

BOROUGH OF REIGATE AND BANSTEAD
LICENSING AND REGULATORY COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Committee held at the New Council Chamber on 17 April 2018 at 7.30 pm.

Present: Councillors A. M. Lynch (Chairman), R. Absalom, D. Allcard, N. J. Bramhall, K. Foreman, R. Harper, D. J. Pay, B. J. Thomson and T. H. Whinney

12. MINUTES

RESOLVED that the minutes of the following meetings be confirmed and signed:

- (a) Licensing and Regulatory Committee on 16 January 2018; and
- (b) Licensing and Regulatory Sub Committee on 19 February 2018.

13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ashford, Kelly and Tarrant.

14. DECLARATIONS OF INTEREST

Councillors Absalom and Whinney declared a non-pecuniary interest in agenda item 5, the application for a premises licence for Priory Park, because they were Ward Members.

The Licensing Hearings Rules excluded Ward Members from sitting on a Sub Committee and Councillors Absalom and Whinney indicated that they would be following the same practice for this hearing.

15. LICENSING HEARING PROCEDURE NOTE

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

16. APPLICATION FOR A NEW PREMISES LICENCE

In attendance and speaking at the hearing:

For the Applicant:

Mr G Cooper

Mr M Smith

Making representations:

Councillor C Whinney

on behalf of Mrs A Morrow and Mr W Bullock

Mr S Buckingham

on behalf of Park Lane Residents

Association

The Committee was requested to determine an application for a new premises licence for Priory Park, Bell Street, Reigate.

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

Before inviting officers to introduce the report the Chairman reminded everyone that only valid written representations received during the consultation period may be taken into consideration.

He was aware that late representations had been circulated and wished to make it clear that these could not be taken into consideration.

The Chairman invited the licensing officer to introduce the report.

The Licensing Officer advised that the application was for a new Premises Licence to hold no more than ten events each year involving live and recorded music, theatrical plays, film showings, performance of dance and sale of alcohol on and off the premises, within a designated area of Priory Park.

The applicant had requested permissions between the hours of 10 am to 10.30 pm on any day. A summary of the activities applied for was set out within the report and detailed in the application at Annex 1 of the papers.

It was noted that four valid representations were received, as set out in Annexes 2 and 3. Annex 4 included all other representations, both for and against the application, however they were not valid in that they did not relate to the licensing objectives and were included for information only.

In respect of the representation made by Environmental Health(Annex 3), agreement had been reached and paragraph 10 in the report set out the suggested conditions to be added to the licence to control noise levels.

The licensing officer advised that she was aware that concerns had been raised about the notification process and consultation with residents.

For the record, it should be noted that the application had been properly made and notified in full accordance with the statutory requirements.

Following the licensing officer's introduction, the Chairman invited the applicant to make submissions in support of the application.

During the course of the presentation the following points were noted:

- Applications from local Councils were encouraged by the government and this was a comprehensive and well thought-out application.
- Only those valid representations made should be taken into account.
- There had been no representations from Surrey Police and there was no evidence linking the application to crime and disorder.

- The applicant had circulated a report, ahead of the meeting, to everyone who made representations, responding to their concerns and outlining the application in greater detail.
- The application had an additional safeguard of a double-lock as the Council's Safety Advisory Group would have to be consulted in advance of any planned events.
- Detailed measures were proposed in the operating schedule paragraphs (a) to (e) to ensure compliance with all four licensing objectives.
- In response to the representations received, the applicant had volunteered further conditions, limiting the number of events to a maximum of two each month between April and October and requiring the approval of the Safety Advisory Group for any event lasting more than three days.
- A Google map of the area of the park designated for the holding of events was provided by the applicant and circulated to those present at the hearing.
- The application was intended for the holding of family-friendly events and would enhance the use of the park.

In concluding the applicant stated that this was a carefully considered application which contained all the relevant information including detailed measures for fulfilling the licensing objectives.

It was also noted that residents and any of the responsible authorities may request a review of the licence at any time if they believed there were grounds for doing so.

The Chairman thanked the applicant and invited Mr Buckingham and Councillor Whinney to make their representations, during the course of which the following points were noted:

- The notification and consultation process was felt to have been less than transparent, and this was why there had been so many late representations, because residents had not been made fully aware of the application and its implications.
- One question residents would like an answer to, and which was causing some confusion, was the purpose of the application and why it was needed.
- During the consultation period residents were advised that there would be no intensification of use of the park but, now that it was too late to make representations, this would appear to no longer be the case.
- In March residents had been assured in writing that the application was not driven by a desire to increase the frequency of events, yet now, at the beginning of April they were being told that there was an appetite to have more events in the town's parks hence the current application.
- It was not helpful that the document circulated by Mr Cooper, explaining in more detail what was proposed, was only received on the Friday before the

hearing by which time it was far too late for residents to make valid representations on its content

- When the park was donated to the Council in 1920 its purpose was intended to be for the quiet enjoyment of the people.
- In a marketing survey about the use of Priory Park, undertaken in 2005, the greatest number of respondents wanted it to be kept as a green haven with the lowest number wanting more events to be held in it. There had been more than a 1000% increase in visits to the park since then so it would appear that the marketing had accomplished the wishes of residents and any further exploitation of it through more events would be over-use.
- The request for the sale of alcohol from 10 am would do little to foster the applicant's stated intention of family friendly events.
- Giving the Council's Safety Advisory Group (SAG) discretion to decide whether residents should be given advance notice of events was not an adequate safeguard, as residents would have no say in the matter or any right of appeal.
- In a similar vein nor was it acceptable to only provide a direct telephone contact number if deemed appropriate, presumably by SAG. One of the greatest frustrations for residents was the inability to report noise or to get anything done about it outside normal office hours, because the Council offices were closed.
- Noise control recorders should be placed at strategic sites and be independently monitored. No reference was made to this in the report.
- The maximum capacity of 4,999 appeared very high.
- Ten events was excessive and a better figure would be five, particularly as there were already other events taking place under separate licences, such as the ice rink.
- The use of the word 'should' within the application was ambiguous and open to interpretation.
- Although the applicant proposed to hold no more than two events in each month from April to October, the application set no restriction on how many days events might run for. This lack of clarity further exacerbated the concerns of residents.
- Overall, the application did not provide sufficient information, nor had all the relevant information been presented to the public to allow them sufficient time to digest it and comment appropriately.

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

- *In response to a question about why Priory Park School did not receive direct notification of the event, bearing in mind the importance of the licensing*

objective of safeguarding children and the fact that the school abutted the area of the park designated for events:

Officers responded that the application had been sent to all responsible authorities, including Surrey County Council (SCC) which was also the local education authority. No representations were received.

- *In response to a request for clarity about the number of events, and how long they could last for:*

the applicant confirmed that the application did not impose a limit on how many days an event may run for.

- *In response to a question about what type of events were proposed, as this was unclear from the application:*

the applicant responded that no specific plan for the type of events to be held had as yet been formulated. He confirmed that both the cinema and the ice rink held their own separate licences and were not included in the total of ten events proposed.

- *In response to a question about the role and definition of SAG and what exactly was meant by a double lock:*

the applicant circulated a Health & Safety Executive (HSE) summary document outlining its purpose and then went on to explain that the double lock applied because going beyond this application there would also be the need for consultation with SAG before an event could be confirmed.

The licensing officer expanded upon the response by clarifying that SAG was formed of professional officers from interested parties including Environmental Protection and Surrey Police. When an event was requested the SAG would be able to impose more stringent conditions and other measures if they felt it was appropriate.

- *When asked who would be responsible for returning the park to its original condition, particularly the grass and flower beds:*

officers responded that this was a contractual matter and not covered by the licensing regime. As the applicant was the Council's own Green Spaces team it had a vested interest in ensuring that the park was maintained to a high standard.

- *When asked why the application was needed, and why the sale of alcohol was proposed from 10 am:*

the applicant responded that the application would facilitate the process of hiring out the park through already having the licence in place. If the committee felt that 10 am was too early for the sale of alcohol this was something it could review during its deliberations and amend if it so wished.

- *When asked how the area of the park identified for events had been chosen, particularly as it already included the Pavilion:*

the applicant explained that it was because of the available access and resources, including both electricity and water.

- *When asked whether the application included an end date, and whether the licence could be withdrawn:*

the licensing officer advised that no end date had been set but that the applicant could surrender the licence at any time. Anyone could ask for a review of the licence at any time if there were problems.

- *When asked what notification residents would be given of future events, and how far in advance:*

the Licensing Officer advised that this would be at the discretion of SAG and would not be automatic.

- *When asked whether there was the potential for events to last for more than three days, with SAG approval:*

the applicant confirmed that this would be the case.

- *When asked why the designated area included football pitches and the ice rink, and whether there would be any impact on the Pavilion:*

the applicant explained that this was to facilitate access and linkage to services. There would be no impact upon the Pavilion nor would it be able to serve alcohol.

- *When asked why the closing times in the application were later than those for sale of alcohol, playing of music or other activities applied for:*

the applicant responded that it was to allow for the park to be cleared at the end of an event.

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

In making their final submissions:

The applicant advised that it was his understanding that the Council's noise nuisance contact number would automatically link through to an event organiser outside office hours, thus allowing residents to report problems at any time.

The Licensing Committee had the discretion to both amend or add conditions if it was considered necessary to meet the licensing objectives and although the request was effectively for a blanket licence, prospective hirers and the choice of events would be at the discretion of the SAG.

Mr Buckingham stated that, in his view, the application should be refused. It allowed too much scope in the range of events that could take place, making it far too complex to be able to set appropriate conditions.

The Committee adjourned to deliberate at 9.17 pm and resumed at 10.13 pm to give its decision.

17. APPLICATIONS DETERMINED THROUGH MEDIATION

RESOLVED that the decision to grant a licence in respect of the following applications resolved through mediation be **CONFIRMED**:

(a) Application ref: 17/01591/LAPREM:

Club Connoisseur, Room S296 Safestore, Unit 5, Wells Place, Merstham
RH1 3DR

(b) Application ref: 18/00211/LAPREM:

Deli on the Hill, 53 Linkfield Street Redhill RH1 6BY

The Meeting closed at 10.17 pm