applicant that the smoking area is situated at the front of the premises and that this is regularly cleaned. No smoking would be allowed in the rear garden. There would also be no music or heating
- The applicant agreed that there would be a member of staff present in the rear garden to supervise patrons
- The applicant confirmed that there would be no alcohol served to patrons in the rear garden after 6:30pm. After 7pm the doors and windows would be shut
- A fire exit protocol would need to exist. The fire authority had not raised an objection to the application. The fire exit would not be used for access or egress
- The applicant confirmed that due to covid-19 restrictions, the number of covers in the premises had been reduced from 100 to 70. Occupancy rate was 100% on Friday and Saturday evenings and approximately 60-70% from Sunday through to Thursdays.
- The outside seating area would give patrons the option of sitting outside if they wished

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

Mr Bayliss concluded by confirming that the proposal was for a limited time period, but the applicant may re-apply again. This was a reasonable application for a reasonable period for a reasonable amount of people to try and mitigate the effects of covid-19 on the restaurant.

Mr Haves concluded by reaffirming that there were no specific concerns from environmental protection for the new proposals.

Mr Johns concluded by summarising the residents' concerns. There was not a justifiable reason for this application to proceed.

Mr Warbey concluded by reaffirming the residents' position that the internal space was not being maximised and the reasons for using the rear garden had not been made apparent.

The Sub-Committee adjourned to deliberate at 11:07am and resumed at 12:25pm to give its decision.

The Licensing and Regulatory Sub-Committee **RESOLVED** that the application be **GRANTED** as follows:

Annex 2 of the conditions in the premises licence will be amended as follows.

The removal of the following wording:

There is no public access to the rear gardens except in emergency and doors and windows of the premises will be kept shut after 2300 except for passing through.

The addition of the following wording:

The rear gardens can be used to serve no more than 16 patrons at one time. The latest time that patrons can be seated in the rear garden is 17:00. The latest time that a food order can be made in the rear garden is at 17:30. Alcohol only to be served in the rear garden until 18:30. The rear garden area will be cleared by patrons by 19:00. Thereafter the area to be used only for emergency purposes and doors and windows to be kept shut after 19:00. These conditions are valid until 21 September 2021. After 21 September 2021, there is no public access to the rear gardens except in emergency and doors and windows of the premises will be kept shut after 23:00 except for passing through.

Additional conditions to be imposed on the licence:

1. There will be no use of the rear garden by staff after 19:00.
2. The back gate is not to be used as a normal point of access or egress.
3. There will be no smoking allowed in the rear garden at any time.
4. There will be a member of staff present at all times to supervise the use of the area and to ensure that any noise is kept to a minimum whilst patrons are seated in the rear garden.
5. The premises licence holder will ensure that the details of a dedicated telephone line is made available to local residents.

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 has paid careful attention to all the oral submissions made today.
3. The Licensing & Regulatory Sub Committee has noted that the applicant has amended the seating plan, reducing the number of covers in the rear garden. The Sub Committee has noted that the applicant has reduced the hours of service in the rear garden prior to the Sub Committee.
4. It also notes that the responsible authority for Environmental Health is satisfied with the amended application.

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.

5. MEDIATED APPLICATIONS

RESOLVED that the following applications determined through mediation be **NOTED AND APPROVED**;

- a) 20/01101/LAPREM for a new premises licence: Batts Hill Distillers Ltd., 40 Northmead Redhill Surrey RH1 2ED
- b) 20/00755/LAPREM for a new premises licence: Café Chai Ltd., 135 High Street Banstead Surrey SM7 2NS
- c) 20/01251/LAPREM for a variation to the premises licence: Shepherd Neame Ltd, Re: Prince Of Wales Public House 2 Holmesdale Road Reigate Surrey RH2 0BB
- d) 20/00963/LAPREM for a new premises licence: Mr Nigel Rix, 23 Fiddicroft Avenue, Banstead, SM7 3AD
- e) 20/01093/LAPREM for a variation to the premises licence: Scott Inns Ltd., Well House Inn Chipstead Lane, Coulsdon, Surrey, CR5 3SQ

The Meeting closed at 12.31 pm