

# APPENDIX A

## WAVERLEY BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE 'B' - 11 OCTOBER 2010

#### LICENSING ACT 2003 - APPLICATION FOR VARIATION TO CLUB PREMISES CERTIFICATE – BRAMLEY SOCIAL CLUB, HALL ROAD, BRAMLEY, GUILDFORD, SURREY GU5 0AX

[Wards Affected: Bramley, Busbridge & Hascombe Ward]

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#### **Summary and Purpose**

1. The purpose of the report is to enable the Sub-Committee to consider an application from Tracy Hutton, Club Secretary for variation to the Club Premises Certificate of Bramley Social Club, Hall Road, Bramley, Guildford, Surrey GU5 0AX.

#### **Background**

2. An application has been received for a variation to a Club Premises Certificate for this Social Club to allow for the garden to be enlarged and the building made smaller by the demolition of part of the building (demolition has already taken place). A previous Minor Variation application to amend the licence for these changes was refused.

#### **Activities Sought under this Licence Application**

3. The applicant seeks to vary the Club Premises Certificate so that the existing garden is made larger, to allow families to use the area and to make the Club Premises smaller. An extract of the relevant pages from the application form is attached at Annexe 1. A plan of the structural changes will be available at the meeting. Also attached to this document at Annexe 2 is a plan showing the area of the premises and surrounding properties. Please see application for activities in full.

#### **Current Licensed activities**

4. The premises was the subject of conversion and variation in the transitional period, under the 2003 Licensing Act. Accordingly, Bramley Social Club, was granted a Club Premises Certificate.

A copy of the latest Club Premises Certificate is attached (Annexe 3) and summarised below:

1. Provision of regulated entertainment:-  
Plays & indoor sporting events  
Friday & Saturday 11.00 - 23.00  
Films  
Wednesday 20.00 - 22.00  
Live, Recorded Music & Dancing  
Friday and Saturday 19.00 - 23.00

2. Sale by Retail of Alcohol  
Monday - Sunday 11.00 - 23.00
3. Hours of opening:  
As for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases.

### **Licensing Objectives**

5. The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives, and representations must be from interested parties and/or from the responsible authorities under this legislation.
  1. Prevention of Crime and Disorder
  2. Public Safety
  3. Prevention of Nuisance
  4. Protection of Children from Harm

### **Representations received**

6. Responsible Authorities  
There has been one representation from Environmental Health as a Responsible Authority, which is reproduced at Annexe 4.

#### Interested Parties

Twelve representations have been submitted by local residents (interested parties). These are reproduced at Annexe 5.

### **What the Sub-Committee may do**

7. The Sub-Committee, after hearing from the applicant and those making representations, may take one or more of the steps listed below in order to promote the Licensing Objectives that have given rise to the representation in this case. Reasons must be given by the Sub-Committee for any decision made, since there is an opportunity for the applicant and the interested party to appeal to the Magistrates' Court against the Licensing Sub-Committee's decision. The Sub-Committee may:
  - Grant the application as submitted; or
  - Refuse the application; or
  - Reduce or refuse parts of the application submitted,
  - Add conditions to meet the Licensing Objectives if the Sub-Committee considers it necessary in the light of the representation received.
8. An extract from the Government Guidance to local authorities under Section 182 of the Licensing Act 2003, as it applies to this application - paragraphs 9.19 to 9.28 - is attached as Annexe 6.

### **Human Rights considerations**

9. The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following Convention rights:

Article 6 - Right to a Fair Trial/Hearing:

In the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 - Right to Respect for Private and Family Life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

**Subsequent Developments in this Application Procedure**

10. Any subsequent developments in the procedure for the Review will be reported at the meeting.

Recommendation

**It is recommended that the application for a variation to a Club Premises Certificate for Bramley Social Club, Hall Road, Bramley, Guildford, Surrey, GU5 0AX be considered and determined having regard to the representations received, the statutory guidance and the Council's Statement of Licensing Policy 2008 - 2010. The Sub-Committee must take such steps (if any) as it considers necessary to promote the Licensing Objectives, having heard from the applicant and those making written representations.**

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Background Papers

Application referred to above, representations referred to above.

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**CONTACT OFFICER:**

**Name:** Paul Hughes

**Telephone :** 01483 523189

**E-mail:** [paul.hughes@waverley.gov.uk](mailto:paul.hughes@waverley.gov.uk)