

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held at the **New Council Chamber - Town Hall, Reigate** on **Tuesday, 19 September 2023 at 12.30 pm.**

Present: Councillors Baker (Chair); S. Sinden and D. Torra

12 Apologies for absence

There were none.

13 Declarations of interest

There were none.

14 Licensing Hearing Procedure

The licensing hearing procedure note was noted.

15 Application to vary the existing premises licence for The Bulls Head, 55 High Street, Reigate

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

Those representing the applicant were:

Mr Andrew Cochrane (Solicitor for the applicant)

Mr Greg Sergeant (Business Development Manager for the applicant company)

Mr Gary Payne (Operator)

Mr Steven Cheung was in attendance as an objector. Mr Justin Haves, an Environmental Protection Officer, was in attendance as a representative of the responsible authority.

The applicant confirmed that a partial agreement had been achieved with Environmental Protection. The details of the agreement were provided later in the meeting.

Representations

The Licensing Officer provided an introduction to the application which was to vary the Premises Licence for the Bull's Head Public House of 55 High Street, Reigate RH2 9AE. It was explained that the area which was the subject of the application was labelled as a beer garden on the current plan as part of the existing Premises Licence. This was shown as completely open and with no fixed structures. Structures had been



Licensing and Regulatory Sub-Committee, Tuesday, 19th September, 2023

erected in this area which had been granted planning permission by the Council as the planning authority subject to conditions. The plan submitted as part of the application would replace that on the existing Premises Licence. Attendees were reminded to keep comments and observations to the variation of the licence to the plan, and to the structures and their use.

Mr Andrew Cochrane, made the representation on behalf of the applicant:

- The outside area had been developed during the pandemic for both health and commercial reasons. This resulted in both the Planning and Licensing Applications.
- The objective of the Licensing Application was to enable the sale of alcohol from the new outside area in which Planning Permission had been granted for the structures.
- It was not the intention to operate this outside area all year round. Sales would be seasonal/in accordance with better weather.
- As a result of the Planning conditions, the new shelter in the beer garden had been acoustically insulated. It was also specified in these conditions that there could be no live or amplified music by way of speakers in the external area.
- Two licence conditions proposed by Environmental Protection had been agreed: (1) Staff would monitor customers in the external area to ensure they did not cause a public nuisance. (2) Notices would be prominently displayed in the external area requesting patrons to respect the needs of local residents and to leave quietly.
- However, it had not been possible to agree with Environmental protection a time for curtailing the use of the outside area. The applicant had agreed to 11pm whereas Environmental Protection wanted this to cease at 10pm. It appeared that this suggestion from Environmental Protection was based on a complaint received two and a half years ago.
- The comparison was made between the operation of the beer garden with and without Planning and a licence to sell alcohol within the new structure. With no Planning and licence, the beer garden could be open for the sale of alcohol until the end of licensing hours with no restriction on music up to 23:00 hrs due to the deregulation created by the Live Music Act. Whereas if the licence were granted, with the proposed terminal hour of use, trading would be from an acoustic shelter and would cease at 11pm and there would be no music. This situation would be better for residents.

Mr Justin Haves, the Environmental Protection Officer, made a representation on behalf of the responsible authority:

- It was confirmed that there was an impasse on the time that trading should cease.
- It was considered that 10pm was more appropriate due to the close proximity of residential properties. It was highlighted that there was potential to use the structure in the beer garden every day of the year due to its construction. It would have a capacity close to 100 as not all patrons would be seated, and noise would be generated from milling around. From experience, 10pm seemed more acceptable and would safeguard local residents from noise.

Mr Steven Cheung, an objector, made his representation.

- The windows in the property adjacent to the beer garden structure could not be opened in summer due to the noise and smoke.
- Called for the safeguarding of local residents.
- Questioned public safety due to the parking rights to the side of the pub and patrons using this area in conjunction with the beer garden. Bikes and mobility

Licensing and Regulatory Sub-Committee, Tuesday, 19th September, 2023

scooters were left in this space and patrons had been found urinating behind cars, outside the shelter area. It was anticipated that there would be an accident.

- Highlighted that Planning applications had been made retrospectively which showed the cavalier way in which the business was operated.
- Questioned whether access could be provided for emergency vehicles and if the Bull's Head provided sufficient toilet facilities for its patrons.

Questions

In response to questions from the Licensing Officer, Mr Andrew Cochrane, on behalf of the applicant, explained that the ability of staff to supervise the beer garden would improve if alcohol was to be sold in the beer garden structure. There would be some element of supervision when the bar was open in the beer garden. This was described as an improvement on the usual operation of the beer garden where the presence of staff was intermittent. Enforcement would be on a regular basis, as defined by common English usage. There was no condition on the licence and no voluntary agreement in place, but in practice the beer garden did not operate to the terminal hour. However, to offer further reassurance, it was being voluntarily suggested that the beer garden should be put out of use at 11pm. Access to the beer garden was via the alleyway or from the rear of the pub building. It was noted that plan did not correctly show the exit at the bottom of the stairs into the alleyway and would need to be updated.

In response to questions from the Environmental Protection Officer, Mr Andrew Cochrane, on behalf of the applicant, explained that if the beer garden bar was not open patrons would still be able to purchase alcohol in the pub for consumption outside. The maximum seating capacity of the beer garden structure was 86. This could be increased with standing as was always the case with external structures. It was suggested the erection of the external structure may have decreased the capacity of the beer garden.

In response to questions from the Mr Steven Cheung, the objector, Mr Andrew Cochrane, on behalf of the applicant, explained that the licensing application would be preferable for local people. The beer garden that had previously been open was now enclosed with acoustic panelling, there could now be no outside music and the proposal had been made to limit the time of usage to 11pm.

In response to questions from the members of the Licensing Sub-Committee, Mr Andrew Cochrane, on behalf of the applicant, explained that the Bull's Head provided one female toilet cubicle and three gents' facilities. The use of the shared driveway was a long-standing arrangement that would not be changed by any decision made by the Licensing Sub-Committee. The area in question would remain as a beer garden and therefore be accessed by patrons using the shared driveway. There was a barrier in place directing the patrons. The shared driveway was very narrow, so drivers had to proceed at low speed. The reduction in usage to 11pm would only apply to the beer garden which was still an improvement on the present arrangements.

In response to questions from the Mr Andrew Cochrane, on behalf of the applicant, Mr Justin Haves, the Environmental Protection Officer, for the responsible authority, explained that whilst the World Health Organisation guidelines on noise focused on 23:00, it had been found that residents had a preference for 22:00.

Closing submissions

Licensing and Regulatory Sub-Committee, Tuesday, 19th September, 2023

Mr Andrew Cochrane, on behalf of the applicant, summarised that should the licence be granted, alcohol would be served outside on a limited number of occasions. Without the licence being granted, alcohol would continue being consumed all year round. Mediation of the application had resulted in agreement that staff would monitor the area and notices be displayed on the premises encouraging patrons to respect the needs of local residents. Additionally, the applicant was voluntarily prepared to put the beer garden out of use after 11pm. The Planning conditions for acoustic panelling and restrictions on music had been met. The most recent complaint cited by Environmental Protection was over two and a half years old with no further complaints being made since the shelter was erected. The shared driveway was only used by a small number of vehicles.

Mr Justin Haves, the Environmental Protection Officer, summarised on behalf of the responsible authority that there was agreement on staff monitoring and the display of notices. It just remained for the usage time to be agreed. The proximity of local residents and therefore the likely effect had to be taken into consideration. It was thought that the acoustic panelling would not be of benefit with more than 100 people using the area in the summer.

Mr Steven Cheung, the objector, summarised that the exit from the pub opens outwards onto the alleyway which was of concern for drivers and public safety should be put first.

The Sub-Committee adjourned to deliberate at 13:27 and resumed at 13:45 to give its decision.

The Licensing and Regulatory Sub-Committee **RESOLVED** that the application be **GRANTED** subject to the conditions/reasons as set out as follows:

1. Staff will monitor customers in the external area on a regular basis and ensure patrons do not cause a public nuisance.
2. Notices shall be prominently displayed in the external area requesting patrons to respect the needs of local residents and to use the area quietly and to leave quietly.
3. The outside area shall be rendered unusable by 23:00 Monday to Sunday.

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 submissions made at the hearing.

The reasons for the decision are as follows:

1. Conditions (1) and (2) have been agreed with the applicant.
2. Condition (3) the limitation of the use of the outside area to 2300 represents a reduction in the potential for public nuisance given that at present this area can be used for the consumption of alcohol until either midnight, 1.00 am or 1:30am.
3. 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.

Licensing and Regulatory Sub-Committee, Tuesday, 19th September, 2023

The meeting finished at 1.48 pm