

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'
11 NOVEMBER 2013

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
30 JANUARY 2014

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

- * Cllr Simon Inchbald Cllr Andrew Wilson
- * Cllr Carole King

* Present

Cllr Andrew Wilson was unable to attend this meeting and under delegated authority
*Cllr Elizabeth Cable attended in his place.

5. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Simon Inchbald was elected Chairman for this meeting of Licensing Sub-Committee B.

6. MINUTES (Agenda Item 2)

The minutes of the meeting held on 15 April 2013 were signed as a true record.

7. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared.

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 NEW PREMISES LICENCE – FARNCOMBE CRICKET CLUB, BROADWATER PARK, SUMMERS ROAD, GODALMING, SURREY GU7 3BJ [Appendix A]

8.1 The applicant and objectors introduced themselves.

8.2 The Licensing Manager introduced the report and explained that no representations had been received from responsible authorities. However, Surrey Police had been in discussion with the applicant and amendments to

the application had been submitted. No other representations had been received from responsible authorities.

- 8.3 The applicant then spoke in support of the application and said that the Cricket Club was a small, friendly club who took their responsibilities seriously and it was not their intention to change its current use or mode of operation, but to utilise the facilities in order to supplement the club's income by hiring out the Club House. No 18th birthday parties would be allowed and only Club members would be able to book 21st birthday parties.
- 8.4 It was explained that amendments to the Licensing Act 2003, following the introduction of the Live Music Act 2012, meant that a licence was no longer required for live music performances that take place between 8am and 11pm on a licensed premises authorised and open for the sale of alcohol with an audience of no more than 200 people. A licence was also not required to put on unamplified live music at any place between the same hours. The applicant confirmed that the maximum capacity of the Cricket Club was 80 people.
- 8.5 Following questions from the Sub-Committee the applicant confirmed the usual number and type of music events and that although they did not have a decibel reader installed at present they would accept a condition to the licence for one to be installed before the licence came into effect.
- 8.6 The applicant confirmed that their intentions for a strong management control of the Club was through the appointment of a DPS, the Club Committee playing an active role in the hiring of the premises and that there would always be members of the Management Team present on event evenings. The Club would not tolerate unacceptable behaviour and members were aware that if such incidents did occur that bar would be closed and those responsible reported to the Club Committee.
- 8.7 The objectors then gave their reasons for objecting to the application. They said that they were totally in support of the Cricket Club and especially the work they did with young members of the community. However, they had previously experienced loud music escaping from the premises during events together with noise from people drinking and smoking outside and leaving the premises. They were very concerned that should the licence be granted this could occur on a very regular basis as in their opinion the Club would have a licence to operate in the same way as a Public House. In response to this the Licensing Manager explained that it is the same as a premises licence for a Public House, but it would have to operate under and abide by the Club conditions.
- 8.8 The objectors were disappointed that there had been no communication with local residents regarding the Club's proposals and the first time they had become aware of them was the posting of the application licence, which initially had not been obvious.
- 8.9 The objectors living adjacent to the smoking area said that that they were particularly susceptible to noise from patrons outside and were concerned that this might increase considerably.

- 8.10 In response to a question from an objector the Sub-Committee confirmed that it was not unusual for an application to be submitted with wide-ranging requests for activities, but the Sub-Committee could add conditions to the licence if granted to limit times and number of occasions activities could take place.
- 8.11 In summing up, the objectors said that their main concern was noise from the smoking area and people leaving the premises, and both of these would increase with the number of events proposed. The objectors also said that a condition on the number of recorded music events would go some way to allay their concerns.
- 8.12 The applicant confirmed their agreement to limit the number of recorded music events per year and also proposed that they bring back the hours for the sale of alcohol Monday-Thursday to 23.00 hours.
- 8.13 The Sub-Committee then withdrew at 2.43 pm. On resuming the meeting the Sub-Committee clarified with the applicant the number of committee members to be present when the Club was hired out and alcohol was served.

Following the Sub-Committee's deliberation the meeting resumed at 4.10 pm to announce its decision:

During the deliberations the Licensing Manager was asked to make a clarification and the Licensing Solicitor was asked to advise the Sub-Committee on suitable wording for their decision.

The Sub-Committee carefully considered the application for a new premises licence, taking into account the representations received, statutory guidance and the Council's Statement of Licensing Policy 2013-2018.

The Sub-Committee noted that discussion had taken place between the applicant and Surrey Police which had resulted in amendments to the application.

The Sub-Committee heard the objectors' submission that the granting of the licence would, in their opinion, have an adverse effect on the promotion of the licensing objectives relating to the Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm.

Regarding the Prevention of Crime and Disorder the Sub-Committee had not heard any evidence from the Police of any anti-social behaviour in the immediate area. The Sub-Committee noted the objectors' concerns regarding the risk of antisocial behaviour associated with alcohol consumption, especially late at night when patrons were leaving the premises. However, the Guidance states that licensing authorities should look to the police as the main source of advice on crime and disorder and considered the conditions proposed by the Police as amended below were sufficient to address this issue and were proportionate.

Regarding Prevention of Public Nuisance, the Sub-Committee noted concerns regarding the possible disruption to family life from loud music escaping from

the building and guests arriving and leaving the premises. The Sub-Committee had heard from some of the objectors that they had been disturbed on occasions in the past by loud music and noise from patrons drinking and smoking outside the premises. However, no complaints regarding noise had been made to the Council. The objectors were very concerned that should the licence be granted this would be a regular occurrence. The objectors were advised that if such issues did occur in the future they should contact the Council's Licensing and Environmental Health Departments.

Regarding Protection of Children from Harm, the Sub-Committee noted objectors' comments that Broadwater Park was a green space where children played and heard their concerns that children could be exposed to antisocial behaviour due to alcohol being consumed off the premises.

There had also been concerns raised that the granting of the licence might result in a decrease in property values, and traffic and parking issues, but these were not material considerations for the Licensing Authority.

On the balance of probabilities the Sub-Committee found that on the evidence before them there was no material reason to refuse the application. The Sub-Committee therefore grant the application with the addition of the conditions proposed by Surrey Police at Annexe 4 page 25 with the removal of condition 5 and amendment to conditions 8 and 10 as follows:

8. All external doors and windows will be kept closed during musical entertainment and in any case after 21.00, except for access to and egress from the premises.
10. The premises shall only be used by club members and their guests except when it is hired out for private functions or Club functions open to the general public when alcohol is being served and on these occasions the DPS or 2 committee members must be present.

The following hours and conditions to be applicable to the licence:

Sale of Alcohol (M)	
Monday to Thursday	11.00 – 23.00
Sunday	12.00 – 22.30
Friday – Saturday	11.00 – 24.00

Hours Premises are Open to the Public	
Monday to Thursday	09.00 – 23.30
Sunday	09.00 – 23.00
Friday – Saturday	09.00 – 00.30

Conditions:

1. Smoking area to be moved to the patio area in front of the lounge, and door closers to be fitted to all external doors.
2. Drinks to only be taken outside in plastic containers.

3. Decibel reader, CCTV and door closers to be installed before the licence comes into effect.

4. Recorded music events to be limited to 15 per year.

The Club Certificate to be surrendered prior to the commencement of the premises licence.

The Sub-Committee noted that Section E Live Music is removed from the application.

The reason for the above amendments and conditions is to prevent noise nuisance to local residents (Prevention of Public Nuisance) especially for those living in the immediate vicinity of the premises.

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

The Sub-Committee wish to strongly urge the Club to meet with their neighbours on the premises on a regular basis to ensure any issues are managed effectively.

The applicant and any person who made relevant representations may appeal against the decision within 21 days of the date of notification by the licensing authority of this decision in writing.

The meeting commenced at 1.30 pm and concluded at 4.21p.m.

Chairman