



**Reigate & Banstead**  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

<b>REPORT OF:</b>	HEAD OF NEIGHBOURHOOD OPERATIONS
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<b>TO:</b>	LICENSING & REGULATORY COMMITTEE
<b>DATE:</b>	FRIDAY DECEMBER 20 <sup>TH</sup> 2019

<b>AGENDA ITEM NO:</b>	5	<b>WARD(S) AFFECTED:</b>	MEADVALE AND ST JOHNS
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<b>SUBJECT:</b>	APPLICATION 19/04555/LAPREC FOR A NEW CLUB PREMISES CERTIFICATE FOR REIGATE EX-SERVICE & SOCIAL CLUB, 1 CHARTFIELD ROAD, REIGATE, RH2 7JZ
<b>PURPOSE OF THE REPORT:</b>	TO DETERMINE THE APPLICATION FOR A CLUB PREMISES CERTIFICATE

### OPTIONS

The Committee has the following options:

1. To grant the certificate subject to such conditions as are consistent with the club operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives.
2. To exclude from the scope of the certificate any of the qualifying club activities to which the application relates;
3. To reject the application.

The Licensing & Regulatory Sub-Committee has authority to determine the above options.

### Background

1. The previous club premises certificate reference 17/0009/LAPREC issued to Reigate Ex Service and Social Club was surrendered on 11 October 2019. Section 81 of the Licensing Act 2003 (the Act) confirms that the certificate lapses with immediate effect on receipt of the notice of surrender and cannot be reinstated.
2. Reigate Ex-Service and Social Club Ltd., of 1 Chartfield Road, Reigate, RH2 7JZ have now made an application for a new club premises certificate. This has been submitted on behalf of the club by Andrew Hudson, Club Treasurer. A copy of the application and premises plan showing the proposed licensed area is attached at Annex 1.

3. A location plan showing the proximity of adjacent roads is attached at Annex 2. This plan does not include the recent development at Group House 2A Albion Road Reigate Surrey RH2 7JY Planning reference 15/01543/DET11 Demolition of existing building and erection of a 2-storey building, with accommodation in the roof space, containing 8 x 2-bedroom flats and related facilities providing refuse storage, cycle parking and 11 car parking spaces. Annex 3 details the site layout and floor plans for this development.
4. The Licensing Act requires that a copy of the club rules accompany the application. A copy of the rules introduced by the Club in October 2016 is included at Annex 4. On 14th October 2019 the club members held a Special General Meeting where the members unanimously voted to remove the existing executive committee and put in place a new committee who have submitted this application on behalf of the club.

### **Application Summary**

5. The times requested in the application and previous permissions, granted in February 2017 following a minor variation, are compared in the table below:

<b>Activity</b>	<b>Current application</b>	<b>Location</b>	<b>Previous licence 17/0009/LAPREC</b>	<b>Location</b>
Films	Mon – Sat 12:00-23:00hrs Sunday 12:00-22:30hrs	Indoors	Tues-Thurs 19:30-23:00hrs Sunday 19:30-22:00hrs	Indoors
Indoor sporting events	Mon-Weds 12:00-23:30hrs Thurs-Sat 12:00-00:00hrs Sun 12:00-23:00hrs	Indoors	Mon-Thurs 19:00-22:30 hrs	Indoors
Live Music	Mon-Thurs 19:00-23:00hrs Friday 19:00-23:30 hrs Saturday 12:00-23:30 hrs Sunday 12:00-22:30hrs	Indoors	Fri-Sat 20:00-23:00hrs Sunday 20:00-23:00hrs	Indoors
Recorded Music :	Mon-Weds 12:00-23:00hrs Thurs-Sat 12:00-23:30hrs Sunday 12:00-22:30hrs	Indoors	Fri-Sat 20:00-23:00hrs Sunday 20:00-23:00hrs	Indoors

Supply of Alcohol:	Mon-Weds 12:00-23:00hrs Thurs-Sat 12:00-23:30hrs Sunday 12:00-22:30hrs	On and off premises	Mon-Thurs 13:00-23:00hrs Fri-Sat 11:00-23:30 hrs Sunday 12:00-22:30 hrs	On and off premises
Opening Hours:	Mon-Weds 12:00-23:30hrs Thurs-Sat 12:00-00:00hrs Sunday 12:00-23:00hrs		Mon-Thurs 13:00-23:30hrs Fri-Sat 11:00-00:00hrs Sunday 12:00-22:30 hrs	

6. The current application also proposes the following on New Year's Eve; live music until 00:30hrs; recorded music and supply of alcohol until 01:00hrs; open to members and guests until 01:30hrs. The previous licence allowed alcohol sales until 01:00hrs on Christmas and New Year's Eve
7. Section L of the application form details the steps to be taken to promote the licensing objectives such as staff and Committee training in relation to licensing and health and safety; operational CCTV; zero tolerance to bad behaviour through a new disciplinary Committee; notices requesting members and guests to leave the premises and area quietly; timing of deliveries, arrival and departure of staff after trading hours not to cause disturbance to local residents etc. It should be noted that some of the steps in the application may be overwritten by the more stringent proposed conditions from the responsible authorities as detailed in Annex 5.

### **Representations.**

8. A representation was received from Surrey Police advising that the application in its current format, did not adequately promote the crime and disorder licensing objective. The objection and a list of proposed conditions agreeable to the applicant are attached on pages 119 to 120 at Annex 5.
9. A representation was received from the responsible authority for environmental protection on the grounds of public nuisance in respect of live and recorded music, as well as the use of the smoking area and general running of the club. The officer considered that the operating schedule did not contain sufficient measures to promote the licensing objectives. At the time of writing the report a list of proposed conditions had been presented to the applicant for consideration. The objection and proposed conditions are detailed on pages 121 to 125 of Annex 5.
10. A further 31 valid representations, were received from interested parties objecting to the application. The relevant parts of the representations refer to a history of antisocial behaviour and noise from members and guests; loud music; litter; allegations of drug dealing; non compliance with licensing conditions. The representations are reproduced in full at Annex 5.

## **Premises history**

11. Following previous residents' complaints and police interventions the premises submitted a Minor variation in January 2017 to amend the licence conditions and reduce the hours of operation. The Club Premises certificate issued following the minor variation is attached at Annex 6.
12. One of the conditions on this licence limited the number of functions per calendar year to 18. Although intended to restrict the activity of the Club, it would still have been entitled to use the permitted number of Temporary Even notices (TEN) in addition to these events. The licence also failed to define 'functions' which has caused some historical problems with enforcement. Since the Act does not permit a club to hire out facilities for licensable activities to non-members other than under a TEN these should be used for any future activity of this nature.
13. A summary of complaints received since February 2017 and responses from the club is attached at Annex 7.

## **Policy and Legal Considerations**

14. Relevant to this application are section 8 of the Council's Statement of Licensing Policy – The Licensing Objectives, Section 149 Equality Act 2010 - Public Sector Equality Duty, Human Rights Act 1998. Licensing Act 2003; Part 2 Licensing Authorities (sections 4-6); Part 3 Premise Licences (sections 11-23); section 182 Home Office guidance; section 183 Hearings and other matters considered relevant on the facts.

## **Appeals Procedure**

15. In cases where an application for a club premises certificate is either rejected or granted, in full or in part, an appeal may be made to the Magistrates Court within 21 days beginning with the day on which the appellant was notified of the decision. The rights of appeal are available to both the applicant, in cases where the application is rejected, and to persons who made relevant representations in cases where the application is granted.

Background Papers:	None
Annex 1	Application form
Annex 2	Location plan
Annex 3	Development at 2A Albion Road – Site layout and floor plans
Annex 4	Club rules October 2016

Annex 5	Representations from responsible authorities and interested parties.
Annex 6	Club premises certificate 17/00079/LAPREC
Annex 7	Complaint summary following Minor variation issued February 2017