

BOROUGH OF REIGATE AND BANSTEAD
LICENSING AND REGULATORY SUB-COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Sub-Committee held at the New Council Chamber - Town Hall, Reigate on 22 March 2019 at 10.30 am.

Present: Councillors F. Kelly (Chairman), R. C. Newstead and Ms. B. J. Thomson.

Also present: Councillors Mrs. R. S. Turner (Standby).

Before the start of the meeting the Chairman reminded all present that this meeting would be webcast live on the Council's website.

6. APOLOGIES FOR ABSENCE

Apologies were received from Councillor A. Lynch who had been listed on the published agenda as the Chairman of the Sub Committee.

It was noted that Councillor F. Kelly had therefore been appointed as a replacement Member of the Sub Committee and had been appointed Chairman.

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. HEARING PROCEDURE NOTE

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

9. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR SALE OF ALCOHOL AND REGULATED ENTERTAINMENT AT FIVE GABLES, NETHERNE LANE, MERSTHAM, RH1 3AS

In attendance and speaking at the hearing:

Premises User

Mr Tayo Owen Aderibigbe

Responsible Authority

Mr Ian Sandwell, Surrey Police

Ms Laura Webb, Environmental Health Team Leader

The Sub Committee was requested to determine an application for a Temporary Event Notice for sale of alcohol, regulated entertainment and late night refreshment at Five Gables, Netherne Lane, Merstham RH1 3AS.

Full details of the Temporary Event Notice and representations received were as set out in the report. The Sub Committee also received an additional paper provided by the Premises User. This provided a screenshot of ticket sales from the pool party held in September 2018 and a draft agreement framework that Mr Aderibigbe had prepared to demonstrate his commitment to respond to the issues identified in the representations (submitted after the publication of the agenda for this meeting).

The Chairman invited the Licensing Officer to present the report.

The Licensing Officer advised that the Temporary Event Notice was for a twelve hour event to be held between 3pm, 25 May and 3am, 26 May 2019 catering for up to 490 people at Five Gables, Netherne Lane, Merstham.

The Council had received representations from the Police and Environmental Protection in relation to the licensing objectives.

It was noted that it was not possible to add conditions to a Temporary Event Notice as there was no licence to which conditions could be added. The options open to the Sub Committee were to allow the notice or reject it by way of a Counter notice.

Following the Licensing Officer's introduction, the Chairman invited Mr Sandwell, Surrey Police to present his objections to the Temporary Event Notice on behalf of Surrey Police, during which the following points were noted.

- A previous event had taken place on 1 September 2018. The Police did not object to that event based on assurances that had been made about the ways in which the licensing objectives would be adhered to.
- Subsequently the Police received a complaint from a resident in the area, a copy of which was provided to the Sub Committee and made reference to:
 - Concern about access to the road;
 - Noise;
 - Parking across resident's drives;
 - Driving across resident's front greens;
 - Finding nitrous oxide canisters litter after the event.
- As a result the Police were not confident that the licensing objectives had been met and were concerned about the proposed event for May 2019 with the potential of residents being subjected to similar issues.
- Although the September event had been listed as a private one the Police had been aware of notices displayed on lampposts advertising the event in the local area together with an advert promoting the event on the website.
- As a result the Police objected on the basis of local resident's complaints and that the assurances provided for the September 2018 event had not been adhered to suggesting that the impact on the local neighbourhood outweighed what would be reasonable in support of the licensing objectives.

The Chairman thanked Mr Sandwell for his presentation and invited Ms Webb, representing Environmental Protection to present the reasons for her objections which included:

- Concern about public nuisance on the ground of noise;
- Previous complaints received about noise levels following the event in September 2018;
- Concern that the proposed marquees to be used for the event would not protect residents from noise levels; and
- That there was no noise plan in place to manage the impact of the event

The Chairman thanked Ms Webb for her presentation and invited Mr Aderibigbe the Premises user to make the case for the Temporary Event Notice application which included:

- The event held in September 2018 had been largely a private occasion but accepted that it was also open to the public;
- The numbers in attendance did not exceed the event limit of 499;
- That a security firm was employed who maintained a check on the number of guests arriving at the event; they conducted searches and maintained a canine presence;
- Recognising that mistakes had been made in September; lessons had been learnt from the process and steps would be taken to prevent them happening again. Mr Aderibigbe referenced the draft tabled document that suggested ways of mitigating against the concerns that had been expressed. This included:
 - Changing the location of the marquee to assist with noise nuisance issues for the neighbourhood;
 - Apply a decibel limit (85) to the level of sound;
 - Seek to prevent a recurrence of the problems experienced by neighbours last year;
 - Welcoming a police presence at the event;
 - keeping noise recordings from the event and to be made available as required;
 - Provide security at the entrance to neighbour's properties and be deployed on the road to manage any possible disturbance;
 - Shuttle buses would be used from Purley Station which had an hourly night service;
 - Parking on site would be free;
 - Barriers or cones would be deployed to discourage parking;
 - Neighbours affected would be offered Hotel accommodation at the organisers expense to mitigate against any disturbance; and
 - a self imposed fine would be introduced if the event did not meet the terms of the proposed conditions.
- Mr Aderibigbe confirmed that he was presenting these options with a view to entering into a positive dialogue in relation to the objections that had been raised.

The Chairman thanked everyone for their oral submissions and opened the floor to questions, during the course of which the following points were noted:

- Should the event proceed a different security company would be employed to patrol the whole event.
- The security company would not have powers to secure roads or parking issues and it was unlikely that the police would have resources to manage the activity;
- The security company would be requested to provide a report on any issues identified at the event;
- No tickets had been sold for the event but 90 people had signed up onto the waiting list;

- Agreement by the Premises User to manage reduced sound levels as part of an agreed noise management plan utilising a consultant to offer advice before and at the event. The plan could also consider changing the location of the marquees to reduce possible noise problems;
- Confirmation that the proposed self imposed fine of £2000 (or higher if necessary) in the event of non compliance with any conditions agreed for the event was affordable to the Premises User;
- That drug paraphernalia (nitrous oxide canisters and balloon skins) were found on the morning after the September event (away from the boundary of event's premises). There was no evidence presented that associated these drugs with the event premises however the police made the point that in their view there was a causal link with the event at the premises. No details were available at the hearing on the quantity found or police reports about drugs associated with the previous event;
- Clarification of the proposed lighting arrangements for the proposed event; Ms Webb also commented that both light and sound management is a technical issue and requirements could only be satisfied with expert reports;
- The name of the shuttle bus company could not be recalled at the hearing, however it was referenced that more publicity would be provided about this facility in an effort to reduce the numbers walking on the approach roads to access the event. British Transport Police would be informed of the shuttle arrangements from Purley station if recommended;
- The Premises user confirmed that he was not operating a company to deliver the event.

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

- The Police concluded by reiterating the complaint that they had received from a resident; that the licensing objectives were potentially being undermined and that they were not confident that the security was sufficient at the event to allow it to proceed.
- The Environmental Health Officer concluded by making reference to public noise nuisance issues such as amplified music/unamplified sounds/vocal sounds, .
- The Premises user confirmed that he had taken on board all of the objections and wanted to move forward to find a solution to these challenges by entering into a 'contract' in the spirit of co-operation and good faith and would hold true to what was committed in writing.

*The Sub Committee adjourned to deliberate at 11.36 pm
and resumed at 12.29 pm to give its decision.*

The Licensing and Regulatory Sub Committee **RESOLVED** that a Counter Notice be issued for the following reasons:

- Having considered the papers and heard all the representations the Sub Committee had concerns that the licensing objectives:

- The prevention of Crime and Disorder;
- Public Safety; and
- The prevention of public nuisance

could not be sufficiently met if this event was permitted to proceed. There are inadequate measures in place to protect the public and local residents from crime, anti social behaviour and noise nuisance.

Informative

The Sub Committee noted the premises user's desire to collaborate and co-operate with the relevant authorities and anticipates that this will continue in the future.

10. MEDIATED APPLICATIONS

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

- (a) Application ref: 18/08341/LAPREM for a new premises licence at Kingswood Golf and Country Club, Sandy Lane, Kingswood, Surrey KT20 6NE
- (b) Application ref: 18/08159/LAPREM for a new premises licence Merstham Football and Social Club Ltd., Weldon Way, Merstham Surrey RH1 3QB
- (c) Application ref: 19/00707/LAPREM for a new premises licence Pistols Kitchen, 18 Walton Street, Walton on the Hill, Surrey KT20 7RT
- (d) Application ref: 19/01272/LAPREM for a new premises licence Pizza project, 2 High Street, Merstham, Redhill Surrey RH1 3EA.

The Meeting closed at 12.33 pm