



Agenda

Licensing and Regulatory Sub- Committee

Tuesday, 19 March 2024 at 10.30 am

New Council Chamber, Town Hall, Reigate



This meeting will take place in the Town Hall, Castlefield Road, Reigate. Members of the public, Officers and Visiting Members may attend remotely or in person.



Members of the public may observe the proceedings live on the Council's [website](#).

Members:

S. Sinden (Chair)

J. Hudson

D. Torra

Substitutes:

Conservatives:

M. S. Blacker and G. Buttironi

Residents Group:

P. Harp and G. Hinton

Green Party:

J. Booton, P. Chandler, V. Chester, S. Khan, S. McKenna, R. Ritter and J. Thorne

Liberal Democrats

S. A. Kulka

Mari Roberts-Wood
Managing Director

For enquiries regarding this agenda;

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Published 11 March 2024

Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

1. Apologies for absence

To receive any apologies for absence.

2. Declarations of interest

To receive any declarations of interest.

3. Minutes (Pages 3 - 6)

To confirm as a correct record the Minutes of the previous meeting.

4. Licensing Hearing Procedure (Pages 7 - 8)

To note the attached procedure which will be followed by the Licensing & Regulatory Sub-Committee, at the discretion of the Chairman, when considering the application at agenda item 5.

5. Application to review the existing premises licence for: Cloony's, 85 Bell Street, Reigate (Pages 9 - 58)

To determine the application for the review of the existing premises license for Cloony's, 85 Bell Street Reigate.



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.



Streaming of meetings

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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.



Notice is given of the intention to hold any part of this meeting in private for consideration of any reports containing "exempt" information, which will be marked accordingly.

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Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held at the **New Council Chamber - Town Hall, Reigate** on **Thursday, 21 December 2023 at 11.30 am.**

Present: Councillors Z. Cooper (Chair) and S. Sinden (Chair); J. Hudson

22 Apologies for absence

There were no apologies for absence.

23 Declarations of interest

There were none.

24 Minutes

The minutes from the meetings held on 19 September 2023 and 28 September 2023 were **APPROVED**.

25 Licensing Hearing Procedure

The hearing procedure was noted.

26 Application to vary the existing premises licence for: Grape Variety, 12 Chipstead Station Parade, Chipstead

The Chair, the other members of the Sub-Committee and officers present introduced themselves.

Mr Thomas Johnson, the applicant, was present.

The objector to the application was not present.

It was stated that no agreement had been achieved between the applicant and the objector.

Representations

The Licensing Officer provided an introduction to the application which was to vary the Premises Licence for The Grape Variety, 12 Chipstead Station Parade, Chipstead, CR5 3TE.

A summary of the variation was given regarding an increase of the licensable area in the basement of the property. One objection had been lodged.

Mr Thomas Johnson, the applicant made a representation:

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Licensing and Regulatory Sub-Committee, Thursday, 21st December, 2023

- The applicant took into consideration the size of the bar and how many people attended the bar on a working week which was from Wednesday to Saturday from hours of 3pm until 11.30pm.
- Feedback from the clientele was that the variation to the licence would work well.
- There was support from both the local community and staff that all lived less than half a mile away.
- A member of staff lived in the flat above and there had been no issues raised by them regarding the bar.

The Sub-Committee noted the additional written submission made by the objector.

Questions

There were no questions to the Licensing Officer.

In response to a member question the applicant explained the tables outside did not cause an obstruction and the pizza van did not impede vehicles passing by. No more than 6 people usually sat outside the front of the shop.

In response to a member question the applicant gave an overview of the mitigations provided to reduce noise. The majority of patrons that attended the bar were over 30 years old. Last orders were taken no later than 10pm and this was when the music was also turned down. Patrons were asked to catch taxis at the end of the road. Occasionally some parties remained until 11.30pm, but they mostly left by 11pm.

There were no closing submissions.

The Sub-Committee adjourned to deliberate at 11.40am and resumed at 11.57am to give its decision.

The Licensing and Regulatory Sub-Committee **RESOLVED** that the application be **GRANTED** as applied for, subject to the conditions/reasons as set out in the operating schedule.

Reasons for the decision

The Licensing & Regulatory Sub Committee has carefully reviewed all the papers before it and has had close regard to all the oral and written submissions made at the hearing.

The reasons for the decision are as follows:

1. The Sub-Committee has had regard to the Licensing Objectives, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.
2. The applicant 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.

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The meeting finished at 11.59 am

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Licensing & Regulatory Sub-Committee

Application for a Review Hearing Procedure Note

Series A: Licensing Act 2003

Note: Before the meeting begins the Chairman will remind everyone that the meeting is being recorded and webcast live and that anyone present therefore accepts that they may be filmed or recorded.

The order of business shall be at the discretion of the Sub-Committee but will normally proceed in accordance with, and in the order of, the paragraphs below.

1. **The Chairman** will introduce him/herself, invite the other members of the Sub-Committee and officers present to introduce themselves and to indicate their role in the proceedings, and outline the procedure to be followed.
2. **The Chairman** will ask the interested parties present to identify themselves, to indicate if they wish to address the Sub-Committee, and ask whether agreement has been reached on any of the issues which are in dispute. The Sub-Committee will consider any request made by a party for permission for another person to appear at the hearing (to represent them, to give evidence, or both). Any such request should have been sent to democratic.services@reigate-banstead.gov.uk at least two clear working day before the date of the hearing.
3. **The Chairman** will ask the Licensing Officer to introduce the report, and to give a brief outline of the review application submitted and the issues requiring consideration by the Sub-Committee.
4. **The Chairman** will invite the parties to address the Sub-Committee, normally in the following order:
 - (a) Applicant (responsible authority or individual asking for the review)
 - (b) The licence holder (or their representative) of the premises the subject of review
 - (c) Any other interested parties who have submitted observations in writing who wish to address the Sub-Committee.

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19 March 2024

Review of Premises License
Cloony's 85 Bell Street, Reigate RH2
7AN

5. **The Chairman** will invite questions.

Questions can be put to or by the Licensing Officer, the responsible authority or person having requested the review, the representatives of the premises the subject of the review, and any other interested parties.

They will normally be taken in the following order, at the discretion of the Chairman:

(a) the Licensing Officer regarding points upon which clarification is sought;

(b) the Sub-Committee regarding points upon which clarification is sought from any of the parties;

(c) any other parties at the hearing who have made written observations, in the order nominated by the Chairman.

6. **The Chairman** will invite the applicant (authority or person having requested the review), the licence holder (or their representatives) and any other interested parties to make closing submissions in that order.
7. After hearing the presentations of the parties, the Sub-Committee may ask all other persons to withdraw from the room, or may withdraw itself, in order to deliberate.
8. The Sub-Committee may ask the Council's legal adviser during deliberations to provide advice. The legal adviser may inform the parties of advice given.
9. If it is necessary to recall any party to clarify points in issue, all parties will be invited to return.
10. The definitive decision will be issued in writing within the relevant timescale.
11. **The Chairman** may announce the decision of the Sub-Committee verbally at the end of the hearing, subject to the written notification being the official and authoritative record.

HEARING FORMALLY CLOSED

Agenda Item 5



REPORT OF:	HEAD OF PLANNING AND REGULATORY SERVICES
AUTHOR:	PAUL MOREY
TELEPHONE:	01737 276446
E-MAIL:	Paul.Morey@reigate-banstead.gov.uk
TO:	LICENSING & REGULATORY SUB COMMITTEE
DATE:	TUESDAY 19 MARCH 2024

AGENDA ITEM NO:	5	WARD(S) AFFECTED:	REIGATE
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SUBJECT:	APPLICATION UNDER SECTION 53A OF THE LICENSING ACT 2003 FOR A REVIEW OF THE PREMISES LICENCE FOR CLOONY'S COCKTAIL BAR & SHISHA 85 BELL STREET REIGATE.
PURPOSE OF THE REPORT:	TO DETERMINE THE APPLICATION FOR THE REVIEW

OPTIONS

The Sub-Committee has the following options:

1. **Modify the conditions of the premises licence;**
2. **Exclude a licensable activity from the scope of the licence;**
3. **Remove the designated premises supervisor from the licence;**
4. **Suspend the licence for a period not exceeding three months;**
5. **Revoke the licence.**

The Sub Committee has authority to determine the above options.

Background

1. 85 Bell Street Reigate Surrey RH2 7AN was previously licensed and ran as 'Joules' under Premise Licence 20/01693/LAPREM which was surrendered on 24.05.23.
2. Under new management a new application was made for a Premise License which was granted on 18 August 2023 to Mr Suraj Chopra of Flat 10, Millais House, 123 Bridge Road, Chessington, Surrey, KT9 2RT. Following a refit and Mr Chopra gaining a Personal Licence, Premise Licence 23/02734/LICDPS was issued on 11 October 2023. The Premises operates as Cloony's Cocktail Bar & Shisha, a copy of the licence and site map are at **Annex A**.

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3. Since October 2023 when the premises opened, there has been three complaints of noise nuisance received by Reigate & Banstead Environmental Health Environmental Protection team (EP), which they investigated. As a result their investigations, EP served an Abatement Notice in Respect of Statutory Nuisance (24/00016/EPNSA) on 11 January 2024. The notice was served on the premises licence holder Mr Suraj Chopra, a copy of which and covering letter is at **Annex B**.
4. On 17 January 2024 Reigate & Banstead Licensing Officers arranged a meeting for all interested parties at the premises. During the meeting, the complainants put their views forward regarding the problems they were experiencing. Mr Chopra was also given general advice by EP regarding measures to reducing noise nuisance. A number of immediate measures were agreed to mitigate the noise nuisance including restricting the use of the rear garden.
5. A further visit was conducted on the evening of 18 January 2024 by EP and Licensing officers to provide advice regarding suitable sound levels for music in the premises with respect to the Abatement notice served on 11 January.
6. As a result of routine checks by EP officers, a breach in respect of the notice (24/00016/EPNSA) was noted. In response to this EP, made an application under the Licensing Act 2003 Section 51(1) for a review of the premises licence 23/02734/LIDPS on 01 February 2024. A copy of the Review Application is at **Annex C**.
7. Since the meeting EP has had an ongoing discussion with Mr Chopra to address the issues at the premises. The initial action points agreed have been found to improve the situation, and EP and Mr Chopra have agreed these form a suitable foundation for conditions to be added to the licence. For the committee's consideration during their deliberations, a copy of the suggested conditions are at **Annex D**.

Application Summary

8. The Environmental Health department had received three formal complaints concerning noise nuisance from Cloony's Bar at 85 Bell Street, Reigate. The complaints involve shouting, loud music, and excessive music volume. After thorough investigations and warnings to the premises licence holder about the noise issues, Environmental Health issued a noise abatement notice on January 11, 2024, under Part III of the Environmental Protection Act 1990. The notice was breached. The application sighted that the noise, particularly music and lyrics, was clearly audible inside residents' properties and communal areas. The music noise and disturbance from the licensed premises is having a disproportionate and unreasonable effect on persons living in the area which demonstrates that the premises licence holder was not promoting the licensing objective regarding the prevention of public nuisance.

Relevant Representations from other Responsible Authorities:

9. Surrey Police Licensing have made a representation following several breaches of licence conditions. The grounds for the representation were based on a warning letter previously written to Mr Chopra. It outlined an incident involving the sale of alcohol to an inebriated person. This led to an assault on a member of staff and subsequent assaults on police officers who attended the location. It also spoke to an initial failure to install an electronic ID reader in line with conditions. The Police

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have requested the replacement of the DPS on the grounds of prevention of crime and disorder. The Licence holder has been supplied with copies of this information attached to the report at **Annex E (1,2&3)**.

Relevant Representations from interested parties.

10. A total of two (2) valid representations have been received from interested parties in respect of this application. They centre on the nuisance that has resulted due to noise from the premises and patrons using the rear garden and are relevant under the prevention of public nuisance. Copies of these Representations are at **Annex F**.

Policy Considerations

11. Relevant to this application is the Council's Statement of Licensing Policy. In particular section 5: Fundamental Principles; and sections 6 and 8 which refer to the Licensing objectives relating to crime and disorder and the prevention of public nuisance.

Legal Considerations relating to the Review Application:

The licensing objectives

12. Whilst carrying out its statutory duties, the Licensing Authority must promote the following four Licensing Objectives: -

- (a) The Prevention of Crime and Disorder;
- (b) Public Safety;
- (c) The Prevention of Public Nuisance; and
- (d) The Protection of Children from Harm.

13. The Licensing Objectives are the only matters to be taken into account when determining applications and any conditions to be attached must be 'appropriate' to achieve those objectives.

14. Any matters arising during the hearing that cannot be linked to one of the licensing objectives will not be taken into account by the Sub-Committee.

Statement of licensing policy/guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 – General

15. The Licensing Authority must have regard to its Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 when considering applications.

16. The Policy and Guidance makes it clear that the Licensing Authority's role is to hold a balance between the needs of the licensing, entertainment and food industry and the needs of residents and other users of the Council including businesses, workers, shoppers, and visitors.

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17. The Licensing Authority also recognises the need to avoid as far as possible duplication with other regulatory regimes, and therefore will not seek to impose restrictions that are already requirements under other Statutes.
18. The Council's policy does not make any predetermined presumptions about licensed premises and their associated applications based on the area in which they are located. Each application will always be considered on its own merits based on the steps required to ensure the Licensing Objectives are met.
19. If the Sub Committee does choose to depart from its policy and/or Section 182 Guidance, it must have heard compelling and exceptional reasons during the Hearing.

Licensing Act 2003 – the statutory options – review hearings

20. Section 52(2) of the Licensing Act 2003 provides: - The authority must, hold a hearing to consider the application for the review and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
21. The steps are listed at the top of this report under the heading of "Options" but are repeated below for the sake of completeness in respect of the legal considerations:

(4) The steps are –

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

And for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition is added.

Sub Committee Options

22. The Sub Committee therefore has the following options:

Modification of Conditions

Members may choose to impose new or amend existing conditions based on the evidence laid before them.

It is possible to impose their own conditions, over and above that requested by a relevant party but, if so, Members should be satisfied that the Licensee and other interested parties had the opportunity to express their views on the proposed conditions before making such a decision.

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To Exclude a Licensable Activity from the Scope of the Licence

In this case, the option to remove the sale of alcohol would be paramount to revocation, as the sale of alcohol is integral to these premises. Other licensable activities could also be excluded.

Removal Of Designated Premises Supervisor

Members would have to be satisfied that the cause of the problems were solely down to the actions of the Designated Premises Supervisor and that person remaining in that role would continue to undermine the Licensing Objectives.

Suspension of Licence

Suspension of the Premises Licence should only be used if it is considered that a period of time is required to put steps in place to ensure that the Licensing Objectives will be met after the suspension period.

Suspension should not be used as punishment as this is not something that would be based on promoting the Licensing Objectives. Punishment is the role of the criminal courts, whilst Reviews seek to put steps in place to meet the Licensing Objectives.

Revocation

This option should only be exercised if satisfied that no other measures or conditions existed that would prevent the Licensing Objectives from being undermined.

Legal Process following decision of Sub Committee

23. Any party to the hearing may appeal to the Magistrates Court if they are aggrieved by the decision of the Licensing Sub Committee.
24. The Sub Committee's decision does not have immediate effect. It only takes effect when the period for making an Appeal has expired, being 21 days from the date of the decision notice.

Equalities

25. All parties will be treated fairly without discrimination, based on the Law and Natural Justice.

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Background Papers: Licensing Act 2003
Guidance Issued Under Section 182 of the Licensing Act 2003
Part III of the Environmental Protection Act 1990

Public Annexes:

Annex A	Premises Licence & Site Plan
Annex B	Noise Abatement Notice
Annex C	Application for Review
Annex D	Suggested conditions
Annex E (123)	Representations from Surrey Police Licensing
Annex F	Representations from interested parties.

PREMISES LICENCE

Premises Licence Number

R&BBC 23/02734/LICDPS

Part 1 – Premises Details

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

Cloony's Bar
 85 Bell Street
 Reigate
 Surrey
 RH2 7AN

Telephone number

Where the licence is time limited the dates

-

Licensable activities authorised by the licence

Performances of Dance
 Exhibition of a Film
 Live Music
 Recorded Music
 Anything of a similar description falling under Music or Dance
 Late Night Refreshment
 Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performances of Dance	
Monday to Thursday	19:00 - 00:30
Friday and Saturday	19:00 - 01:30
Sunday	19:00 - 00:30

Exhibition of a Film

Monday to Thursday	08:00 - 01:00
Friday and Saturday	08:00 - 01:00
Sunday	08:00 - 01:00
Live Music	
Friday and Saturday	19:00 - 01:30
Sunday	19:00 - 00:30
Recorded Music	
Monday to Thursday	19:00 - 00:30
Friday and Saturday	19:00 - 01:30
Sunday	19:00 - 00:30
Other Entertainment falling within Act	
Monday to Thursday	19:00 - 00:30
Friday and Saturday	19:00 - 01:30
Sunday	19:00 - 00:30
Late Night Refreshment	
Monday to Thursday	23:00 - 01:00
Friday and Saturday	23:00 - 01:00
Sunday	23:00 - 01:00
Sale by Retail of Alcohol	
Monday to Thursday	08:00 - 01:00
Friday and Saturday	08:00 - 01:00
Sunday	08:00 - 01:00

The opening hours of the premises	
Monday	08:00 - 01:30
Tuesday	08:00 - 01:30
Wednesday	08:00 - 01:30
Thursday	08:00 - 01:30
Friday	08:00 - 01:30
Saturday	08:00 - 01:30
Sunday	08:00 - 01:30

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

Alcohol of supplied for consumption both on and off the premises.

Licence Granted : 18th August 2023

Part 2

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

Mr Suraj Chopra
Flat 10, Millais House,
123 Bridge Road,
Chessington,
Surrey,
KT9 2RT

Applicants Electronic Mail

surajchopra1210@yahoo.co.uk

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

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

Suraj Chopra
Flat 10, Millais House
123 Bridge Road
Chessington
Surrey
KT9 2RT

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: 5630/23/01338/LIPERS

Licensing Authority: Royal Borough of Kingston Upon Thames

Annex 1 – Mandatory conditions

All supplies of alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence; or
 - (b) At a time when the designated premises supervisor does not hold a personal licence, or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The other conditions are any conditions specified in an order under Section 19A of the Licensing Act 2003 and applicable to the premises.

Exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:
 - (a) The film classification body is not specified in the licence; or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question:admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

Door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection 1. Requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:

- (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or
- (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act,
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Irresponsible Promotions

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

Age verification policy

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.

Alcoholic drink measures

1. 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.

Permitted price.

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

$$P = D + (D \times V) \text{ where}$$

- (i) P is the permitted price,
- (ii) D is the amount 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) "value 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

General

1. 30 minutes after the end of licensed hours must be provided to allow last drinks to be consumed less quickly and provide access to the pub's toilet facilities before leaving the premises.
2. The licence holder shall undertake regular liaison with the Police,
3. A zero tolerance policy shall be maintained on the use or supply of drugs.
4. All regulated entertainment will end at least half an hour before the supply of alcohol.
5. Regular noise checks shall be undertaken during regulated entertainment.
6. Outside areas to be kept clean and tidy and bins emptied quietly.
7. No drinks taken off-site apart from off-sales.

Minimum Admission Age

1. No patrons under the age of 21 shall be admitted onto the licensed premises on Friday and Saturdays.
2. ID Scan
3. ID Scanning shall be a condition of entry, whereby the patron's passport, driving licence or PASS card, must be scanned at the point of entry, on every occasion.
4. Where a person refuses to allow an approved ID to be scanned, they shall be refused entry.
5. 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.
6. If 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.
7. A record of the failure must be recorded in a log and the police must be notified, together with the steps taken to have the ID Scanner repaired/replaced at the earliest opportunity.
8. If the ID scanner is not working, persons purchasing alcohol at the bar will be required to show proof of age if they appear to the person serving them that they could be under 25 years of age.

No Re-Entry

1. There shall be no admittance or re-admittance after 00:45 hours on any day.

Staff Training

1. All staff shall receive induction and/or refresher training on appointment and at least every six-months thereafter, commensurate with their role and responsibilities in relation to the sale of alcohol and the times and conditions of the premises licence.

2. Training shall be documented, and records will be kept at the premises. Training records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
3. Training must include:
 - a. The licensing objectives
 - b. The requirements for ID as part of age verification.
 - c. Dealing with an intoxicated person.
 - d. Dealing with disorderly incidents/disorderly persons.
 - e. Dealing with drug related activity on a licensed premises.
 - f. Recording of any refusal to sell alcohol.
 - g. Recording of incidents
 - h. Reporting of incidents to police and information to be shared with police to promote the Licensing objectives
4. All training records will be available to an authorised officer on request.

Incident Log

1. 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.
2. This shall be completed within 24 hours of an incident, be available upon request of a police officer or an authorised officer, and will record the following:
 - a. All crimes reported at the venue.
 - b. All ejections of patrons
 - c. Any complaints received concerning crime and disorder.
 - d. All drugs seized or found.
 - e. Any incidents of disorder
 - f. Any faults in the CCTV system, including action taken to remedy.
 - g. Persons banned from the premises.

Refusal Log

1. 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.

The prevention of crime and disorder

CCTV

1. A CCTV system must be installed, covering all public internal areas, including all public entry and exit points.
2. Access to the system must be allowed immediately to the Police or an authorised officer of the Licensing Authority in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution, or apprehension of offenders or where disclosure is required by law.
3. The CCTV system must be maintained so as to be fully operational and recording continually whilst the premises are open for licensable activities, and during all times when customers remain on the premises.

4. All images must be kept for a consecutive 31-day period and must be produced to the Police, Trading Standards or an authorised officer of the Licensing Authority upon request, or within 24 hours of such a request.
5. There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or an authorised officer of the Licensing Authority.
6. The CCTV system clock must be set correctly and maintained taking account of GMT and BST.
7. CCTV shall cover all outside areas of the premises, this to include the outside rear garden, the side patio area and the smoking area.
8. CCTV shall cover the outside at the front of the premises on Bell Street, to record customers queuing and leaving the premises.
9. The CCTV must provide images of good quality throughout the premises inside and outside, in all lighting conditions. The images of people entering/ leaving must cover the face and upper body.

Search Policy

1. 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.
2. The policy to include a minimum search ratio of 1 in 4 persons being subject to a voluntary search. The written search policy must be kept on the premises and made available for inspection at the venue by a police officer or authorised officer.

Drugs Policy

1. The premises must have a drugs policy, which must be kept on the premises and made available, on request, to a Police Officer or an officer of a responsible authority.
2. The drugs policy must include hourly checks of the toilets for any drug related, or otherwise suspicious, activity and evidence of any drug taking or related activity or paraphernalia.
3. A record of toilet checks must be completed and maintained on the premises for at least 3 months.

Dispersal Policy

1. The premises must have, and implement, a dispersal policy to ensure patrons safely disperse from the premises.

Door Supervisors

1. The Premises Licence Holder shall employ a minimum of 4 SIA door supervisors when the premises is operating on a Friday and Saturday, until 02:30hrs. One SIA door supervisor shall start at 20:00hrs and all 4 door supervisors to be on duty by 21:00hrs until closing and dispersal.
2. The premises licence holder shall employ a minimum of 3 on Thursdays and Sundays (One SIA door supervisor shall start at 20:00hrs and the other two SIA door supervisors shall start at 21:00hrs).
3. A door supervisor will supervise the beer garden/smoking area, at all times the venue is open for business.
4. A minimum of 2 SIA door supervisors shall be permanently positioned at the entrance to the premises.
5. 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.

Public safety

General

1. All requirements and responsibilities pertaining to the lawful and responsible operation of the premises covered by primary legislation, will be complied with – e.g building regs, health and safety, fire prevention.

Safe Capacity

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

The prevention of public nuisance

General

1. The premises licence holder will operate the business with general consideration in respect of the surrounding areas, neighbours, and businesses, including:
 - Regulated entertainment to be reduced to 'background level music' 30 minutes before the end of licensed hours on Fridays and Saturdays.
 - Lighting levels to be incrementally increased during the last 30 minutes of licensed hours on Friday and Saturdays.
 - Clear and prominent signs displayed at the exit from the premises requesting that customers leave quietly and respect the neighbourhood.
 - The premises will have a dispersal policy to ensure patrons safely disperse from the premises.

The protection of children from harm

Age Verification Scheme – Challenge 25

1. A challenge 25 scheme will operate at the premises whereby any person who appears to be under 25 years of age, and is unknown to the staff member serving as a person over 18 years of age, shall not be served alcohol unless they provide.
2. Identification to prove they are over 18 years of age.
3. Acceptable forms of identification will be a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram.
4. Challenge 25 signage must be displayed in a clear and prominent public place at the entrance to the premises and in all alcohol display areas.

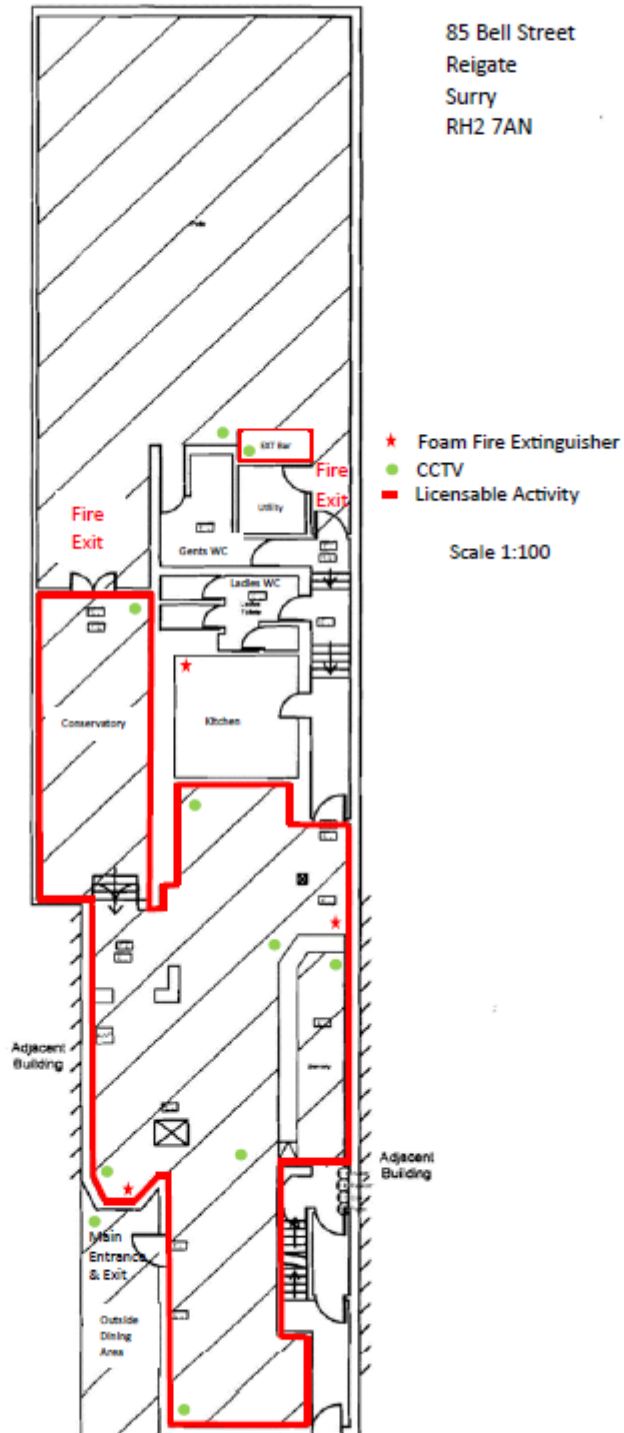
Embedded Restrictions

1. CCTV shall cover all outside areas of the premises, this to include the outside rear garden, the side patio area and the smoking area.
2. CCTV shall cover the outside at the front of the premises on Bell Street, to record customers queuing and leaving the premises.
3. The CCTV must provide images of good quality throughout the premises inside and outside, in all lighting conditions. The images of people entering/ leaving must cover the face and upper body.
4. Closing time on Friday and Saturday to be no later than 0130.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans



Notice

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

Recipient

Name: Suraj Chopra

Address: 85 Bell Street, Reigate, Surrey, RH2 7AN

Statutory Nuisance

Take notice that, under the provisions of the above-mentioned legislation, Reigate & Banstead Borough Council 'the council', being satisfied of the existence and likely recurrence of a statutory nuisance under Section 79(1)[g] of the act at:

85 Bell Street, Reigate, Surrey, RH2 7AN

being within the administrative area of this Council and that the said statutory nuisance arising from the loud music and entertainment taking place on the premises

Abatement

As the person responsible for the said nuisance the council requires that with **immediate effect** from the service of this notice, to abate the nuisance and also prohibit the recurrence of the nuisance. **No noise nuisance to be caused from amplified, live, or recorded musical entertainment or other amplifying equipment, to any adjoining or neighbouring residential occupiers.**

Appeals

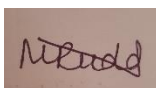
This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the court, as in the opinion of the council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance. You may appeal against the notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Penalties

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990. **A person who commits an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction.** The council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

Authorised Officer

Signature:



Name: Maria Rudd

Title: Environmental Services Officer

Date: 11/01/24

Contact address: Town Hall, Castelfield Road, Reigate, Surrey RH2 0SH

Email: environmental.protection@reigate-banstead.gov.uk Telephone: 01737 276000

Advice

If you do not understand the contents of this notice or would like to know more about it please contact the local authority. If you would like to receive independent advice about the contents of this notice, your rights and obligations then please contact The Citizens Advice Bureau, Housing Aid Centre, law centre or solicitor. Please be aware that you may qualify for Legal Aid or otherwise free independent advice from a solicitor or legal advisor for up to half an hour.

Notes

The Statutory Nuisance (Appeals) Regulations 1995

Appeals under Section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -

(a) that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

(c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates -

(i) is a nuisance falling within Section 79(1)(a), (d),(e),(f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or

(ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and –

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),

that the best practical means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -

(i) any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ('the 1974 Act') (control of noise on construction sites and from certain premises), or

(ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

(iii) any determination made under Section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being -

(i) the person responsible for the nuisance, or

(ii) the person responsible for the vehicle, machinery or equipment, or

(iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served:

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -

(i) a person also responsible for the nuisance, or

(ii) a person who is also owner of the premises, or

(iii) a person who is also an occupier of the premises, or

(iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

(a) quash the abatement notice to which the appeal relates, or

(b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
(c) dismiss the appeal;
and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
(b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court -

(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

(b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

3. - (1) Where -

(a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and

(b) either -

(i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or

(ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Environmental Health

Legal Notice Enclosed

Mr Suraj Chopra
85 Bell Street
Reigate
Surrey
RH2 7AN

Our Ref: 23/04299/ENCOM

Date: 11/01/24

Dear Mr Chopra,

Environmental Protection Act 1990, Part III
Complaints of noise nuisance caused by loud music and patron noise late at night
at 85 Bell Street, Reigate, Surrey, RH2 7AN

I am writing about the above complaint which was initially received by Environmental Health of Reigate & Banstead Council on 26/10/2023.

Following this we wrote to the premises on 27/10/2023 to advise you of the complaint. We then received corroborating evidence to support the claim and wrote to the property again, dated 31/10/23 advising that we were then actively investigating. Further to this I sent copies of both letters to an email address provided on your personal licence application form and received a response from you.

We continued to receive evidence in the form of noise recordings and video recordings of the noise nuisance from music being played inside the premises. I then visited the premises on 10/11/23 and discussed the complaint issues with a member of your staff. I then detailed these issues to you on an email with recommendations to reduce the noise nuisance by keeping the volume and bass down and restricting the use of the garden area in the late evening in the hope the complaint would be resolved.

Despite further and continuous recommendations made to yourself regarding the volume of music and the use of the garden area after a certain time of night, the complaints continued to be reported over the coming weeks.

On 20/11/23 and 17/12/23 separate independent complaints were made from nearby residents; I wrote to the premises on each occasion to advise you of this but there were still no obvious improvements made.

Following evidence obtained including the use of a Noise Nuisance Recorder in December 2023 and January 2024 , along with observations made by officers of this department in the late evening of 05/01/24 the Council have now concluded our investigation.

We are of the opinion that the noise emanating from loud music and entertainment is causing a statutory nuisance and that there is likely to be a recurrence of the nuisance.

Once a statutory nuisance has been identified then the council are legally required to serve an abatement notice on appropriate person(s).

You will note that to abate the nuisance the notice requires that with immediate effect **No noise nuisance be caused from amplified, live or recorded musical entertainment or other amplifying equipment, to any adjoining or neighbouring residential occupiers.**

I must advise you that your landlord will be informed of this notice being served and provided with a copy of it.

Please be aware that Environmental Health will continue to use noise monitoring equipment and utilise officer patrols in the area and within complainants' properties over the foreseeable future to monitor compliance with this notice and gather any necessary supporting evidence should a breach of abatement notice occur.

I must also highlight that the Council is empowered to seize equipment causing noise from commercial premises whether prosecution proceedings are contemplated or have commenced. The Council also has legal powers of entry to enable this should a breach of notice occur please note.

Your attention is drawn to your rights of appeal as outlined on the back of the notice.

Failure to comply with the notice is an offence which upon conviction currently carries an unlimited fine. If the notice is not complied with this authority may take action to abate the nuisance ourselves. You may wish to seek legal advice regarding this matter although currently no offence is being committed and we can therefore freely converse with you and any suitably qualified person you engage to try and resolve the matter. However, we wish to bring to your attention that should the nuisance continue, and an offence is being committed due to the legalities of the situation we will no longer be able to converse so freely. Therefore, if you have any questions or require any further information, please contact me on directly as soon as possible to discuss them.

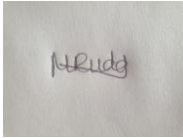
Please note whilst the enclosed notice solely relates to noise from amplified or live music I must inform you that the Council is still gathering evidence from multiple complainants regarding noise from patrons using the rear garden/ shisha area. The Council cannot therefore rule out further action either by Environmental Health or Licensing (or both) relating to this.

In addition to the above, under the Licensing Act 2003, Environmental Health, as a responsible authority, are currently minded to make a formal application to the Licensing Department to trigger a formal review of your premises licence should matters mentioned above not significantly improve promptly.

At this current time we can still converse freely about this matter, and I would urge you to consider reaching out to the Council to discuss these issues further so we can work together to ensure compliance going forward. Should breach of notices occur though, we may not be able to converse so freely in the future I must highlight.

- www.reigate-banstead.gov.uk
- Follow the council on twitter.com/reigatebanstead
-

Yours sincerely



Maria Rudd
Environmental Services Officer

Direct dial: 01737 276892

Email: environmental.protection@reigate-banstead.gov.uk
maria.rudd@reigate-banstead.gov.uk

Enc. Abatement Notice

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Licensing Team
Town Hall
Castlefield Road
Reigate
Surrey
RH2 0SH



**Application for a review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We [REDACTED] Environmental Protection Team Leader on behalf of Environmental Health apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Cloony's 85 Bell Street Reigate Surrey RH2 7AN	
Post town Reigate	Post code (if known) RH2 7AN

Name of premises licence holder or club holding club premises certificate (if known)
Mr [REDACTED]

Number of premises licence or club premises certificate (if known)
R&BBC 23/02734/LICDPS

Part 2 – Applicant details

I am

- | | | |
|--|-------------------------------------|---|
| 1) An individual, body or business which is not a responsible authority
(please read guidance note 1) | <input type="checkbox"/> | Please tick ✓
please complete (A) or (B) below |
| 2) A responsible authority | <input checked="" type="checkbox"/> | please complete (C)
below |
| 3) A member of the club to which this application relates | <input type="checkbox"/> | please complete (A)
below |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title <input type="checkbox"/> (for example, Rev)
Surname		First names		
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>		

Please tick ✓

I am over 18 years old or over

Current address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name Environmental Health
Address Townhall, Castlefield Road, Reigate, Surrey, RH2 0SH
Telephone number (if any) 01737 276000
E-mail (optional) environmental.protection@reigate-banstead.gov.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Public Nuisance:

Environmental Health have received 3 formal complaints from residents in nearby area surrounding 85 Bell Street, Reigate in relation to noise nuisance from within the licensed boundary of Cloony's bar. These are as follows:

- 23/04299/ENCOM noise from Cloony's Bar (shouting and loud music) received on 26.10.23
- 23/04647/ENCOM noise from Cloony's Bar received on 20.11.23
- 23/04995/ENOIPA noise from Cloony's Bar (excessive music volume) received on 17.12.23

In addition to the above, I am aware other complaints have been made to our Licensing Department regarding the exterior noise and behaviour of patrons entering and leaving the premises, which have reportedly been disturbing local residents.

After diligent investigations, and plenty of forewarning about the noise issues occurring to the licence holder, both in writing and via site visits. Environmental Health were duty bound to issue a noise abatement notice against the licence holder, which occurred on 11th January 2024 under Part III of the Environmental Protection Act 1990. This notice was subsequently deemed to have been breached/ not complied with on numerous occasions. (please note at the time of writing Environmental Health are still analysis noise data and there is the potential for future breaches to occur also). The below example is based on my own observations and provided as an indication, that I could hear the song and lyrics were clearly audible inside residents properties and or communal flat areas.

- 27th January 2024 loud music clearly audible in a bedroom and around residents properties throughout the evening e.g. Officer could clearly hear Shaun Paul 'Gimme the Light' playing at 21.41 and Estelle 'American Boy' playing at 2156.

As such given the complaints, Environmental Health serving a noise abatement notice and this notice subsequently being contravened/ breached and ancillary information about noise and antisocial behaviour that have been reported to the council. I am of the opinion that the music noise from the licensed premises is having a disproportionate and unreasonable effect on persons living in the area which demonstrates that the premises licence holder is not promoting the licensing objective - the prevention of public nuisance. Therefore, I feel I have no option now but to formally call for a licence review at the aforementioned licenced premises.

I must add that the licence holder has verbally stated on several occasions they are looking into noise mitigation measures such as sound proofing to dampen down the noise, they have engaged somewhat with Environmental Health and Licensing by Voluntarily restricted the use of the rear garden and rear smoking area by closing the access to patrons after 22:00 hrs).

Please provide as much information as possible to support the application (please read guidance note 2)

Environmental Health have received 3 formal complaints from residents in the area surrounding 85 Bell Street, Reigate in relation to noise nuisance from within the boundary of Cloony's bar. These are as follows:

- 23/04299/ENCOM noise from Cloony's Bar received on 26.10.23
- 23/04647/ENCOM noise from Cloony's Bar received on 20.11.23
- 23/04995/ENOIPA noise from Cloony's Bar received on 17.12.23

In addition to the above concerns have been expressed to Environment al Health and other council departments regarding the exterior noise and behaviour of patrons entering and leaving the premises, which have been disturbing local residents.

Following on from the above, the council investigated the noise complaints for the residents under Part III of the Environmental Protection Act 1990 (statutory Nuisance). As part of our investigations the licence holder, Mr [REDACTED] was written to by Environmental Health about the above complaints either via letter and or via email on at least Eleven occasions as detailed below:

- 27.10.23 Letter sent to Premises re noise complaint.
- 31.10.23 Follow up letter to premise sent offering advice re noise complaint.
- 9.11.23 Email correspondence with the premises about the noise issue.
- 10.11.23 Case Officer visit to premises met and discussed noise issues with Mr [REDACTED] bar manager.
- 20.11.23 email correspondence with premise re noise issues.
- 23.11.23 new complaint letter sent to premises.
- 1.12.23 Section 16 notice sent to premises addressed to Mr [REDACTED] – 14 days to respond noted didn't respond within timeframe.
- 19.12.23 email follow up to premise following failure to reply to Section 16 Notice within response time.
- 22.12.23 Letter sent to Premises re noise complaint.
- 11.1.24 Noise abatement notice issued to licence holder.
- 1.2.24 Breach of Notice any reasonable excuse letter to premises.

In relation to Environmental Health noise investigations, given the evidence provided by local residents (diary record sheets, noise recordings and videos) and coupled with late night officer observations of the reported noise nuisance first hand on 5th January 2024, Environmental Health were duty bound to issued a noise abatement notice against the licence holder on 11th January 2024 under Part III of the Environmental Protection Act 1990 as a statutory noise nuisance had been substantiated.

Communications from residents indicated there hadn't been any noticeable improvements since the serving of the abatement notice. In response to this, a residents meeting with Licensing

Environmental Health and the licence holder was called and occurred at 7pm on 17th January 2024. Local residents had the opportunity to outline what issues were affecting them and how it was impacting on their use and enjoyment of their home. In my opinion it was made very clear the noise and bass levels from within the bar was too loud, the noise from the rear garden area was too loud and the garden was open too long into the night/ early morning and noise and antisocial behaviour from patrons entering or leaving the bar were explained to the licence holder.

To assist in trying to find a generally acceptable noise level that wouldn't usually be capable of breaching the abatement notice it was agreed all parties would participate in a noise listening exercise, whereby the level of noise and bass would be varied (under the oversight of council officers) to identify a volume level that wouldn't be deemed a statutory nuisance i.e. wouldn't usually be capable of breaching the abatement notice. This exercise occurred on 18th January 2024.

During this exercise on the 18th January I was able to identify a setting on the DJ equipment whereby music couldn't be audible at a level in residents properties that would breach the notice. Residents and I made several recordings at this level, so we have evidence to benchmark and compare any potential breaches too.

It was made very clear to the licence holder ~~the~~ which recommended setting on the DJ equipment should not be exceeded, but anything lower would be better though. I also emphasised that it is the licence holders responsibility to ensure the abatement notice isn't breached and our assist was just a guide only.

In my professional opinion the noise in the bar whereby the music was loud and would be considered a breach of notice compared to the suggested level whereby the noise wouldn't usually be considered being capable of being a breach (and could be clearly distinguished with the human ear). The area to local residences are open to the public, as such there wouldn't have been anything stopping representatives from the bar walking the surrounding area, going inside communal areas of the adjacent flats to listen to see if the noise could be audible or not or even doing further checks or engagement with local residents to see how noise levels in their properties area. I note in the licence holders application they stated there would be regular noise checks, if these were done then surely we wouldn't be in this position now?

Following numerous noise recordings supplied to Environmental Health by local residents and coupled with Environmental Protection Officer on site observations in and around residents properties on the evening of 26th and 27th January 2024, Environmental Protection Officers had obtained sufficient evidence which confirmed the notice has not been complied with, whereby music emanating from the premise has been clearly audible causing a nuisance to local residents that goes against the requirements of the abatement notice.

At the time of writing this statement, Environmental Health were aware of the following breaches of notice (Table 1 below) whereby evidence/ observations were sufficient to demonstrate that the requirement of the notice in that "no noise nuisance to be caused from amplified, live or recorded musical entertainment or other amplifying equipment to any adjoining or neighbouring residential occupiers" was deemed to be breached/ not complied with.

Table1: List of reported contraventions of noise abatement notice (note times are to provide examples of context)

Date	Noted Example Times	Narrative
18.1.24	2334hrs	Loud music, identify song as Peggy Gou – Nanana
	2356hrs	Can hear thumping music, recognise song as Sing it Back – Moloko

	2357hrs	Loud thumping base heard, can hear lyrics - Upside down, inside our and round and round
19.1.24	0007hrs	Music identified as Arman Van Helden – You Don't Even Know Me
	2204hrs	Can hear repetitive base, clearly hear song and lyrics of Please Don't Stop The Music - Rihanna.
	2234hrs	Can hear base and lyrics to a song – Hey Brother - Avicii
	2346hrs	Loud music with base, song identified as Worth it – Fifth Harmony
20.1.24	0027hrs	Clear music heard with base, song Who Runs The World – Beyonce
	2150hrs	Identify song as Electricity – Dua Lipa. Voices heard in background talking.
21.01.24	0048hrs	Very loud thumping base music hard, people heard cheering and talking in the background
25.1.24	2152hrs	Loud music heard, identify two songs where lyrics can clearly be heard. SWV – Into You, Jade - Don't Walk Away.
	2256hrs	Loud base heard, song lyrics identified as Becky Hill – Loose Control and Becky Hill Crazy What Love Can Do
	2354hrs	Loud base and lyrics heard, identify song as Soulja Boy – Kiss Me Thru The Phone
26.1.24	0002hrs	Clearly hear music and lyrics, identify song as Dilemma – Nelly

	0006hrs	and Kelly Rowland Identify song as Rude Boy – Rihanna
27.1.24	2025hrs 2157hrs 2328hrs 2332hrs 2336hrs	Loud music heard playing, song recognised as Murder On The Dancefloor – Sophie Ellis-Bextor Can hear people talking and singing in parts of recording. Loud music playing with song clearly identified as American Boy – Estelle Can hear people talking and song loudly in background, music identified as Freed From Desire – Gala People heard talking and cheering. Music identified as Arman Van Helden – You Don't Even Know Me Can hear music playing loudly , song Show Me Love – Robin S

I believe the information detailed above confirms that we have given the premise ample notice, warning and guidance both in writing and verbally but they continually seem unwilling to lower their music levels as to not cause a noise nuisance to their neighbours. I feel this review process could have been avoided if the premise were doing regular noise checks as they had stated in their initial application and were being proactive and adjusting their volume down as to not impact local neighbours.

I am of the opinion that the music noise from the licensed premises is having a disproportionate and unreasonable effect on persons living in the area which demonstrates that the premises licence holder is not promoting the licensing objective - the prevention of public nuisance. Therefore, I feel I have no option now but to formally call for a licence review at the aforementioned licenced premises.

Enclosed
See copy of Abatement Notice

Please tick ✓

Have you made an application for review relating to this premises before?

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

✓
✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 3)


Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature ... 

Date1.2.24.....

Capacity ...Environmental Protection Team Leader.....

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)


 Environmental Protection Team Leader
 Reigate and Banstead Borough Council
 Townhall
 Castlefield Road
 Reigate
 Surrey
 RH2 0SH

Post town Reigate

Post code RH2 0SH

Telephone number (if any) 01737 276000

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Environmental.protection@reigate-banstead.gov.uk

Notes for guidance

1. The ground(s) for review must be based on one of the following licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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Suggested conditions

Upon this licence review Environmental Health are requesting the Music Deregulation Act 2012 be disapplied and the following conditions be implemented:

(1) The rear outside area, as defined by the boundary on plan ref (EH1) shall be closed in that it shall not be occupied by any persons (patrons, staff etc) between [21:00] hours and [09:00] hours.

(2) Signage shall be erected in at least 3 clearly visible locations advising patrons to keep noise to a minimum/ be respectful of our neighbours within the rear outside area as defined by the boundary on plan ref (EH1). The signs wording and locations shall all be approved by the Council's Environmental Health team.

(3) When the rear outside area is in use, as defined by the boundary on plan ref (EH1), the licensee or management shall undertake regular monitoring of patron noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than 12 months and shall be made available upon request to the police or an authorised officer of Reigate and Banstead Borough Council.

(4) While live or recorded music takes place on the premises, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than 12 months and shall be made available upon request to the police or an authorised officer of Reigate and Banstead Borough Council.

(5) All windows and external doors shall be kept closed between [20:00] hours and [09:00] hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

(6) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

(7) A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:

(a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,

Suggested conditions

- (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
- (c) The limiter shall not be altered without prior written agreement from the Environmental Health,
- (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health, and
- (e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- (8) Speakers shall not be located/operated in the entrance lobby or outside areas of the premise.
- (9) Patrons permitted to temporarily leave and then re-enter the premises to smoke at the front of the premises, shall be restricted to a designated smoking area as defined by the boundary on plan ref (EH1) and to a maximum of 6 patrons at a time. Not drinks will be taken into the smoking area Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.



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

**Licensing Act 2003
 Representations on an application to vary a Premises Licence**

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.

Name of Premises or Club Clooney's Bar	
Address of Premises or Club 85 Bell Street	
Post town REIGATE	Post code (if known) RH2 7AN

Type of application

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

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 Insp Vale- Reigate and Banstead Borough Commander.	
Name of Authority	SURREY POLICE
Address of Authority	P O BOX 101 GUILDFORD SURREY GU1 9PE
Telephone number of contact person	01483 - 631465

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.

Surrey Police make the following representation, following the application by Reigate and Banstead Council Environmental Health Team, in relation to Clooney's Bar in Bell Street Reigate.

On Thursday 21st December 2023 at 22:16 hrs the venues Premises Licence Holder who is also the DPS contacted Surrey Police to request police attendance for a violent male at Clooney's Bar.

On arrival, police officers were directed to a male on the floor in front of the main bar, who at that time was being restrained by two door supervisors. The male had assaulted staff at the venue prior to police arrival. Once detained by police, this male assaulted a number of police officers.

At 23:11 hrs that evening a police officer who was taking an account of the incident from the PLH/DPS outside the front of the venue in Bell Street, asked if the PLH/DPS had CCTV of the incident and the PLH/DPS confirmed he did have CCTV coverage and then played CCTV images linked to the incident on his phone to the officer. The officer said they would send a link to the PLH/DPS to upload the CCTV images of the incident. The PLH/DPS provided the officer with their e mail address.

The premises licence for Clooney's Bar which was granted on the 18th of August 2023 has the following conditions under Annex 2. These are conditions the PLH/DPS confirmed would be complied with, within the operating schedule of the venue, when he submitted the premises licence application in the summer of 2023.

1. A CCTV system must be installed, covering all public internal areas, including all public entry and exit points.

2. Access to the system must be allowed immediately to the Police or an authorised officer of the Licensing Authority in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution, or apprehension of offenders or where disclosure is required by law.

3. The CCTV system must be maintained so as to be fully operational and recording continually whilst the premises are open for licensable activities, and during all times when customers remain on the premises. LAPREMA

4. All images must be kept for a consecutive 31-day period and must be produced to the Police, Trading Standards or an authorised officer of the Licensing Authority upon request, or within 24 hours of such a request.

5. There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or an authorised officer of the Licensing Authority.

6. The CCTV system clock must be set correctly and maintained taking account of GMT and BST.

7. CCTV shall cover all outside areas of the premises, this to include the outside rear garden, the side patio area and the smoking area.

8. CCTV shall cover the outside at the front of the premises on Bell Street, to record customers queuing and leaving the premises.

9. The CCTV must provide images of good quality throughout the premises inside and outside, in all lighting conditions. The images of people entering/ leaving must cover the face and upper body.

On the 18th of January 2024 a police link was sent to the PLH/DPS to upload the CCTV. The investigating officer also contacted the PLH/DPS on the 19th of January and again on the 24th and 29th of January requesting the CCTV. The PLH/DPS did not provide CCTV images to police. The images would have provided evidence in relation to the criminal investigation that followed this reported incident.

See Continuation page.

This representation relates to the following licensing objectives(s)

Please tick one or more boxes ✓

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

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

Please tick ✓

- | | |
|---|---|
| <ul style="list-style-type: none"> 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. | X |
| <ul style="list-style-type: none"> 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 |

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 ...Insp 40537 ValeDate ...20/02/2024

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.police.uk	

Police representation, Clooney's Bar -Continuation Sheet

Condition 4 on the premises licence as above, states that images must be kept for 31 days and produced on request of police within 24 hours. The failure to provide police officers with the CCTV images of that incident within 24 hours of the request being made by PC Barendse on the 18th of January 2024, is a breach of the CCTV conditions on the premises licence and the failure to provide the CCTV images has undermined the crime and disorder licensing objective.

When police officers attended the incident on 21st December 2023, they were of the opinion that the violent male on the floor was highly intoxicated, yet he had been able to purchase champagne whilst at Clooney's. Section 141 of the Licensing Act 2003 makes it an offence to sell alcohol to a person who is drunk.

Surrey Police are of the opinion that the Premises Licence Holder/ Designated Premises Supervisor of Clooney's Bar, who was;

1. Present during this incident and had themselves called police to attend this violent intoxicated male &
2. Had been advised by an officer at the scene, that a link to upload CCTV images would be sent to them,

should have ensured CCTV images of the incident were downloaded and secured, ready to provide the images to the investigating officer.

Further to this incident, when police conducted a joint licensing visit on the 2nd of December 2023, with officers from Reigate and Banstead Borough Council Licensing Team, it quickly became apparent that the venue did not have an ID Scanner in situ, which is a condition on the premises licence.

The premises licence has ID Scanner conditions that state:

No patrons under the age of 21 shall be admitted onto the licensed premises on Friday and Saturdays.

2. ID Scan

3. ID Scanning shall be a condition of entry, whereby the patron's passport, driving licence or PASS card, must be scanned at the point of entry, on every occasion.

4. Where a person refuses to allow an approved ID to be scanned, they shall be refused entry.

5. 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.

6. If 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.

7. A record of the failure must be recorded in a log and the police must be notified, together with the steps taken to have the ID Scanner repaired/replaced at the earliest opportunity. 8.

If the ID scanner is not working, persons purchasing alcohol at the bar will be required to

show proof of age if they appear to the person serving them that they could be under 25 years of age.

Whilst Surrey Police acknowledge the PLH/DPS acted immediately to arrange for an ID scanner to be installed at the premises following the licensing visit and prior to re-opening, to not comply with the conditions to have an ID scanner from when the venue opened in late August until early December was a breach of the premises licence conditions, undermined the crime and disorder licensing objective and poor management by the Premises Licence Holder /DPS.

Surrey Police believe that the failure to provide the CCTV and the failure to have the ID scanner in situ until after a joint agency licensing visit, have caused the crime and disorder licensing objective to be undermined and are grounds for the DPS to be removed.



SURREY POLICE

DELEGATED AUTHORITY

LICENSING ACT 2003

I, the Chief Constable of Surrey Police, hereby authorise and delegate powers conferred upon me by:

Licensing Act 2003 ("the Act")

With regard to the following functions and responsibilities under the aforementioned Act:

Grant of premises licence, provisional statements, variation of licences, transfer of premises licence, review of premises licence, and relevant club premises certificate equivalent (under Parts 3 and 4 of the Act); temporary permitted activities (under Part 5 of the Act); grant and renewal of personal licences (under Part 6 of the Act)

To: T/Inspector Jon Vale 40537

This delegation shall remain forever in force until revoked by the Chief Constable of Surrey Police.

Signed:

A handwritten signature in black ink, appearing to read 'G Stephens', written over a horizontal line.

Date:

14/10/20

**Gavin Stephens
Chief Constable**

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From: [REDACTED]
To: [Licensing](#)
Cc: [REDACTED]
Subject: Cloonys Case- Tenant of Park house [REDACTED]
Date: 29 February 2024 09:40:14
Attachments: [Cloony's video Evidence Log-](#) [REDACTED]

Good morning Paul,

I hope this email finds you well.

Apologies this has taken longer to get to you, work is super busy at the moment and as you can imagine this is a job within itself to collect all this information.

I have collected all the video evidence in a file, along with the attached spreadsheet with explanations of each video, and how it has drastically impacted my life, mental wellbeing and inability to enjoy my new home.

Unfortunately I can't download the files as a ZIP folder as there is too much evidence, please do let me know if there is another way to share this information with you ie an internal uploading evidence system?

As you can see, these videos date back to October 2023 from the opening night of the club, you will note the untenable noise disruption not only from the clubs music, dj's and but from the patrons of the nightclub filtering into the nightclubs garden and spilling out onto the streets. You will notice the decline in my mental state as I take to videoing the patrons outside, as I have no other option but to try and gain evidence to explain the severity of the situation.

Whilst I appreciate the appears to have been some positive change in the past 28 days as the club has not been operating the advertised hours , it has taken the most extreme action and a mountain of evidence to see the needle being moved an inch in a positive direction. Thus I believe this should be taken into consideration when reviewing the licensing hours, especially those of the nightclub garden. Ultimately, operating a nightclub business model is untenable with tenants living in such close proximity.

It is also important to note the club was not in operation when I moved into Park House (28th August 2023). During the time of the license application I was not a resident of the area and did not know that the application had been made on 19th July 2024 (from what I have been able to determine online). I did not visit the area post my flat viewing on 24th July, and at this time I had not noted any signage to suggest the business was in any way about to open. Even if I had, I could not have predicted that a "wine and cocktail bar" (as advertised) would operate as a nightclub.

I hope all this information is helpful and do let me know if you require anything else from my side.

Thank you in advance for your continued work on this case.

Kind Regards,

[REDACTED]

Clonny's video Evidence Log		Image from 2nd november to illustrate clubs target market/ demographic.
Date	Time	Issue On Video/ Personally affected
Saturday 28th October 2023	09:59pm	Noise from patrons, trying to sleep as I have been up since 5am for work, 4am wake up call for work start on 29th October
Saturday 11th November 2023	23:21pm	loud noises from patrons and music base can be heard, disrupting a quiet night in my home
Saturday 18th November 2023	22:22PM	Base from the DJ/ sound system loud, audible as trying to sleep, Patrons of the club louder than base. Sounds like a festival outside my home. Can't sleep
Saturday 18th November 2023	22:24PM	same as above, video shows proximity of my bedroom/ home to club work, very early on Sunday morning was in Ealing by 6am Sunday 19th. Health started to be really affected
Saturday 2nd December 2023	23:07PM	Mental health now very low, no ability to sleep prior to early morning starts to keep my [redacted] business afloat. Turning up to work as a zombie, worried about my driving when so tired. Video shows noise from garden/patrons and DJ music.
Saturday 2nd December 2023	23:08PM	video shows proximity of beer garden to residential area.
Thursday 14th December	23:40pm	Mental health at crisis point. No longer got the energy [redacted] the next day, have to be up early, trying to sleep in bed, screaming and shouting from patrons. No care for local community.
Thursday 14th December 2023	23:40pm	as above, extended video, can't have window open at night to sleep, have an hour's drive ahead of me at 6am.
Thursday 16th December 2023	22:22PM	patrons screaming, music audible, have had [redacted] early starts back-to-back. Exhausted.
Saturday 16th December 2023	22:23PM	Patrons screaming, loud talking, echoing from undercroft
Saturday 16th December 2023/ 17th December 2023 morning	12:45 AM	clearly intoxicated loud patrons, loud shouting audible music consistent beat/ base. No care for tenants
Thursday 21st December 2023	22:07PM	Care for my own personal safety has gone. Seeking medical mental health support. Exhausted, trapped, feels like the only option is to move.
Thursday 21st December 2023	22:09 PM	videos show decibel reader of noise in my flat, outside club no security staff.
Thursday 21st December 2023	22:21	music audible
Thursday 21st December 2023	22:38	whilst gaining noise evidence, police start pulling up on road
Thursday 21st December 2023	22:46	Total of 4 visible police cars and 1 x police van, man arrested.
Thursday 21st December 2023	22:58	Club resumes as normal, no self awareness shown for potential impact residential area. No apologies or care shown from Raj at time, stated "that is just business" as he was outside [redacted]
Thursday 21st December 2023/ morning of 22nd December 2023	1:12AM	screaming down the road from patrons leaving club. Haven't slept, tried up for work in a few hours, light from undercroft activated as people come close enough to activate it.
Saturday 23rd December 2023	23:50	Voices, loud base
Saturday 23rd December 2023	23:51	clearly audible mash up of "James Hyge, Miggy Dala Rosa - Ferrari"
Saturday 23rd/ morning of 24th December 2023	1:49 AM	Closing time at club, patrons loud no respect for local community. Feels like I am losing my mind, have work the next day.
Saturday 23rd/ morning of 24th December 2023	1:51 AM	video shows no patron dispersal plan at end of the night, chaos of intoxicated patrons and no order, no respect for local tenants.
Sunday 31st December/ Morning of 1st Jan 2024 (New Years Eve)	2:00 AM	music still playing past licensed hours, screaming, shouting disrespect for tenants, anti-social behaviour, was told by bouncer they have an extended license granted for New Years Eve.
Sunday 28th Jan 2024 (3 video)	1:00 AM	alter meeting and abatement notice served- screaming shouting noise app used to show how this is heard from my home, video shows no attempt to reduce noise from patrons also not sure what bouncers can do as drunk people will always make noise.

From: [REDACTED]
To: [Paul Morey](#)
Subject: FW: Cloony's Cocktail Bar & Shisha - License Review Representation
Date: 07 March 2024 15:31:53

From: [REDACTED]
Sent: 06 February 2024 16:05
To: Licensing <Licensing@reigate-banstead.gov.uk>
Subject: Cloony's Cocktail Bar & Shisha - License Review Representation

Good afternoon

Since the club opened in October 2023 our quality of life has been impacted. For half of the week we are unable to sleep or relax in our own home due to the noise from people in the outdoor garden area till 1:00AM and the extremely loud music playing from 20:00 till 2:00 AM.

Due to sleep deprivation my pregnant partners mental and physical health has been impacted, she is finding it very difficult to relax due to consistent disturbance being caused by the club, she had to attend an unplanned baby scan due to this as well and her midwife and GP are worried if this continues.

Both of us have to go to work early in the morning at 7:00 AM on weekends as well and we are finding it extremely difficult to have a normal day due to fatigue.

I have communicated with the owner on several occasions and advised him of the circumstances and they have ignored all of my requests, they also advised me that their license is till 2:00 AM and they are allowed to play music and keep the garden open till that time.

I would like the council to emend this establishment's license for the below reasons:

- It is unacceptable for a night club to operate till 2:00 AM in an area where people live directly next door - especially when the volume of people in this community has doubled.

-The owner has no intention to consider his neighbors and has not cooperated with the council's guidance and advice for the past 4 months.

-The owner stated in our meeting on the 17th of January 2024 that he has no experience in this line of business which is extremely worrying!

-The level of litter and anti-social behavior from patrons has increased drastically.

-I fear that the issues will only escalate further when we approach summer.

-The current license has no volume level restrictions, no restrictions to the amount of people allowed in the garden simultaneously, no time restrictions for the use of the garden area, no restrictions of the use of amplified music in the garden area.

- The establishment is following the same footsteps as Joules wine & cocktails bar (the previous club) which impacted the community negatively throughout the years.

- Change is needed, based on facts this type of business (night club) has only impacted previous residence negatively, and it would be great to see our local authority supporting change to improve people's lives.

- I should not be forced to move out from my home and it is unacceptable for this type of business to open at such close proximity to people's homes.

Thank you for your time.

Kind regards

[REDACTED]