

Brockham Village Club, Brockham Green, Betchworth

Decision Notice: Application for a Premises Licence

Background

1. Brockham Village Club (**Applicant**) submitted an application for a premises licence (**Application**).
2. As relevant representations in respect of the Application were submitted, a hearing was arranged to take place on 17 June 2014 at 10.00 in the Council's Chamber to enable the Council's Licensing Sub-Committee, consisting of Councillor Margaret Cooksey, Councillor John Northcott and Councillor Charles Yarwood to determine the Application. The hearing was chaired by Councillor Charles Yarwood.

Attendance and Participation

3. The hearing was attended by:

On behalf of the Applicant	Mr Peter Shakeshaft	Chairman, Brockham Village Hall
On behalf of Other Persons (formerly known as Interested Parties)	Mr Derek Minor Mr Roger Hammond Mr Maurice Homewood Mrs Rosemary Buckle	Neighbour and speaking on behalf of other residents on the Green Chairman, Brockham Parish Council Vice-Chairman, Brockham Parish Council Member of Brockham Parish Council
On behalf of Responsible Authorities	Mr Murrae Hume Ms Tanya Mileusnic	Licensing Officer, Surrey Police Licensing Officer, Mole Valley District Council

Of those attending, the Licensing Sub-Committee heard from:

On behalf of the Applicant	Mr Peter Shakeshaft	Chairman
On behalf of Other Persons	Mr Derek Minor	Neighbour and speaking on behalf of other residents on the Green

	Mr Roger Hammond	Chairman, Brockham Parish Council
	Mr Maurice Homewood	Vice-Chairman, Brockham Parish Council
	Mrs Rosemary Buckle	Member of Brockham Parish Council

4. No written representations were received from Surrey Police and Surrey Police attended in its capacity as Responsible Authority in order to, and did, address questions the Licensing Sub-Committee had arising from the written and oral representations.
5. We are satisfied that notice of the hearing was served on all relevant parties, and that all those entitled to speak at the hearing had an opportunity to do so.

Summary of Discussion

Applicant

6. The Applicant explained the reasons for which the Application had been submitted. Although the Premises had the benefit of a Club Premises Certificate, and was able to apply for Temporary Event Notices (TENs) for events which were not authorised by the Club Premises Certificate, the current limit of twelve TENs per calendar year was restricting the Applicant's ability to generate income through events in the Hall.
7. The Applicant clarified that it intended to continue to operate as a members' club. The Club Room would remain for the exclusive use of club members and their guests and its bar would continue to sell club members alcohol at a subsidised rate. The Hall would be open for events and available to hire to non-members with a public bar at which alcohol would be sold at non-subsidised rates. The Club Committee were investing in the Hall facilities, and had bought film equipment, installed air conditioning and were upgrading windows and doors with the benefit of grant funding.
8. Although the provision of plays had not been applied for, the Applicant clarified that this had been an omission and asked if it could be included in the Application.
9. The Applicant noted that there were two other licensed premises, the Grumpy Mole (a gastropub) and the Royal Oak (a traditional pub). Having considered the written representations raised to the Application's terminal hour of 02.00 on a Friday and a Saturday, the Applicant proposed an alternative terminal hour to reflect those of the Royal Oak. In response to questions from the Sub-Committee, the Applicant clarified that the both the opening and closing licensing hours should reflect those of the Royal Oak.
10. Following the standing-down of the named personal licence holder, the Applicant noted that he would attend the appropriate training to obtain a personal licence.

Responsible Authorities

11. The Senior Licensing Officer advised the Sub-Committee of the permitted hours under the existing club premises certificate, being 10am – 11pm Monday to Saturday, and 11am to 10.30pm on Sunday and Bank Holidays. The hours set out in the Application had a later opening hour than was currently permitted under the club premises certificate.
12. He reported that whilst the Club could operate with the benefit of both a premises licence and its club premises certificate, the Applicant proposed to surrender the club premises certificate if the Application was granted. If granted, the premises licence would not restrict the Club's ability to operate the Club Room under the existing club rules. The Surrey Police Licensing Officer also noted that the Police would prefer that the Club only operated under a premises licence, rather than both a premises licence and a club premises certificate.
13. The Senior Licensing Officer noted that the Applicant could subsequently apply for the alternative mandatory licence condition to be attached to its premises licence, under which the Club Committee would be responsible for the supervision and authorisation of alcohol sales.
14. In response to a question from the Sub-Committee, the Licensing Officer for Surrey Police reported that he had identified one incident at the premises in 2012, 2 incidents in 2010, and that this did not justify an objection on the grounds that it would undermine the prevention of crime and disorder.

Other Persons

15. Mr Derek Minor highlighted that over 25 letters had been submitted expressing concerns. These concerns highlighted:
 - a. the perception that the Club would move from operating as a members' club to a pub;
 - b. the proposed terminal hours were too late, being later than the two other licensed premises, which would give rise to public nuisance and an increased risk of crime and disorder
 - c. public safety concerns, in that the Club was on a busy road and there was nowhere for children to play safely.
16. These concerns were also echoed by the representatives of the Parish Council, Mr Hammond, Mr Homewood and Mrs Buckle.
17. Mr Minor noted that the last incident at the Club was in 2007 and that there had been no representations from Surrey Police opposing the application.
18. If the application was granted, the existing club premises certificate closing hours should apply to the premises licence, doors and windows should be kept shut whilst live and amplified music was playing, there should be no outside activity after 23.00, and signs requesting guests/users to depart quietly should be placed at the exits.

Other matters considered

19. The licensing hours for both the Grumpy Mole and for the Royal Oak were before the Sub-Committee.

Decision

20. In all the circumstances, we have decided that the licensing objectives, and in particular the prevention of public nuisance, are best promoted by granting the Application subject to the following conditions which we consider appropriate:

1. licensable activities are permitted between the following times:

- Monday to Thursday 19:00 – 23:00;
- Friday 19:00 – 00:00;
- Saturday 12:00 – 22:30;
- Sunday 12:00 – 22:30;
- Bank Holidays 12:00 – 23:30;
- Christmas Eve 12:00 – 00:00; and
- New Years Eve 19:00 – 02:00;

2. the premises may otherwise be open for non-licensable activities Monday to Saturday from 9:00 and Sunday from 10:00;

3. the premises are to be closed and cleared of customers no later than 15 minutes after the applicable terminal hour set out above;

4. licensable activities are to include the provision of plays;

5. the existing club premises certificate has been surrendered to the Licensing Authority;

6. prominent signage must be displayed at all exit points, urging customers to respect local residents by leaving the premises quietly;

7. doors and windows must be closed when music is being played, save for entry or exit, and

8. customers must not drink outside after 22:00.

21. In reaching this decision, we have had regard to the Council's Statement of Licensing Policy dated January 2014 and to the statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003 dated June 2014.

Rights of Appeal

22. The Other Persons and/or Responsible Authorities have a right to appeal to the Magistrates Court within 21 days of receiving this written decision notice.