

LICENSING SUB COMMITTEE
MONDAY, 2ND AUGUST, 2021 AT 6.30 PM

Supplementary Agenda

To all members of Licensing Sub Committee: The following papers, which were not available for dispatch with the agenda, are attached. Please bring them with you to the meeting:-

Agenda No Item

4. **Review of the premises licence for the Spaghetti Tree, 633 Limpsfield Road, Warlingham (Pages 3 - 14)**

Yours faithfully,

David Ford

Chief Executive

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Subject

Spaggett's Tree
 Limpsfield Rd
 Warlingham
 Surrey

RECEIVED

13 JUL 2021

TDC

I am writing to say, how I object to the recent behaviour, which has been going on at the above premises ie Spaggett's Tree I could hear the noise in my Road which is a distance away I was speaking to a resident who lives in one of the cottages ie Chelsea Terrace who has been unable to sit in her Garden like most of them here for the unreasonable behaviour. We have a church at the Back, Green Lawns Memorial, where people visit their loved ones, Uplands over the Road with Disabled Elderly people. This whole thing is disrespectful. I have lived in Warlingham all my life & wish I knew things change it should be for the Better not the worst. There are other places to open this type of Business, but not here.

Christine Peters Objection

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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APPENDIX N

APPENDIX N

From: Jackie Reid <JReid1@tandridge.gov.uk>
Sent: 27 July 2021 10:17
To: Ian Garrod <IGarrod@tandridge.gov.uk>
Cc: Michele Townsend <MTownsend@tandridge.gov.uk>
Subject: FW: Spaghetti Tree 3rd July 2021

It is important to be aware that this Department has a published Enforcement Policy outlining its staged approach to enforcement and what food business operators and other duty holders can expect following inspections and other enforcement visits by authorised officers.

Whilst the Department aims to encourage businesses to achieve compliance with relevant legislative requirements primarily through informal means, such as the provision of verbal advice and assistance, where there is continuing failure to achieve compliance, formal enforcement action will be pursued where necessary which may include written warnings.

This reported incident will be recorded on file and will be referred to in determining future actions, but statutory notices, which are formal notices requiring the carrying out of works within a specified period of time, may follow if the requirements are not complied with and non-compliance with such notices may result in the commencement of legal proceedings.

In addition with the lifting of the restrictions it also means that Covid-19 controls are now enforced under the Health and Safety at Work etc Act 1974, as an employer they must protect workers and others from risk. They need to complete a risk assessment which includes Covid-19 as a workplace hazard, as they have more than 5 employees this must be written down. This will be reviewed when an officer next visits the premises, it must also be clearly circulated to all staff.

Kind regards,

Jackie

Jackie Reid
Senior Environmental Health Officer

Tel: 01883 732842

jreid1@tandridge.gov.uk

Tandridge District Council
The Council Offices
8 Station Road East
Oxted, Surrey
RH8 0BT
www.tandridge.gov.uk



From: Jackie Reid
Sent: 27 July 2021 09:20
To: Ian Garrod <IGarrod@tandridge.gov.uk>
Cc: Michele Townsend <MTownsend@tandridge.gov.uk>
Subject: FW: Spaghetti Tree 3rd July 2021

Dear Ian,

Please find below the email to Ian Sandwell regarding the reported breaches of Covid-19 at the Spaghetti Tree on the 3rd July 2021. Neither Michele or I have seen any video evidence, or received complaints directly from people present at the event and therefore are unable to take any further action.

Kind regards,

Jackie

Jackie Reid
Senior Environmental Health Officer
Tel: 01883 732842

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From: Jackie Reid
Sent: 26 July 2021 17:13
To: 'Sandwell, Ian 16079' <Ian.Sandwell@surrey.pnn.police.uk>
Cc: Ian Garrod <IGarrod@tandridge.gov.uk>; Michele Townsend <MTownsend@tandridge.gov.uk>
Subject: Spaghetti Tree 3rd July 2021

Dear Ian

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021
The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020

Spaghetti Tree, 633 Limpsfield Road, Warlingham, CR6 9DZ

Further to your email regarding the incident at the above premises on the 3rd July 2021, and the reports of breaking the Coronavirus Regulations in place in the country at the time. I can confirm that the following Restrictions were to be followed:

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

- **SCHEDULE 3 Step 3, PART 1 Restrictions on gatherings**

Participation in gatherings

1.(3) No person may participate in a gathering in the Step 3 area which—

- (a) consists of more than 30 people, and
- (b) takes place outdoors.

- **SCHEDULE 3 Step 3, PART 2 closure of and Restrictions on businesses**

Restrictions on service of food and drink for consumption on the premises

7.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 3 area which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- (a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

Further to the report from yourself, which makes reference to complaints on Social Media of an event that took place on 3rd July 2021 at the Spaghetti Tree, 633 Limpsfield Road, Warlingham. Where it is reported that there were 125 people at a private event, with an additional 27 staff. At the time of this incident the country was in Step 3 of the Roadmap to lifting restrictions. At this time the following restrictions were to be followed:

- 1. The maximum number of persons who could gather outside is 30. They were not permitted to mix between groups.**
- 2. Customers were to remain seated at tables and be served their drink and food at the table.**
- 3. When moving from their tables for example to use the toilets, they were to wear face masks when inside.**
- 4. Music was to be background only, and the volume was to be so that people did not need to raise their voices to communicate. It therefore should not have encouraged the reported singing or dancing.**

Your report indicates that a number of the legal restrictions were breached, at this event. Please do not hesitate to contact me if you wish to discuss this matter further.

Kind regards,

Jackie

Jackie Reid
Senior Environmental Health Officer
Tel: 01883 732842

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Thursday 15th July 2021 1930 visit Spaghetti Tree 633 Limpsfield Road, Warlingham

I had been requested to visit the Spaghetti Tree in a Licensing Capacity to ascertain it was keeping to the interim steps conditions.

Prior to entry I had stood at the Sunnybank roundabout, I heard noise coming from the Premises this was around 50 yards away, I walked up Chelsham Road and also hear noise from the Premises. I was at the front of the Premises and heard nothing.

Music could not be heard

The car parking area was full

On arrival I found 3 S.I.A, doorman operating 2 on the door one inside.(by gate that was broken) I was stopped and checked as to why I was going in.

I noticed all the Blue Review Notices were still on display and there was also a Drugs Policy notice clearly on display at the entrance to the Premises.

I then spoke at length to Maria Romano and several matters were discussed, issues with glass, the CCTV what was happening in the future with the main building,

I noticed that Pods not being used during visit just tables with umbrellas

I was informed that on the night there was a Tent up covering half of the garden area on the Chelsham Road side of the Premises and that the rest of the garden was covered by umbrellas. This was where the fight occurred.

Maria Romano mentioned that the Premises had managed to deal with the majority of the Glassware issue on the tables she was using Polycarbonate glasses for the alcoholic drinks they serve Champagne, Prosecco, wine and beer and do not serve alcoholic lemonade and Ginger beer but do serve Spa water.

Beer is being served in polycarbonate glasses as is the wine and bottles of wine in Polycarbonate Carafes.

She stated that the staff are decanting everything including Spa water but they did have issues with the Champagne and the Prosecco as guests order by the glass in some cases and by the bottle in others and do not like seeing the bottle not on the table as the Champagne is expensive. Apparently it may result in some guests buying a glass but being charged the whole bottle as the drink would go flat otherwise, it appears that they were not using stoppers.

The guests were also complaining that glass bottles of olive oil and chilli oil were on the table so the Champagne bottles should be left there.

Spa water is served in glasses but if a large request is made bottles are taken to the table.

I then went outside with Maria Romano to the door that had been damaged and was now repaired I was informed they were going to get a re-inforced door. Whilst there I took a photograph of the door attached.

I then pointed out to Maria where I had been standing in Sunnybank and walking up the Chelsham Road and I informed her the noise from the Premises could be clearly heard . She said she had not realised and had not been checking there and when we went to the front of the Premises she said nothing could be heard from there. I advised her to extend the boundaries when doing checks for sound from the Premises.

She informed me she had cut the use of speakers in the garden down to just one having started with several when the saxophonist was playing when they opened in April she became aware that this was disturbing the neighbours as she claimed the neighbour from number 3 Chelsham Terrace visited her and could see why she said the level of music was low but did say he was getting it all in his garden. They then cut back to one speaker and due to the interim steps condition they are using the one speaker by 1 Chelsham Terrace to play music. The speaker was on the Fence facing the Restaurant

I pointed out that the music caused vibrations.

When I was there no music in the garden available.

I then discussed CCTV and was shown Camera placements, I asked where the monitors were and was informed they were all on Maria Romano's phone that only she and her daughter have access to and no staff members

Although there are 3 Spaghetti tree Premises in the chain Maria operates the Warlingham & Walton on the Hill Premises and showed me CCTV from there. Her brother is in charge of the Sutton Branch and it is nothing to do with her.

With regards to the rest of the Premises they are awaiting planning permission for the Coach House which is also in the garden to have a cooking filter fixed this will be used as a Kitchen and inside the Ceiling needs to be repaired and then when done a further 80 places may be available which is less than the garden.

Parking was discussed she is aware that it is a problem and I mentioned it would get a bigger problem when the interior was open. She did mention she was thinking of contacting Sainsburys to see if they could use their car park and sort out bays for the residents as well.

Maria Romano was informed that customers parking on the verges may be subject to action taken by Wardens. And she should consider S.I.A. Staff outside to prevent this from happening

I then left the Premises at 2030



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