

TANDRIDGE DISTRICT COUNCIL

LICENSING SUB COMMITTEE

Minutes of the virtual meeting of the Sub-Committee, hosted from the Council Offices, Oxted via Zoom on the 7th July 2021 at 2.00p.m.

ATTENDEES:

Sub-committee members:

Councillors Groves, Stamp and Steeds

Other Councillors

Councillor Bloore (observer)

Council Officers:

Ian Garrod - Licensing Officer

Lidia Harrison - Head of Legal Services and Monitoring Officer

Paul Holliday – Senior Licensing Officer

Vince Sharp - Democratic Services Officer

Representing Surrey Police

Duncan Milne – Barrister representing Surrey Police

Ian Sandwell - Licensing Enforcement Officer

Representing the Spaghetti Tree restaurant

Maria Romano - Designated Premises Supervisor

Loredana Romano-White - Employee of the leaseholder

1. ELECTION OF CHAIR

Councillor Stamp was elected chair of the meeting.

2. DETERMINATION OF INTERIM STEPS FOLLOWING RECEIPT OF A POLICE APPLICATION FOR A SUMMARY REVIEW OF THE PREMISES LICENCE FOR THE SPAGHETTI TREE, 633 LIMPSFIELD ROAD, WARLINGHAM CR6 9DZ

Following an incident of violent disorder in the garden area of the restaurant on the night of the 3rd July 2021 (hereafter referred to as 'the incident') Superintendent Chris Colley had served an application on behalf of the Surrey Police (on 6th July 2021) for a summary review of the premises licence under section 53A of the Licensing Act 2003. The application asserted that the Spaghetti Tree was a premises associated with serious crime and disorder and recommended that the Council, as Licensing Authority, take the 'interim step' of suspending the premises licence pending a full summary review hearing (which would need to be within 28 days of the above mentioned application). The purpose of the meeting was to consider whether 'interim steps' should be taken.

Ian Garrod introduced his report. This outlined the options open to the Sub-Committee in terms of the potential interim steps that could be imposed. It also confirmed that any interim steps would remain in place until the review application is determined at the subsequent full hearing. The report was accompanied by various supporting documents, including the police application and representations from the premises licence holder (Rondanini UK Limited) and the Designated Premises Licence Holder.

Duncan Milne introduced the police application. Four video recordings of the incident were replayed, two of which were copies of CCTV footage. The other two were recordings from staff mobile phones. He stated that the Spaghetti Tree's website advertised the availability of the premises for private hire and gave the police's account of the incident.

Maria Romano gave her account of the incident and how the staff attempted to deal with it. She explained the circumstances of the hire and emphasised that the primary use of the premises was for an Italian restaurant, catering for customers of all ages. She stated that the Spaghetti Tree sought to be part of the local community and that the incident had shocked the staff and management. She considered it to be a one-off incident and clarified that she did not intend to hire out the premises for ticketed events again.

Maria Romano responded to questions from Duncan Milne and stated that she was open to working with the authorities to ensure the safety of the premises. She acknowledged that neighbouring residents had complained about the noise of outdoor music and explained that, once refurbishment works to the interior of premises had been completed, the music could move indoors. In the meantime, she was willing to give up the live music.

Paul Holliday advised that for the Sub-Committee to be able to regulate the playing of live music before 11.00pm, it would have to disapply the provisions of the Live Music Act which otherwise restricted licensing powers until after that time.

The hearing ended at 3.03pm at which point Councillors Stamp, Groves and Steeds began their deliberations with Lidia Harrison and Vince Sharp in attendance. All other attendees left the Zoom call having been advised that the Sub-Committee's decision would be communicated later in the day. On the balance of evidence, the Sub-Committee decided not to suspend the premises licence but to impose conditions upon it as interim steps. The decision was as follows:

"While taken account of the police representations and the risk of further incidents of crime & disorder should the premises remain open, the Sub-Committee was reassured by the Designated Premises Supervisor's explanations and commitments not to host further ticketed events and to accept other temporary restrictions on the premises licence. The Sub-Committee therefore decided, on balance, to impose the following interim steps, pending the full hearing:

- (i) to prohibit the playing of music in the garden area (having disapplied the provisions of the Live Music Act 2012);*
- (ii) to prohibit the use of glassware in the garden area for serving drinks; and*
- (iii) to restrict the sale of alcohol to accompany meals.*

The Sub-Committee decided not to make any changes to the hours during which licensable activities are authorised to be carried on at the premises.

The Sub-Committee considered that the interim steps described above are necessary to ensure compliance with the four licensing objectives and are a proportionate response to the concerns raised in the application by Surrey Police”.

Rising 3.55 pm