



To: All Members of the Licensing (Hearing) Sub-Committee

Dear Councillor,

**LICENSING (HEARING) SUB-COMMITTEE - FRIDAY, 24TH FEBRUARY, 2023 ,
Council Chamber - Epsom Town Hall**

Please find attached the following document(s) for the meeting of the Licensing (Hearing) Sub-Committee to be held on Friday, 24th February, 2023.

4. **SUPPLEMENTARY INFORMATION - NEWLY PROPOSED CONDITIONS
AND SURROUNDING CORRESPONDENCE** (Pages 3 - 10)

The new conditions as proposed by the new licence holder (attached) and the surrounding correspondence (attached) between the agent representing the new licence holder, the objector, and the principal Licensing Officer.

For further information, please contact Democratic Services, democraticservices@epsom-ewell.gov.uk or 01372 732000

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sing', written over a horizontal line.

Chief Executive

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BAYLEAVES

364 KINGSTON ROAD, EWELL, SURREY KT19 0DT

PREMISES LICENCE NO EEBC/10/00120/LAPRE

The new licensee is aware that there is one objector in respect of the review on 24th February, 2023. The Licensing Act 2003 requires the promotion of the four licensing objectives. One of the objectives is the Prevention of Public Nuisance. Noise is clearly an issue for the sole objector. In order to assist the review the Licencing Committee should consider the proposed conditions are offered by the new licensee:-

Proposed conditions

Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

Unless contrary to fire precautions and procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use

No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

Alarms shall be fitted to alert staff when they are opened without authorisation.

No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.

Noise from music and associated sources shall not be audible in noise sensitive premises at any time

A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.

The noise limiting device shall be properly secured so that it cannot be tampered with.

Monitoring The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at (insert location), on at least (insert time period e.g. hourly) intervals between (insert start time) and (insert finish time) whilst the Premises Licence is in use in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or the Police.

A report shall be submitted to the Council detailing the potential for noise from amplified music, refrigeration, heating, ventilation and air conditioning plant etc at the premises from affecting neighbouring noise sensitive properties. If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises. All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed and the premises being used.

A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

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Paul Holliday

From: James Karen: H&F <[REDACTED]>
Sent: 23 February 2023 17:49
To: Paul Holliday
Subject: RE: Update - Bay Leaves licence review: Action needed
Attachments: Bay Leaves, 364 Kingston Road, Epsom EEBC/10/00120/LAPRE

Hello Paul,

I telephoned you earlier today and left a short voice message.

I have attached the email I received this afternoon from Bay Leaves rep.

He did telephone me on Monday 20/2/23 at approx. 3pm to discuss, while he could not promise the new owner would be a better owner we can only hope.
 We spoke of reassurances around the noise, *I asked about sound proofing the restaurant ceiling*, he said about the age of building and when it was built being a factor, I have thought about this and do think it is still an option, there is no mention of this in the attached, there is mention of other noise reducing measures and putting up customer notices.

I believe that recently the staff have been behaved and polite, however this is a pattern we have experienced before which in the past has been short lived.
 A lot of the nearby residents live alone and don't want to feel unsafe or intimidated.

The rear car parking area is extremely busy with their staff parking, I appreciate this may not be an issue for the licencing committee but is factor with deliveries.

Kind regards
 Karen.

From: James Karen: H&F
Sent: 13 February 2023 16:02
To: Paul Holliday <PHolliday@epsom-ewell.gov.uk>
Subject: RE: Update - Bay Leaves licence review: Action needed

Ok, thank you.

I won't be able to attend.

From: Paul Holliday <PHolliday@epsom-ewell.gov.uk>
Sent: 13 February 2023 15:58
To: James Karen: H&F <[REDACTED]>
Subject: RE: Update - Bay Leaves licence review: Action needed

Dear Karen James,

The Licensing Sub-Committee will only be able to consider issues that relate to the impact of the licence on one of the licensing objectives (public safety, prevention of crime and disorder, protection of children from harm, and prevention of public nuisance). The problems you describe relating to parking and deliveries to the premises do not

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Paul Holliday

From: wsherwani <wsherwani@welcomeskills.com>
Sent: 23 February 2023 14:21
To: James Karen: H&F; Paul Holliday
Subject: Bay Leaves, 364 Kingston Road, Epsom EEBC/10/00120/LAPRE
Attachments: BAYLEAVES Conditions.docx

You don't often get email from wsherwani@welcomeskills.com. [Learn why this is important](#)

Dear Mrs James

Further to our recent telephone conversation I confirm I shall be attending the hearing at 2pm tomorrow.

I enclose proposed conditions to be considered by the Licensing Committee at the hearing. I understand you are the sole objector and you are most concerned about the noise. The proposed conditions might assist the committee and the Licensing authority.

I apologise to you for the lateness in sending you the proposed conditions.

Kind regards,



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