

Licensing Act 2003
Club Certificate - Detail



Hale and Heath End Social Club 114 Upper Hale Road Farnham Surrey GU9 0JH	Licence number: LN/000001703		
	Valid from: 27th November 2008		
	Valid until:		
	Telephone: 01252 721164		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Indoor Sports Event	Monday - Friday	10:30	23:00
Live Music	Friday and Saturday	10:30	23:00
Recorded Music	Friday	20:00	23:00
	Saturday	12:00	14:00
Sale by Retail of Alcohol	Monday - Saturday	10:30	23:00
	Sunday	11:00	23:00
Non-standard Timings:	Good Friday 1200-2230. Christmas Day hours shall:- i. not exceed 6 and a half hours; ii. not begin earlier than noon; iii. not end later than 2230; iv. provide for a break of at least 2 hours, including 1500-1700; and v. not extend for more than 3 and a half hours after 1700. Bank holiday weekends (Saturday/ Sunday/Monday) 1030-0030. New Year's Eve 1030-0230 1st January.		

The opening hours of the premises:

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:

On the premises

Name & (registered) address of holder of premises licence:

Hale and Heath End Social Club
 114 Upper Hale Road
 Farnham
 Surrey
 GU9 0JH

Registered number of holder, for example company number, charity number (where applicable): N/A

Whether access to the premises by children is restricted or prohibited: No restrictions

Annexe 1 – Mandatory Conditions

Alcohol – Club

A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises. A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

- The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
- The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Annexe 2 – Conditions consistent with the operating schedule

Indoor Sports Event	Monday	10:30 hours to 23:00 hours
	Tuesday	10:30 hours to 23:00 hours
	Wednesday	10:30 hours to 23:00 hours
	Thursday	10:30 hours to 23:00 hours
	Friday	10:30 hours to 23:00 hours
	Saturday	-
	Sunday	-

Further Detail

Pool and darts finals with spectators possible.

Non-Standard Timing

N/A

Location of activity : Indoors

Live Music	Monday	-
	Tuesday	-
	Wednesday	-
	Thursday	-
	Friday	10:30 hours to 23:00 hours
	Saturday	10:30 hours to 23:00 hours
	Sunday	-

Further Detail

Musical and comedy acts with live and recorded music.

Non-Standard Timing

Occasional private parties in main hall (subject to Committee approval).

Location of activity : Indoors

Recorded Music	Monday	-
	Tuesday	-
	Wednesday	-
	Thursday	-
	Friday	20:00 hours to 23:00 hours
	Saturday	12:00 hours to 14:00 hours
	Sunday	-

Further Detail

N/A

Non-Standard Timing

N/A

Location of activity : Indoors

Alcohol Sale or Supply	Monday	10:30 hours to 23:00 hours
	Tuesday	10:30 hours to 23:00 hours
	Wednesday	10:30 hours to 23:00 hours
	Thursday	10:30 hours to 23:00 hours
	Friday	10:30 hours to 23:00 hours
	Saturday	10:30 hours to 23:00 hours
	Sunday	11:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

Good Friday 1200-2230.

Christmas Day hours shall:-

- i. not exceed 6 and a half hours;
- ii. not begin earlier than noon;
- iii. not end later than 2230;
- iv. provide for a break of at least 2 hours, including 1500-1700; and
- v. not extend for more than 3 and a half hours after 1700.

Bank holiday weekends (Saturday/ Sunday/Monday) 1030-0030.

New Year's Eve 1030-0230 1st January.

Supply of alcohol to be for consumption : On the premises

Any adult entertainment or services, activities, other entertainments or matters ancillary to the use of premises that may give rise to concern in respect of children:-

- 2 x jackpot gaming machines;
- 2 x lottery king machines; and
- 2 x cigarette machines.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

a) General - all four licensing objectives (b,c,d,e)

CCTV surveillance with exterior lighting shall monitor arrivals and departures at the Club's main door. Club management, steward and bar staff shall be informed of Licensing Act 2003, licensing objectives and statutory requirements to achieve compliance.

b) The prevention of crime and disorder

There shall be Committee supervision at the premises at all times.
The door entry system shall be maintained and remain in use.
Only members and bona fide guests shall be permitted on the premises.
The Club shall continue to be a member of Pubwatch.
There shall be annual maintenance of the alarm system.

c) Public Safety

There shall be annual contract testing of electrical equipment and annual checks and maintenance of fire equipment.
There shall be Committee supervision at the premises at all times.
A first aider shall be on the premises whenever it is open.

d) The prevention of public nuisance

The Club's strict policy regarding noise levels on music nights shall be adhered to.
Members and guests leaving the premises shall be asked to do so quietly so as not to cause a disturbance.

e) The protection of children from harm

Unsupervised children under the age of 16 shall not be permitted on the Club premises.
No child under the age of 18 shall be allowed in the bar areas.
Children under 18 shall not be permitted to purchase alcohol, in accordance with legislation.
Children shall be supervised by parents/guardians at all times whilst on Club premises.

Conditions attached at hearing

1. The Club rule book shall be reviewed/revised in line with the Licensing Act 2003 and in particular address temporary membership, invited guests and events. All members, including the committee shall be issued with a copy of the revised rulebook.
2. The door entry system shall be installed and operating.
3. CCTV shall be installed to cover the front of the premises, the bar area, function area and smoking area. This shall be maintained to a standard agreed by the Police Crime Prevention Officer.
4. There shall be no functions or events for age-related celebrations of 25 years or under.
5. All functions shall be risk assessed taking into account the four licensing objectives. The assessment shall be documented to include the control measures implemented. The risk assessments shall be made available to the Police Licensing Officer and Waverley Borough Council Officers if requested. *[Note: Other authorised persons may also ask to see risk assessments at any time.]*
6. No beverages or drinking vessels shall be taken outside at any time and notices to this effect shall be clearly displayed.
7. The smoking area shall not be used after 22:00 hours.
8. During events utilising live and/or recorded music, all windows and doors shall be kept shut after 22:00 hours except for access and egress and after 21:00 hours access and egress for members and guests will be through the front door of the premises only.
9. Noise disturbance notices, requiring premises users to minimise noise and have consideration for occupants of nearby residences, shall be displayed in the smoking area, positioned as to be clearly visible to members and guests.
10. Outdoor lighting shall be positioned and maintained so as not to cause a nuisance to neighbouring residences.

Embedded Restrictions : Club

1. Permitted Hours

The permitted hours on Christmas day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the Licensing Authority in which the premises are. The said hours shall:

- i. not exceed six and a half hours;
- ii. not begin earlier than noon;
- iii. not end later than 2230;
- iv. provide for a break of at least 2 hours, including 1500-1700;
- v. not extend for more than three and a half hours after 1700.

Restrictions

The above restrictions do not prohibit:

- a) the consumption of the alcohol on the premises by persons taking table meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- b) the consumption of the alcohol on the premises by, or, the taking sale or supply of alcohol to any person residing in the licensed premises;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- e) the taking of alcohol from the premises by a person residing there; or
- f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

The licensee may also provide and permit entertainment by way of music and singing but only by the reproduction of recorded sound (this does not permit the use of karaoke, disk jockeys, comperes etc).

Annexe 3 – Conditions attached after a hearing by the Licensing Authority

N/A

Annexe 4 – Plans

Attached



LICENSING ACT 2003

NOTICE OF APPLICATION TO REVIEW A CLUB PREMISES CERTIFICATE

HALE AND HEATH END WORKING MEN'S CLUB,
114 UPPER HALE ROAD, FARNHAM, GU9 0JH

NOTICE IS HEREBY GIVEN that an application has been made to the Licensing Authority of WAVERLEY BOROUGH COUNCIL for review of a club premises certificate under Section 87 of the Licensing Act 2003. Details of the grounds of the application for review of the certificate are as follows:

1. The Club Committee and Steward are failing to exercise proper control over the day to day running of the Club
2. The Club Committee and Steward are failing to promote the Licensing Objectives contained in the Licensing Act 2003

Any responsible authority or interested party wishing to make representations on this matter must submit those representations in writing to Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR (www.waverley.gov.uk) between the following dates:

31ST OCTOBER AND 28TH NOVEMBER 2008

stating the grounds on which the representation is made. Written representations may also be made by e-mail to: licensing@waverley.gov.uk. Alternatively please telephone 01483 523225.

Please note that it is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application for review and any person making such a statement shall be liable, on summary conviction, to a fine not exceeding level five on the standard scale (currently £5,000).

ANNEXE 3

APPLICATION FOR REVIEW

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Sgt 435 John Eldridge**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Hale and Heath End Working Mens Club 114 Upper Hale Road Farnham Surrey	
Post town Farnham	Post code (if known) GU9 0JH

Name of premises licence holder or club holding club premises certificate (if known) Hale and Heath End Working Mens Club

Number of premises licence or club premises certificate (if known) WAV2005PREM/0101

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Surrey Police Farnham Police Station Longbridge Farnham Surrey GU9 7PZ
Telephone number (if any) 0845 1252222 extn 31622
E-mail address (optional) eldridge435@surrey.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Surrey Police as a responsible authority apply for the review of the licence on the grounds that

1. The Club Committee and Steward are failing to exercise proper control over the day to day running of the Club.
2. The Club Committee and Steward are failing to promote the Licensing Objectives contained in the Licensing Act 2003

Please provide as much information as possible to support the application
(please read guidance note 2)

The Premises is a working men's club situated at the side of a main road in a residential area on the outskirts of Farnham Town. It is managed by an elected committee who are responsible for the welfare of the club. However, the day to day running of the club is the responsibility of the Steward who reports to the committee members.

At 00:20 on Sunday 12th October 2008 a local resident reported to police that a possible fight was taking place at the premises. (P08332515). Officers attended and when they arrived there was no fight taking place but they saw a male and female covered in blood and a lot of activity from in and around the gent's toilet.

One of the club members they spoke to was a committee member, Gary Russell, who in the opinion of the attending officers was drunk. Members at the premises were uncooperative and obstructive and officers were unable to find out what had occurred at the premises.

On leaving the officers saw two males staggering out of the premises, both again in the opinion of officers were drunk.

Further enquiries later revealed that there were raised voices from the outside smoking area from about 23:00 onwards. This continued intermittently until sometime after midnight when what sounded like a fight broke out. Other enquiries also established that noise and disturbance continued until approximately 01:45.

On Saturdays the premises is licensed to sell alcohol until 00:30 and the premises should close 30 minutes after the sale of alcohol ceases.

The reasons for the suspension and modification of the Certificate were to address the four Licensing Objectives in the light of evidence received from Surrey Police and the concerns raised by local residents.

In less than 3 weeks from the date of the Review Hearing this is yet a further example of the committee demonstrating that they are not capable of managing or controlling the premises in promotion of the Licensing Objectives.

We will be relying on statements from the attending officers in the Review Hearing.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day - 28

Month - 7

Year - 2008

If you have made representations before relating to this premises please state what they were and when you made them

Police requested a Review of the Club Premises Certificate. That Review was held on the 28.7.08. At that hearing we relied on the following evidence:

Information here is compiled from a number of Police data bases. ICADS prefixed with a P are records of calls to the Police by members of the public. Crimes are prefixed with a C or WV and are records of investigations into alleged crimes. Also included is a summary of the result of the Review Hearing.

13/5/06 21:58 P2871277

Neighbour reporting a lot of noise from club

30/3/07 21:15 C/07/6031- P3236881 – P3236879

Report of a fight at the premises, one male having been assaulted with a glass. Male arrested and charged with affray

17/6/07 00:15 C/07/11355 - P3326910

Report of lots of fighting at the club followed by a public order incident outside This was as a result of a private teenage party at the premises. One 16 year old male was dealt with by means of a fixed penalty ticket

19/1/08 23:39 P2008021237 –P2008021979

Steward reporting a fight in progress involving numerous people. Outside premises with lots of bottles smashing

13/6/08 20:45 WV/08/1639 – P08194702

Female assaulted by another inside premises having consumed a large amount of alcohol

14/6/08 00:05 WV/08/1648 – WV/08/1644 – P08194995 – P08194985 – P08194983 –P08194981 – P08194972 – P08194971 – P08194965

Large scale violent disorder outside premises

This was as a result of a private teenage party at the premises.

Six males were arrested. Two were dealt with by way of a fixed penalty ticket and four are currently on bail.

As part of the ongoing criminal investigation evidence has come into the possession of

police which includes a video, DVD and statements. It is our intention to refer to these in support of our application.

On 24/1/08 police visited the premises and met with members of the committee to discuss the incident on 19/1/08

They were advised that events should be risk assessed and control measures put in place to promote the licensing objectives. They were also advised regarding the content and conditions of the Club Premises Certificate.

At the end of the meeting they stated that they would no longer have parties for under 21's.

On 29/4/08 Police and WBC Licensing Enforcement Officer visited the premises and met with members of the committee to discuss complaints of noise from outside smoking area.

Advice was given regarding the management of premises and control of outside areas.

On 18/6/08 a complaint was received from local resident regarding noise and abusive language from outside area

On 19/6/08 Police visited the premises and met with members of the committee to discuss incident on 13/6/08. They established that it was a 19th birthday party and insufficient control measures were in place.

The committee had demonstrated that they were unable or unwilling to manage and control the premises. Police felt that conditions or control measures needed to be imposed.

On 28th July 2008 Surrey Police submitted an application for a Review of the Club Premises Certificate.

A review Hearing was held on Monday 22nd September 2008 and all the above evidence was heard.

The decision of the Licensing Sub Committee was as follows:

The Sub-Committee resolved to suspend the certificate for a period of one month during which time the Club shall undertake the following steps, and conditions were applied to the Certificate as follows:

1. The Club rule book shall be reviewed/revised in line with the Licensing Act 2003 and in particular address temporary membership, invited guests and events. All members, including the committee shall be issued with a copy of the revised rulebook. (Condition)
2. Before reopening, a joint visit with the Police Licensing Officer and Waverley Borough Council Licensing Officer shall be undertaken to ensure that these recommendations have been implemented.

3. The door entry system shall be installed and operating. (Condition)
4. CCTV shall be installed to cover the front of the premises, the bar area, function area and smoking area. This to be maintained to a standard agreed by the Police Crime Prevention Officer. (Condition)
5. There shall be no functions or events for age-related celebrations of 25 years or under. (Condition)
6. All functions shall be risk assessed taking into account the four licensing objectives. The assessment shall be documented to include the control measures implemented. This document shall be made available to the Police Licensing Officer and Waverley Borough Council Officers if requested. (Condition)
7. No beverages or drinking vessels shall be taken outside at any time and notices to this effect shall be clearly displayed. (Condition)
8. The smoking area shall not be used after 22.00 hrs. (Condition)
9. The current licensed activities shall be modified as follows:

Supply of alcohol:	Monday – Saturday	10.30 – 23.00
	Sunday	11.00 – 23.00

Indoor Sports Events:	Monday – Friday	10.30 – 23.00
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Live Music: Friday & Saturday only 10.30 – 23.00

Recorded Music: Friday	20.00 – 23.00
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Hours of opening: As for the sale of alcohol, closing 30 minutes after the supply of alcohol ceases.

To further address the concerns of local residents with regard to noise nuisance the following conditions shall also be applied to the Certificate:

10. During events utilising live and/or recorded music, all windows and doors shall be kept shut after 22.00 hours except for access and egress and after 21.00 hours access and egress for members and guests will be through the front door of the premises only.
11. Noise disturbance notices, requiring premises users to minimise noise and have consideration for occupants of nearby residences, shall be displayed in the smoking area, positioned as to be clearly visible to members and guests.
12. Outdoor lighting shall be positioned and maintained so as not to cause a nuisance to neighbouring residences.

The reasons for the suspension and modification of the Certificate were to address the four Licensing Objectives in the light of evidence received from Surrey Police and the concerns raised by local residents.

The premises had 21 days from notification of the decision to appeal against the Council's decision.

The premises did not appeal and the premises will close for one month from 27th October 2008 to 27th November 2008.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date 28th October 2008

.....
Capacity
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) As above	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

ANNEXE 4

Review hearing - Hale and Heath End Social Club
22nd December 2008
Representations received

Representation 1

18/11/2008

DEAR SIR/MADAME

I AM WRITTING WITH REGARDS TO HALE WORKING MENS CLUB, I HAVE BEEN GOING TO THE CLUB SINCE I WAS A CHILD ALONG WITH MY PARENTS, GRANDPARENTS, BROTHERS AND COUSINS I HAVE HEARD OF THE PROBLEMS THEY HAVE HAD RECENTLY BUT I PERSONALLY FEEL IT WOULD BE A REALLY BIG SHAME TO SEE THE PLACE CLOSED DOWN AS WE HAVE LOST SO MANY PUBS IN THE AREA ALREADY OVER THE YEARS (BLACK PRINCE, THE CASTLE AND THE CRICKETERS) PLEASE HELP US TO KEEP HALE WORKING MENS CLUB OPEN AS IT IS 3 YEARS AWAY FROM CELEBRATING ITS 100TH ANNIVERSARY

YOURS SINCERLEY
(Name and address supplied)

Representation 2

18/11/2008

Dear sir/madam

as a residence of upper hale I am writing regarding hale working mens club. I have been go to the club since I was 10 years old (28years ago) with my father who was a long term member for many years please help to keep the club open as a lot of people have been working really hard to improve the reputation of the place as its one of very few licensed premises left in the area due to the others being closed over the years. I am aware of the problems recently and can understand the concerns too but there are far worst things happening in other places. Once again please help us to keep are local club open we are only 3 years from being 100 years old

yours sincerely

(Name and address supplied)

ANNEXE 4

Review hearing - Hale and Heath End Social Club

22nd December 2008

Representations received

Representations 1, 2, 3, 4, 5, and 10

Representation 1

18/11/2008

DEAR SIR/MADAME

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YOURS SINCERLEY

(Name and address supplied)

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yours sincerely

(Name and address supplied)

Representation 3

(Re-typed)

18.11.08

Dear Sir or Madam

I am writing to support Hale and Heath End Club. We have lived in G..... for 26 years and belonged to the Club for almost as long.

Hale is a village and the Club is a meeting point, we meet friends on a Friday, some like to play bingo, a lot are into their seventies and meet their friends for a drink and a chat. Saturday evenings we enjoy music and have had some lovely singers to entertain us. My husband and I meet our friends to chat, it is a great club, we can walk there and walk home, why should it be closed, this is what village folk do.

I have heard allegedly that people moved in next to the Club and want to close it. I say the Club has been there since 1911, why move next to a club if you don't like hearing people enjoying themselves. Please don't close it.

Yours sincerely

(Name and Address supplied).

Representation 4

(Re-typed)

23.11.08

Dear Sir or Madam

My husband and I have lived in Upper Hale for the past 54 yrs and the Hale's Working Mens Club at that time had been opened for about 40 yrs.

We have never heard or seen any trouble from the Club in Upper Hale Road.

It is the only club in the Village that caters on a regular basis for the community and offers for its members Bingo, Evening Entertainment, darts and pool.

It is a meeting place on a Sunday for Hale and Heath End Working Mens Team (Football).

The Hall is also offered to its Members for Engagement, Wedding and Anniversary parties and has been used for these occasions.

Please consider these facts in your decision about the Club as it has been an asset for the Hale community.

Yours sincerely

(Name and Address supplied).

Representation 5

(Re-typed)

23.11.08

DEAR SIR OR MADAM

I AM A MEMBER OF HALE CLUB FOR 15 YEARS OR MORE. DURING THAT TIME I CAN'T RECALL ANY PROBLEMS AT THE CLUB FOR WHICH THE POLICE HAVE ATTENDED.

I KNOW OF THE TROUBLE WE HAD AFTER A 19TH BIRTHDAY IN OUR HALL, BUT THIS HAS HAPPENED AFTER THE CLUB WAS CLOSED.

THE DISTURBANCE DOWN THE ROAD FROM THE CLUB AND WAS CAUSED BY YOUNGSTERS FROM ALDERSHOT.

I HEARD THAT TWO MEMBERS CAUSED TROUBLE AT THE CLUB AND THE POLICE ATTEND.

THESE TWO MEN HAVE BEEN EXCLUDED FROM THE CLUB FOR LIFE.

THIS IS THE FIRST TIME I HAVE HEARD OF ANY MEMBER CAUSING A PROBLEM.

TRUSTING YOU WILL CONSIDER THIS, BECAUSE THE CLUB HAS A LOT TO OFFER TO THE COMMUNITY.

YOURS SINCERELY

(Name and Address supplied).

Representation 10

(Re-typed)

23.11.08

Dear Sir

I believe that the Hale Working Mens Club almost opposite where I live is in danger of not being allowed to re-open. I think this is a shame as it is and has been a central point of the village. I know there has been some problems lately but in context of what its previous problems in the last few years – very few I believe – it seems a bit draconian to shut it down. No doubt the Council would be monitoring any future roles it may impose on the club if allowed to re-open. Also it is an extra income the Council will be doing away with, especially with its present financial shortage. Thank-you for your time.

Yours faithfully

(Name and Address supplied).

Waverly Licensee's
The Bury's
Godalming
GU7 1HR

(b)

23rd November 2008

Waverly Licensee and Surrey Constabulary

To Whom It May Concern:

I have been a member of Hale Working Men's club since 1972. I have also had the opportunity to have been able to serve on the committee in past years. I have also held management positions on 2 occasions both being secretary status for our club. It has given me pleasure to be able to work along side such people. The Committee put in valuable time and effort into making a successful club and place for all of our members and guests to enjoy club weekly functions.

It is with sadness and regret that the problem our committee and members are or have been experiencing; this being the latest episode of unruly behaviour by existing members who are well aware of the consequences of the ruling of the club. Thankfully these people are no longer members (they have been expelled).

Our current committee is strong and will no longer tolerate anymore outbreaks of unruly behaviour.

The people who stand on our committee are no different to anybody else; they are only working class people who are willing to give up their own personal time to serve on the committee working hard to try and make a successful club in which to be able to bring guests and family to enjoy the comforts of cheap beer and weekend entertainment.

I would also bring to your attention that along Alma Lane, Upper Hale and surrounding areas "Bricksbury Hill" who houses senior citizens, ages from 60 - 90 years who on occasion only get out once a week to be able to come to their club and to play their Friday night games of Bingo, and are able to socialise with one another. The committee also arrange a Christmas dinner for these citizens, which is greatly appreciated by all members.

I speak on behalf for the majority of members; it would be a great loss to the community if you, the Waverley Licensee and Surrey Constabulary were to close the club.

I believe the behaviour was inappropriate and the committee will no longer condone this type of behaviour.

I regret any embarrassment or unpleasantness this has caused. We as committee members would like to assure you that this sort of incident will not happen again.

Thank you for your understanding and I hope you will re-consider any actions that might lead to the closure of our club.

WAVERLEY B.C. CHIEF EXECUTIVE'S OFFICE	
PRM	
DATE	26 NOV 2008 REC'D
DATE ACK:	
PASS TO FOR ATTN:	
ACK. CODE:	
FILE No:	

P33

7

24 november 2008

dear sir/madam

if the hale club were to close being a senior citizen i would miss nights out
with my daughters and meeting my friends
i enjoy my friday night bingo and saturday night entertainment.
it seems a shame myself friends and family will be penalised.

WAVERLEY B.C. CHIEF EXECUTIVE'S OFFICE	
PRM	
DATE 26 NOV 2008 RECD	
DATE ACK:	
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CHK. CODE:	
FILE No:	

8

24 november 2008

dear sir/madam

if the hale club were to close the effect it would have on the people of hale
friday night bingo mainly played by old age pensioners
saturday entertainment missed by all
sunday lunch local football team unable to meet after match
sunday evening fun quiz nights
monday night darts and pool matches
it seems a shame that you have to penalise the members of this club

WAVERLEY B.C. CHIEF EXECUTIVE'S OFFICE	
PRM	
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9

24 november 2008

dear sir/madam

if the hale club were to close i would not be able to have saturday and sunday nights out with my friends.

friday nights taking my mother to bingo to meet her friends.

it seems a shame you will you penalise the people of this local community

WAVERLEY B.C. CHIEF EXECUTIVE'S OFFICE	
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DATE	26 NOV 2008 REC'D
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11.

RECEIVED
28 NOV 2008

Rosemary Hughes
Senior Licensing Officer
Waverley Borough Council
The Borough
Godalming
Surrey

11

17.11.2008

Dear Mrs Hughes

RE:- APPLICATION FOR REVIEW OF A CLUB PREMISES CERTIFICATE - HALE AND HEATH END WORKING MEN'S CLUB

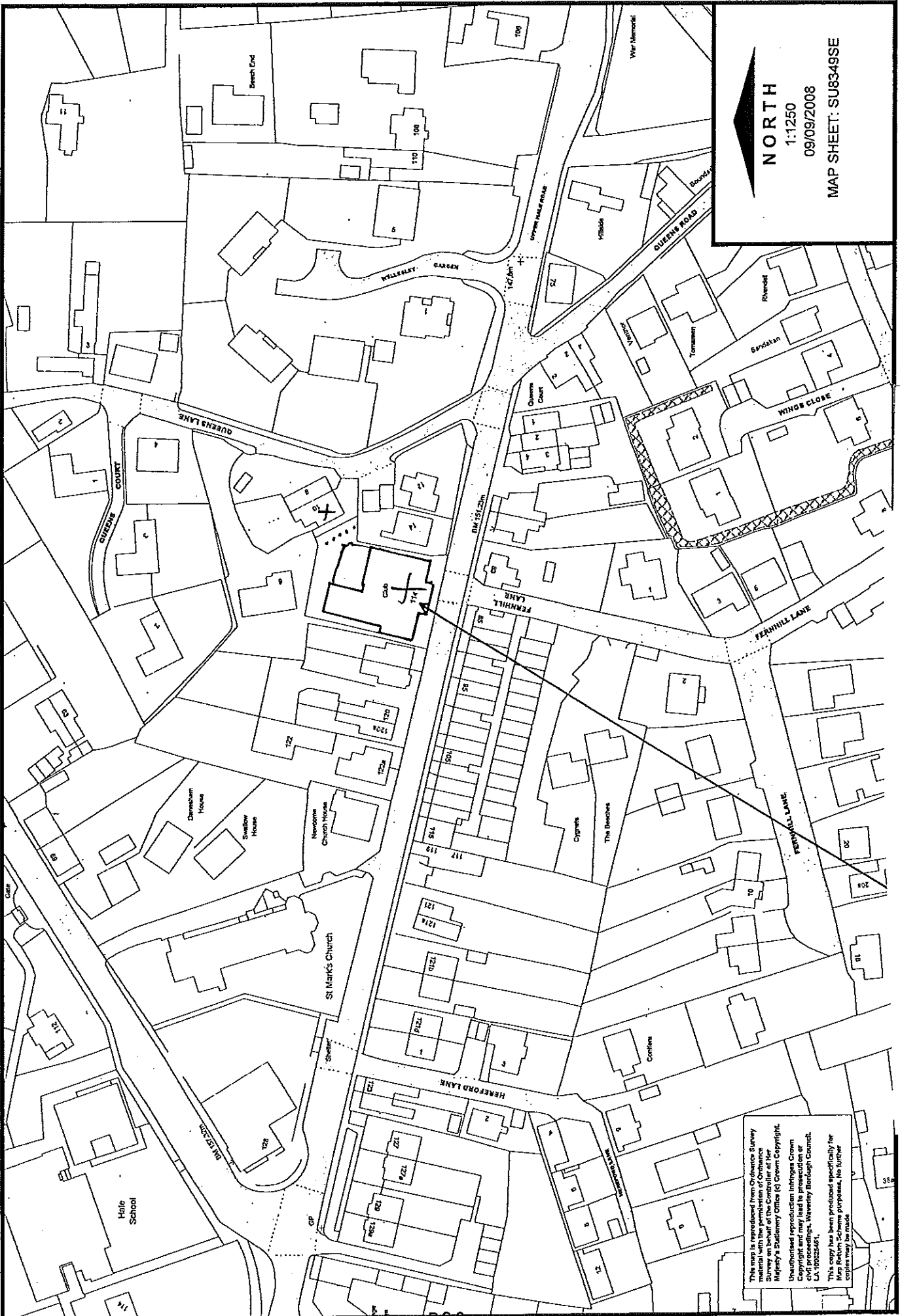
I am writing in response to the recent Blue notice recently posted outside of the above premises.

On the night of 12th October (08) at 00:20, My wife and I were awoken suddenly by loud shouting, and an obvious disturbance coming from the smoking area of the above premises. We heard serious verbal threats and swearing and it was obvious that a fight had occurred and was possibly still ongoing. At the same time I observed my neighbour outside of his property, adjacent to the club smoking area, was on the phone. (I assumed to call the Police).

Approximately 15 minutes later three Police cars arrived and attempted to resume order. Loud talking continued from the smoking area for some time before the doors were finally closed. Persons whom I assumed to be involved in the incident remained in the area noisily making phone calls from the front of the premises (within 5 feet of our property) until approximately 01:45.

I am very surprised in light of recent events and the pending 1 month closure imposed by the licensing authority that the committee allowed this event to occur.

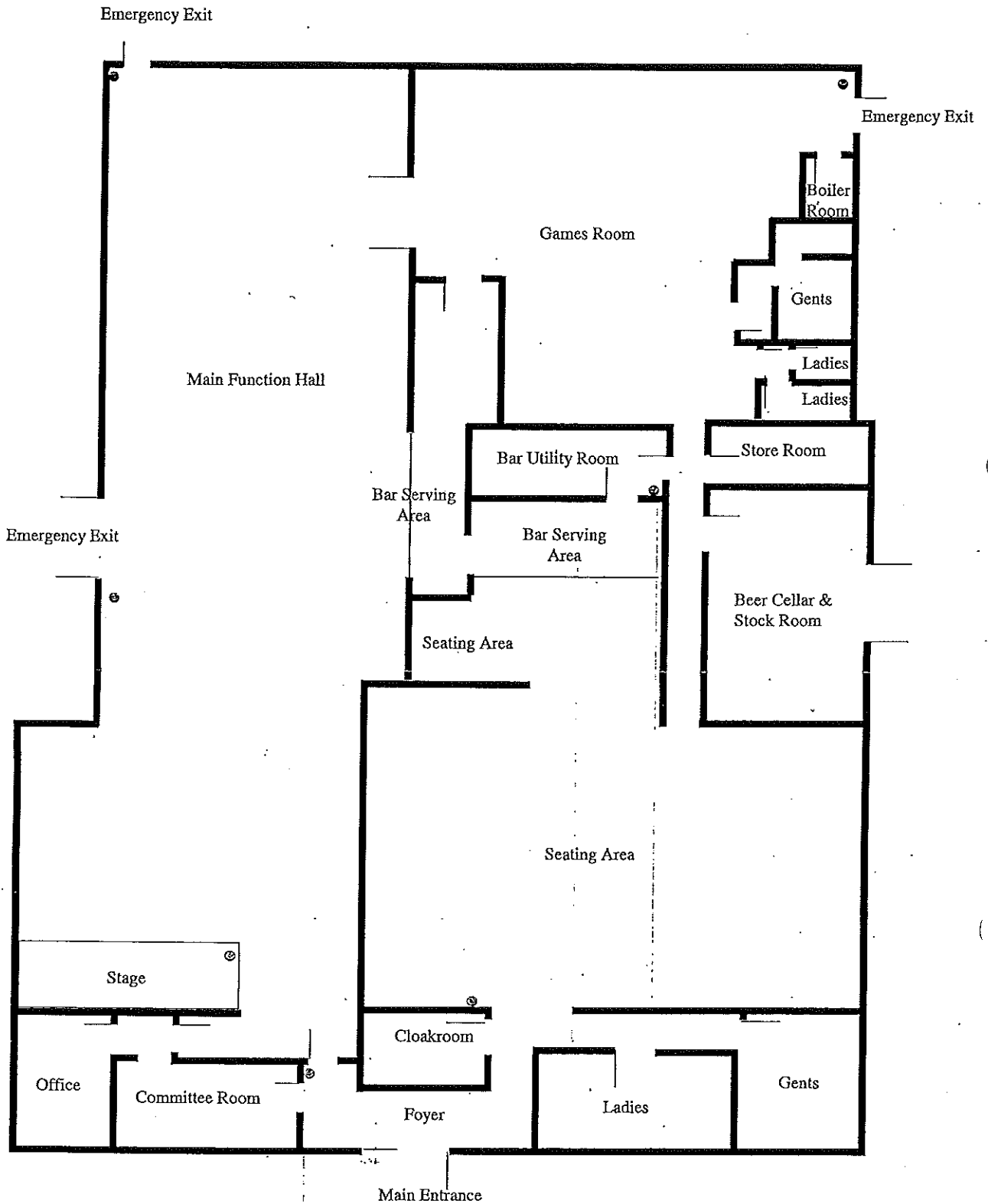
My concern remains that despite the requirement for CCTV monitoring of the smoking area, the properties adjacent to this area will continue to be bothered by noise and unpleasant smell of smoking which now frequently detract from the use of our gardens.



NORTH
 1:1250
 09/09/2008
 MAP SHEET: SU8349SE

HALE AND HEATH END SOCIAL CLUB
 114 UPPER HALE ROAD, FARNHAM

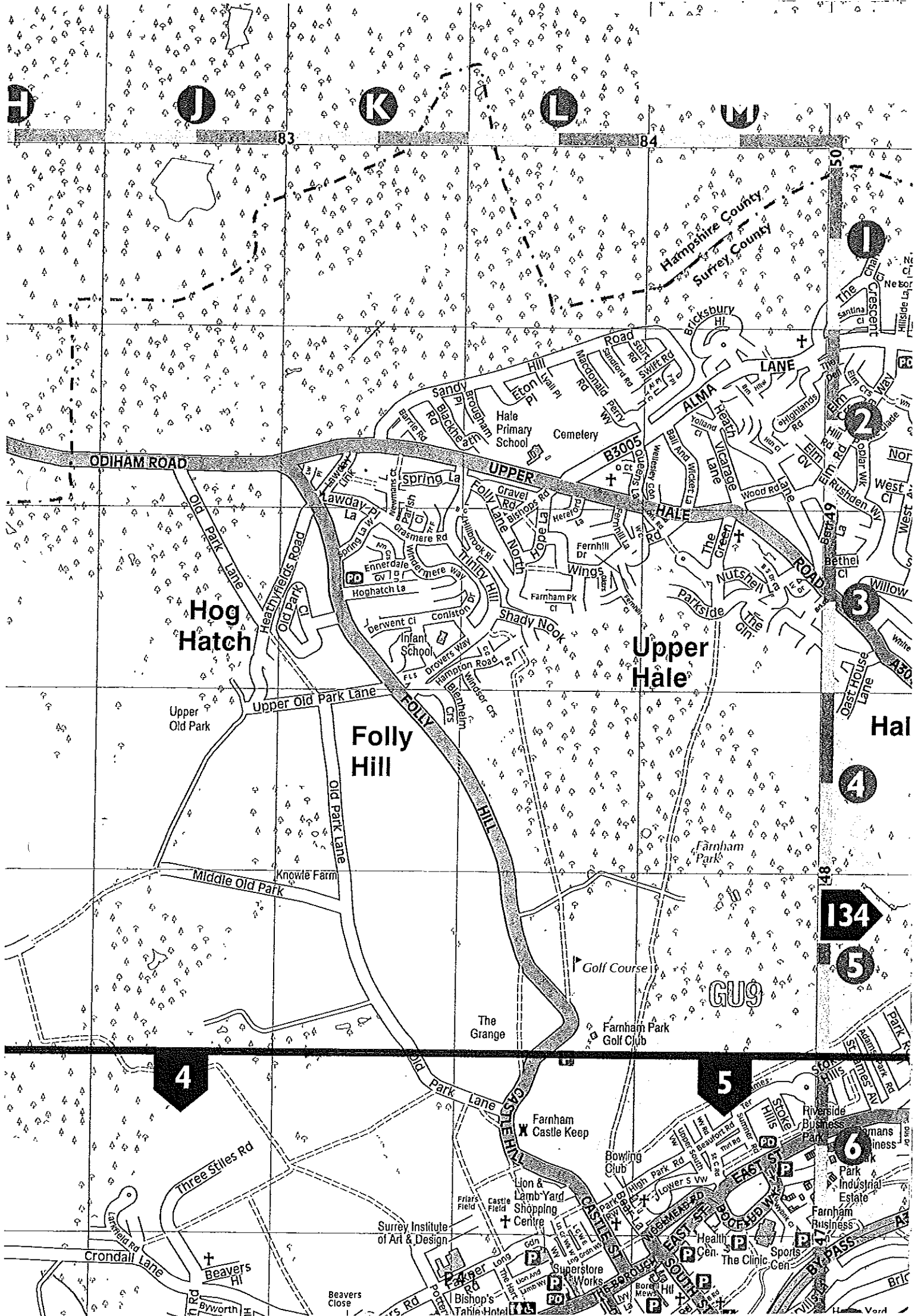
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Hale & Heath End Working Mens Club
 114 Upper Hale Road
 Farnham
 Surrey

Scale 1:100

- Denotes position of fire safety equipment



J K L M

83 84

85

Hampshire County
Surrey County

ODIHAM ROAD

Hog Hatch

Folly Hill

Upper Hale

Hal

4

5

134

5

6

Surrey Institute of Art & Design

Farnham Castle Keep

GUR

Golf Course

Farnham Park Golf Club

Lion & Lamb Yard Shopping Centre

Bowling Club

Health Cent. The Clinic

Farnham Business Estate

Crondall Lane

Beavers Hill

Bishop's Table Hotel

Superstore

Health Cent. The Clinic

Farnham Business Estate

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.28 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.

