

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'
11 OCTOBER 2010

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
18 NOVEMBER 2010

(To be read in conjunction with the Agenda for the Meeting)

- * Cllr Mrs Elizabeth Cable
- * Cllr Mrs Patricia Ellis
- * Cllr Victor Duckett

* Present

The Head of Democratic & Legal Services advised that Cllr Victor Duckett was attending on behalf of Cllr Maurice Byham. Cllr Byham was attending the meeting and speaking on behalf of Bramley Parish Council.

5. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Elizabeth Cable was elected Chairman for this meeting of Sub-Committee B.

6. MINUTES (Agenda Item 2)

The Minutes of the meeting held on 19 July 2010 were confirmed and signed.

7. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this heading.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

PART II – Matters reported in detail for the information of the Committee

8. LICENSING ACT 2003 - APPLICATION FOR A VARIATION TO CLUB PREMISES CERTIFICATE – BRAMLEY SOCIAL CLUB, HALL ROAD, BRAMLEY, GUILDFORD, SURREY GU5 0AX (Agenda Item 4; Appendix A)

- 8.1 The Chairman advised the meeting that the applicant, Surrey Police and Waverley Environmental Health Officers had discussed various conditions but that it would be the decision of the Sub-Committee whether or not to apply those conditions to the licence.

- 8.2 The Licensing Manager introduced the application and outlined the matter that the Sub-Committee was being asked to decide.
- 9.2 The applicant's barrister outlined the application and explained that the club had a total of 97 members, with approximately 30 attending on a regular basis. The club opened from 7pm-11pm in the evenings only during the week and on Fridays and Saturdays from noon-11pm and Sundays from noon-8pm/9pm. With the agreement of the sub-committee and all parties present, photographs were displayed of the current floor plan, and one before demolition of the former snooker room part of the building.
- 9.3 The applicant's barrister gave details of the additional measures that had been taken following discussion with the police and environmental health officers to comply with the licensing objectives. There was no amplified music in the outside area and inside the premises a jukebox provided background music.
- 9.4 The applicant's barrister challenged the claims that all noise nuisance was generated by the club. The club was adjacent to the village hall and close to two other licensed premises in the village, whose patrons used the car park. It was possible that the noise associated by barking was from the dogs owned by the tenants that occupied the flat above the premises.
- 9.5 The Waverley Environmental Health Officer then advised that she had visited the premises and although there were properties in close proximity to the new garden area, conditions imposed regarding no outside music and the closure of the garden at 10pm had been successfully implemented for other premises with similar problems.
- 9.6 With the agreement of the Sub-Committee and all parties present a photograph and marked drawing was displayed showing adjoining properties and other local licensed premises.
- 9.7 The objectors to the variation then voiced their concerns which related to noise nuisance and bad language used by patrons. The objectors stated that there had been a number of occasions when noise had been experienced after the premises registration certificate closing time. However, they did admit that the noise nuisance had improved recently, but were concerned that if the variation was allowed the noise nuisance would revert to that previously experienced.
- 9.8 The Council's Principal Solicitor explained that the issues regarding the tenants were separate and were outside the remit of the Sub-Committee. It was up to the Club Committee to raise any issue with the tenant outside of the meeting. Any conditions applied to the club licence would not affect the tenant. The Council's Principal Solicitor advised that the Licensing Act allowed for residents to contact their local authority with any concerns in the future that could lead to a possible review of the licence.
- 9.9 The objectors were disappointed that the Club Committee had not contacted them in advance about the building works to the premises as in particular it had affected one immediate neighbour. The neighbour whose garden

bordered the new outside area of the premises was also particularly concerned that the increased size of the outside area would generate more noise, which in turn would impact on his enjoyment of his garden.

- 9.10 The representative from St Catherine's School, which also bordered the new outside area, was concerned that if the Club increased its opening hours in line with its licence, noise from the premises garden could be heard by the young schoolchildren. At present this was not a problem but they would like the opportunity to talk to the Club Committee should any changes be sought in the future.
- 9.11 In summing up the objectors said that they did not wish the club to be closed as it was integral to the local community, but they wished the noise issues to be addressed and would like an amicable relationship with the Club in the future.
- 9.12 The applicant's barrister said that there was no evidence that the noise nuisance came entirely from the Club and there had been no representation from the police to substantiate the allegations. They would also not wish to close the outside area at 10pm as this would mean smokers would have to use the parking area to the front of the premises.
- 9.13 Following closing statements, the Sub-Committee then withdrew at 11.40 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 1.08 p.m.

During the deliberations the Council's Principal Solicitor was asked to advise the Sub-Committee on suitable wording for conditions.

The Sub-Committee resolved that it did not consider that the application conflicted with the Licensing Objectives relating to Prevention of Crime & Disorder, Public Safety and Protection of Children from Harm.

Taking into account the concerns raised over the Prevention of Nuisance, the Sub-Committee had therefore decided to grant the variation to the Club licence with the following conditions:

1. A comprehensive digital colour CCTV system will be installed at the premises. The system will be maintained and operational at all times the premises are open for business. Video recordings shall be available for a minimum of 10 days and shall be made available to an authorised officer or police officer together with facilities for viewing. There will be a capability to download to CD/DVD. The CCTV will monitor arrivals and departures at the main door and car park area and the complete rear garden area. The rear garden area not to be used until the 2 additional CCTV cameras are installed and operational.
2. Staff involved in the sale/supply of alcohol shall be trained in the basic law relating to the sale/supply of alcohol and written records will be kept for inspection. This will include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There will be an ongoing training regime.

3. The premises will operate a Challenge 21 policy and will only accept passport photodriving licence or ID cards bearing the PASS hologram as forms of identification.
4. Outside areas will not be used for the consumption of alcohol or food after 22.00 and the area must be cleared of glasses or bottles at 22.00, but may remain open for smoking only until 23.00.
5. Signage will be displayed "When leaving the premises please remember your neighbours and leave quietly" and in the garden "Please remember your neighbours and be quiet, and no bad language"
6. There will always be a committee member of duty when bar is open and in addition a Club member to be available to monitor the closure of the outside area at 22.00.
7. Doors and windows to be kept closed at all times when music is played inside the premises and no music to be played in the outside area at any time.
8. Members of the Club Committee to meet with representatives of the Parish Council, St Catherine's School and local residents, including Neighbourhood Watch, by 11 December 2010 in order to discuss any matters of concern. Following which meetings to be called by any one party should further matters of concern arise.

The Sub-Committee was pleased to hear that the Club would allow the Police access to the premises should any problems arise.

The Sub-Committee wished to draw the Club's attention to their current licence that only allows live music and recorded music inside the premises on Fridays and Saturdays between 19.00 – 23.00.

The Sub-Committee reminded the objectors that should there be any cause for concern in the future, legislation allowed for members of the community to contact their licensing authority with complaints over the operation of premises, leading to a possible review of the licence.

The meeting commenced at 10.00 am and concluded at 1.13 pm.

Chairman