

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 24 January 2020 at 1.30 pm.

Present: Councillors A. M. Lynch (Chairman), F. Kelly (Vice-Chair) and R. Absalom

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

11. APOLOGIES FOR ABSENCE

There were no apologies for absence.

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. LICENSING HEARING PROCEDURE NOTE

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

14. APPLICATION FOR A NEW PREMISES LICENCE FOR CHIPSTEAD GOLF CLUB, HOW LANE, CHIPSTEAD, CR5 3LN

In attendance and speaking at the hearing:

Applicant:

Ms. Nikita McNeill, on behalf of the applicant.

Making public representations:

Ms. A. Marshall

Mr. C. Templeman

Mrs. A. Templeman

Mr. R. Akhurst

Mrs. M. Akhurst

The Sub-Committee was requested to determine an application for a premises licence for Chipstead Golf Club, How Lane, Chipstead.

Full details of the application and representations received were as set out in the report.

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

The Licensing Officer presented the report and provided an outline of the application and the issues for consideration by the Sub-Committee. It was identified

that a licence was only require for activities not already permitted in the general case by legislation.

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

Ms. McNeill, on behalf of the applicant, made statements with regard to the following points:

- That there had been a Club Premises Certification in place since at least 2005.
- That the club had new owners since 2018, and that the club was not aware of any complaints regarding licensing matters having been received by the current owners to date.
- An outline of the purpose of the premises licence and the proposed extension of hours. It was identified that the applicants stated intent was not to be open at all hours permitted by the licence in general, but to have flexibility for events on specific occasions, including community orientated functions.
- That the applicant would be content with the hours applied for being amended from those applied for to until midnight on Monday to Thursday and Sunday and until 01:30 on Friday and Saturday for most elements applied for, with the addition of the non-standard times applied for in the application.
- That regarding concerns raised regarding traffic, a simple increase in traffic did not necessarily constitute a nuisance in and of itself, as per the licensing objectives, and that no evidence had been identified of previous complaint or safety issues. It was identified that streetlighting was considered to be a planning rather than licensing matter.
- That regarding concerns raised regarding noise, music and events were intended to place substantially indoors, and that the Sub-Committee could apply additional conditions if required.

Ms. Marshall addressed the Sub-Committee, and made statements with regard to the following points:

- That the reassurances offered by the applicant were noted, but that it would have been better to for them to have been communicated earlier.
- That the Chipstead residents' association had historically been supportive of the club, but that there had not been consultation with the residents or association with regard to this scheme.
- That there was concern that the application would allow for a significant change in the nature of the use of the club.
- That the hours applied for seemed too broad and out of keeping with the site.

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

- That they continued to have concerns regarding noise from traffic activity, particularly late at night, and that the limited local streetlighting would increase any associated safety concerns.
- That Chipstead station would not have a train service at late-night times.

- That there would be additional concerns re. noise from any music or events taking place outside.

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

- That they appreciated the proposed reduction in applied for hours, but that they still seemed excessive relative to other comparable local licence holders.
- That they hoped that the applicant would reconsider the application and engage more effectively with local residents.
- That if the licence granted were wider than was required, it could be used more widely in future, regardless of the intentions of the current management.

Mrs. Akhurst addressed the Sub-Committee and made statements with regard to the following points:

- That they seconded the concerns raised regarding noise and other disruption from traffic.
- That even the proposed time of midnight was potentially still disruptive to local residents.

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

- That the current club premises certificate already extended until midnight.
- That the licensable activity areas limited to the plan area, which was indoors, and thus there was no potential for these to take place outdoors.
- That the reduction in hours identified as acceptable by the applicant was not proposed to apply to the non-standard events.
- That the applicant still intended for the clubhouse to remain primarily a space used for members of the golf club.
- That the applicant considered that the need to continue to accommodate club member requirements would limit the capacity for the number of events to take place at the site.
- That temporary event notices could be applied for in addition to events permitted by the licence, but that the applicant considered that they had not previously applied for any.
- That the applicant acknowledged the need of working with the local community, that they intended to have more regular communication with the residents' association, and that they hoped residents would be willing to approach them with any complaints.
- That the applicant had been considering events such as a local film club with community appeal, and that they had not yet actively pursued more general options.
- That events permitted by the licence would be covered by conditions applied, but would not be closely individually monitored directly by the licensing authority.
- That exceeding the number of permitted events would be a breach of the licence.

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

The applicant stated that they heard and noted the concerns raised by local residents. They identified that the decision of the hearing would need to be made on consideration of the application on its own merits, in keeping with the licensing objectives. They again drew attention to the matter of traffic not inherently presenting a licencing concern, and to the lack of evidence to date of problematic noise or safety issues. They stated that they would be keen to work with the local community in future.

It was identified that the local residents continued to be concerned regarding the proposed hours and their implications.

The Sub-Committee adjourned to deliberate at 14:34 and reconvened at 15:47 to give its decision.

The Licensing and Regulatory Sub-Committee **RESOLVED** that the application be **GRANTED** subject to the following conditions:

1. The amended operating schedule as set out below:

Activity	Monday to Thursday	Friday to Saturday	Sunday	Location
Exhibition of films	08:00 hrs to 00:00 hrs	08:00 hrs to 01:30 hrs	08:00 hrs to 00:00 hrs	Indoors
Live music	23:00 hrs to 00:00 hrs	23:00 hrs to 01:30 hrs	23:00 hrs to 00:00 hrs	
Recorded music	23:00 hrs to 00:00 hrs	23:00 hrs to 01:30 hrs	23:00 hrs to 00:00 hrs	
Late Night Refreshment	23:00 hrs to 00:00 hrs	23:00 hrs to 01:30 hrs	23:00 hrs to 00:00 hrs	
Sale of alcohol	08:00 hrs to 23:30 hrs	08:00 hrs to 01:00 hrs	08:00 hrs to 23:30 hrs	Consumption on and off the premises
Opening Hours	07:30 hrs to 00:00 hrs	08:00 hrs to 01:30 hrs	07:30 hrs to 00:00 hrs	Not applicable

- For the functions with non-standard timings with regards to exhibition of films, live music, recorded music, late night refreshment, sale of alcohol and opening, these shall be limited to the following 9 events: Burn's Night, St George's Day, St Patrick's Day, Guy Fawkes Night, Valentine's Day, Halloween, Vaisakhi, Diwali, and New Year's Eve; and the non-standard timings for these shall be until 03:00.

2. Conditions attached after the hearing by the licensing authority, as set out below:

- a. The Licensee shall ensure that any music provided at the premises shall not cause a disturbance to local residents; in particular on any day from 23:00 hrs any music shall be inaudible in any residential property, the test of which is that it shall be no more than barely audible at the boundary of any residential property.
- b. A direct telephone number for the event manager shall be publicly available at all times during the permitted functions per year for which non-standard timing applies. This telephone number is to be made available to residents in the vicinity.

Reasons for the decision:

The Licensing & Regulatory Sub Committee has carefully reviewed all the papers before it and noted all the written representations received, both for and against the application. It has paid careful attention to all the oral submissions made today.

Having considered these, and with reference to the points identified below, the Sub-Committee therefore considers that the application, subject to the specified conditions, is consistent with the Licensing Objectives.

1. It notes that 26 representations were received from interested parties, and that several of these parties have attended the hearing to represent their concerns. The Sub-Committee has had regard to the elements of these representations relevant to the Licensing Objectives, including regarding potential noise nuisance from music, patrons and traffic, particularly in the early hours of the morning.
2. The Sub-Committee did not receive any representations from the responsible authorities.
3. The Sub Committee has had regard to the Licensing Objectives, and in particular Crime and Disorder, Public Nuisance, Section 182 Licensing Act 2003 statutory guidance and its own Statement of Licensing Policy, in particular Section 8.
4. The Licensing Sub Committee has given due regard to the individual merits of this application, s149 Equality Act 2010, Human Rights/ECHR legislation in particular article 8 and article 1 First Protocol and the rules of natural justice.

General Observations:

The Licensing & Regulatory Sub-Committee:

1. Notes that the applicant agrees that the application with regard to exhibition of films, live music, recorded music, and late-night refreshment will be indoors within the premises as identified within the plans provided with the application.

2. Encourages the applicant to continue to liaise with residents if there are any issues related to the premises, and residents are encouraged to notify the applicant if this is the case.
3. Would remind residents that they maintain the right to request a review of the licence should there be any subsequent breach of the licensing conditions.

The Meeting closed at 3.54 pm