



REPORT OF:	HEAD OF ENVIRONMENTAL HEALTH SERVICES
AUTHOR:	KATE ROFFEY
TELEPHONE:	01737 276421
E-MAIL:	kate.roffey@reigate-banstead.gov.uk
TO:	LICENSING & REGULATORY COMMITTEE
DATE:	1 OCTOBER 2003

AGENDA ITEM NO:	6	WARD(S) AFFECTED:	-
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SUBJECT:	APPLICATION FOR PUBLIC ENTERTAINMENT LICENCE
PURPOSE OF THE REPORT:	TO DETERMINE THE APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE FOR HORLEY TOWN FOOTBALL CLUB
RECOMMENDATIONS:	
1. The Committee is recommended to determine the application.	

Background

1. An application has been received from Mr G McLaren, Chairman of Horley Town Football Club, and Mrs A Bush-Nelson for a public entertainment licence for the new club premises in Court Lodge Road, Horley. The function room and bar are on the first floor of the clubhouse which is due for completion in September 2003.
2. The application is for entertainment consisting of disco, dinner dancing and bands for a maximum of 400 persons, 7 days a week, midday until midnight.
3. A location plan is attached at Annex 1.

Factors for Consideration

4. Surrey Police have confirmed they have no objections to the application.
5. Surrey Fire & Rescue Service have confirmed that they have no objections to the application if the occupancy is reduced to 200. This restriction is to ensure that the building can be evacuated speedily in the event of an emergency taking account of the number and widths of the exit stairs.
6. A letter of objection has been received from Mr W E Line (Annex 2). The final two paragraphs of Mr Line's letter are not relevant to this application.
7. Mr Line's objection is that there is the possibility of noise from the clubhouse (via ventilation ducts and the fire escape) affecting his home and other residential properties.
8. Outline planning permission for the building dated 31 May 2002 includes the following conditions:-

14. *No noise shall be generated which shall exceed noise rating curve NR25 within bedrooms of adjoining and neighbouring buildings during night-time hours (2300 to 0700) and NR35 during the daytime hours (0700 to 2300). Reason: In order to maintain the amenities of the area and, in particular, the amenities enjoyed by the residential properties in the vicinity.*
15. *Before the premises are occupied, noise limiters shall be fitted to all sound amplification equipment to a level to be agreed with the Local Planning Authority. This equipment shall be maintained in a working order to this agreed level for so long as the development remains in existence. Reason: In order to maintain the amenities of the area and, in particular, the amenities enjoyed by the residential properties in the vicinity.*
16. *The premises the subject of this permission shall not be open outside the following times: Mondays to Fridays 0800 to 2300 hours; Saturdays 0800 to 0000 hours; Sundays and Bank Holidays 0830 to 2230 hours. Reason: To restrict the use of the premises in the interest of the amenities of the area.*
9. The applicant and objector 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

10. 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.
11. Both the objector 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

12. 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

13. 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.