



<b>REPORT OF:</b>	HEAD OF ENVIRONMENTAL HEALTH SERVICES
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<b>TO:</b>	LICENSING & REGULATORY COMMITTEE
<b>DATE:</b>	1 OCTOBER 2003

<b>AGENDA ITEM NO:</b>	5	<b>WARD(S) AFFECTED:</b>	-
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<b>SUBJECT:</b>	APPLICATION FOR COMMUNITY PREMISES ENTERTAINMENT LICENCE
<b>PURPOSE OF THE REPORT:</b>	TO DETERMINE AN APPLICATION FOR A COMMUNITY PREMISES ENTERTAINMENT LICENCE FOR HORLEY BAPTIST CHURCH, ALBERT ROAD, HORLEY
<b>RECOMMENDATIONS:</b>	
1. The Committee is recommended to determine the application.	

## Background

1. An application for an annual Community Premises Entertainment Licence has been received from the Rev. Guy Partridge, Associate Pastor of Horley Baptist Church. The application is for Fridays and Saturdays, occupancy of 150, 7.30pm until midnight, although events are currently only planned for Saturdays.
2. A plan of the locality is attached at Annex 1.
3. Occasional Music & Dancing licences were issued for two band nights for young people which were held on 31 March 2001 and 23 November 2002. No adverse comments were received following these two events.

## Factors for Consideration

4. The East Surrey Licensing Officer of Surrey Police has confirmed that Surrey Police have no objections to this application. They report that one of the Police Neighbourhood Specialists for the area says the events attract a large number of youths, often in excess of the number allowed into the building. Those people not allowed inside congregate in the area but there are seldom problems. The Police are usually in attendance but this is at the invitation of the organisers and not as a result of any complaint.
5. The Fire Safety Officer of Surrey Fire & Rescue Service has confirmed that the Fire Authority has no objections.
6. Letters of objection have been received from the residents of 173, 175 and 177 Albert Road. Annex 2 is the letter from Ms C Dickerhof, Annex 3 is the letter from Mrs S Limb and Annex 4 is the letter from Mrs Y Michael.

The letters of objection include the following points about events for young people held at the church:

- Disturbance from music played in the church
- Screaming and bad language in Albert Road.
- Damaged fencing and beer cans and bottles left in gardens.
- Young people urinating against garden wall.
- Large crowds of young people outside the church.
- Concerns for the safety of young people attending the events.
- Alcohol consumed on the street and young people affected by drink.
- Organisers not accepting responsibility for what happens outside the church.

7. The applicant and objectors have been invited to attend the committee meeting to state their case and have been advised that they may attend with legal or other representation.

### **Human Rights Issues**

8. In determining the application, the Committee must take into account that, under the Human Rights Act 1998, objectors and other local residents have the right to respect for their private and family life and their home (Article 8, European Convention on Human Rights). The Council cannot interfere with that right unless such interference is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing 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 freedom of others. Any interference must be proportionate to the aim to be achieved.
9. Both the objectors and the applicant have the right to peaceful enjoyment of their possessions (Article 1 of the First Protocol to the European Convention on Human Rights). A licence is classed as a possession for this purpose. The Council may not deprive a person of his/her possessions except in the public interest and subject to conditions provided by law.

The Committee must give reasons for any decision reached.

### **Options**

10. The Licensing and Regulatory Committee may:
  - Refuse the application;
  - Grant the application with or without additional conditions to the general conditions imposed by the Council's Regulations and Conditions.

### **Appeal Procedure**

11. The following persons may appeal to the magistrates' court at any time before the expiration of the period of 21 days beginning with the relevant date:
  - An applicant for the grant of an entertainments licence in respect of any place whose application is refused;
  - A holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held.

Background Papers: None