



The Sub-Committee considered an application for a new Premises Licence relating to The Golf Driving range, 220 Mytchett Road, Mytchett, Surrey GU16 6AG.

The Chairman reminded all present that the Sub-Committee would consider matters pertaining to licensable activities and not planning matters.

It was noted for the record that Councillor Pat Tedder declared that she had a friend who lived on the caravan park owned by the applicant and Councillor Chapman declared that the applicant had provided office space for the Conservative Party to hold meetings.

The Licensing Officer presented his report to the Sub-Committee and notified representatives of the parties who had a right to speak at the meeting. He referred Members to the Licensing Objectives and noted that relevant objections had been submitted.

The Legal Advisor reminded Members that any material which had not been circulated in advance to all parties could only be considered at the meeting if all parties present agreed.

All relevant parties present introduced themselves and stated their reason for attending the Sub-Committee.

The Licensing Officer reported that Responsible Authorities and other persons had contended that the carrying on of licensable activities at the premises could breach the following licensing objectives in relation to the Licensing Act 2003:

- (i) The prevention of crime and disorder;
- (ii) Protection of Public Safety;
- (iii) Prevention of Public Nuisance; and
- (iv) Protection of children from harm.

It was noted that guidance under section 182 of the Licensing Act took effect from June 2014 and further guidance from the Home Office was published in October 2014 which was after the premises license application was made and therefore the earlier guidance was applicable.

The Licensing Officer noted that the application was for the supply of alcohol on and off the premises. The provision of regulated entertainment and late night refreshment was not included in the application.

Representations had been submitted by The Executive Head of Community of Surrey Heath Borough Council and other persons. No other Responsible Authorities had submitted representations.

The Licensing Officer reported that an additional submission, a site plan in colour had been produced. The document was circulated to all concerned,

who agreed that the submission could be used as part of the application for the meeting.

Representation was made by Mr Haddad, the Environmental Health Manager on behalf of the Executive Head – Community. He stated that a representation had been submitted as the application had not adequately addressed licensing objective for the prevention of public nuisance. It was considered that the inclusion of a condition so that the consumption of alcohol off site ceased at 9pm would address this. Mr Haddad had discussed this with the applicant. It was also confirmed that only background music would be played in the club house and was not classed as regulated live music.

Mr Glynn Evans representing the applicants explained that the reason for the application included off site consumption of alcohol, was purely for patrons who may leave the premises with a part bottle of wine.

The Sub Committee was advised that Surrey Fire and Rescue had confirmed that the capacity of 200 persons standing and 100 persons seated was acceptable and in accordance with BS9999. Mr Evans added that the calculations for fire safety included all areas of the premises excluding the toilet areas.

Furthermore, to help alleviate any concerns regarding public nuisance, the windows and doors would remain closed. Mr Evans also explained that there was no outside designated area for smokers as yet.

The Sub Committee was informed by Mr Evans that Surrey Police had been consulted on CCTV at the premises. Advice had been given to the applicants on the position of cameras at the Golf Driving Range and this had been completed.

Mr Haddad was concerned with the 'off licence' aspect of the application but was assured by Mr Evans that he would be willing to condition that no form of off licence activities would be allowed.

Representations were heard from residents present at the meeting during which the following concerns were made:

- i) **Drinking off site** – residents were concerned about the increase in noise and disturbance if customers continued to drink off site.

Mr Evans advised that drinking alcohol would be restricted to the clubhouse.

- ii) **Timing** – there was concern about the closing times of the clubhouse and a 22.00 finish was sought;
- iii) **Location** – it was noted that the close proximity to the other licensed premises owned by the applicant would create larger numbers of customers and therefore more noise and disturbance;

- iv) **Parking** – concerns were raised about the lack of adequate parking spaces.

Mr Evans explained that parking had been a consideration by the applicants and 20 parking spaces were available at the club house and a further 167 spaces were available on the rest of the site.

- v) **Smoking Area** –there was no designated smoking area identified and there were concerns that its location would be too close to residents' properties.

The Sub Committee was advised that a designated smoking area was not a legal requirement but one would be allocated in the future.

- vi) **Additional building** – residents were concerned about the location of another building close to residents' homes.

The Sub Committee was advised by Mr Evans that the extra building close to the boundary of some residents' premises were used only to house equipment such as mowers and under permitted development rights.

- vii) **Fireworks** - Residents were concerned about fireworks being used and sought a condition to prevent this.

- viii) **Equality issues** - there was concern that the applicant, as part of the application, had conditioned that any physically impaired customers must be accompanied by a carer or chaperone.

The Sub Committee adjourned from 12.00 until 14.05.

Following deliberations on the application, the Chairman reported that the Sub-Committee had taken into account:

- Section 18 of the Licensing Act 2003 which states that, having regard to relevant representations that are made, the Sub-committee must take such steps it considers appropriate for the promotion of the licensing objectives;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly paragraphs 2.18, 2.22, 2.25 and 1.19;
- The Council's Statement of Licensing Policy; and
- The written and oral evidence presented at the hearing.

The Sub-Committee had heard evidence from the Applicants, the Responsible Authorities, and a number of local residents. The Sub Committee endeavoured throughout to strike a fair balance between the interests of the applicants and the concerns of the local residents.

Members recognised that a balance had to be struck between the interests of the residents and the applicants. Having listened to the issues raised by residents relating to the impact on them from any noise emanating from the applicants' premises and potential noise during the period when customers exit the premises and the site, the Sub-Committee had concluded that the licensable activities would have an impact in those living in the area.

In respect of the application for an off-licence, the Licensing sub-committee considered the overall impact of the number of licensed premises in the area, and had concerns about the possibility of public nuisance emanating from smokers associated with the premises and other users exiting the premises but remaining on the site.

In respect of the hours for the consumption of alcohol on the premises, the sub-committee was concerned about the possibility of nuisance leading to crime and disorder caused by both licensed premises on the site closing and the patrons exiting at the same time. This is why the opening hours have been slightly reduced. The sub-committee was also concerned about public nuisance, particularly the detrimental effect upon local residents of light and noise associated with the property.

It was affirmed that the licensed premises were shown in red on the attached plan at Annex A.

The Sub-Committee proposed amendments to the operating schedule and additional conditions as follows:

- i) The hours for the supply of alcohol are amended to 0800 to 2230 hours Mondays to Saturdays and 0800 to 2200 hours on Sundays;
- ii) Condition 14 is deleted and replaced: The operation of the licensed premises is to be operated in accordance with the relevant Health and Safety legislation and disability legislation i.e. the Equality Act;
- iii) The licence is for the supply of alcohol for consumption on the premises only;
- iv) There are to be no fireworks let off on the site;
- v) The designated smoking area, when identified, is to be to the west of the licensed premises;
- vi) No food or drink from the licensed premises is to be consumed outside it, including a prohibition on such consumption in the designated smoking area, when identified.

Although made aware of planning issues relating to the premises, the Sub-Committee did not take these into account in their decision.

**RESOLVED, that the Premises Licence for the Golf Driving Range, Mytchett, be granted for the hours of 0800 to 2230 hours Mondays to Saturdays and 0800 to 2200 hours on Sundays, subject to:**

- i) the mandatory conditions imposed by the Licensing Act 2003;**
- ii) the amendments as described above; and**
- iii) conditions as attached in the Decision Notice at Annex B.**

Chairman



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**SURREY HEATH BOROUGH COUNCIL**

**LICENSING ACT 2003**

**Application for a new Premises Licence**

**Decision Record**

**APPLICANT:** Robert Ronald Potter OBE and Jacqueline Carol Piper

**PREMISES:** The Golf Driving Range,  
Mytchett Road, Mytchett, Surrey GU16 6AG

**DATES OF HEARING:** 7 November 2014

**MEMBERS SITTING:** Cllrs Bill Chapman (Chairman),  
Beverley Harding,  
Pat Tedder.

LEGAL ADVICE GIVEN:

- 1 All decisions are to be made in consideration of the 4 Licensing Objectives, the Guidance issued under Section 182 of the Licensing Act 2003, and the Surrey Heath Borough Council Statement of Licensing Policy.
- 2 The document at page 56 is concerned with the Licensing Objective of public safety, and specifically with the availability of sufficient emergency exits in the event that an evacuation of the premises was required.
- 3 This sub-committee is concerned with the Licensing Application before it and unless they have a direct bearing on the Licensing Objectives, matters relating to planning issues are for the Planning Committee.
- 4 The Temporary Event Notice Procedure from the Surrey Heath Borough Council Statement of Licensing Policy was recited.
- 5 The Premises License granted in respect of the Water's Edge was consulted.

DECISION:

- 1 To grant the application for the premises licence in the following ways:
  - a. The licensed premises are shown in red on the attached plan;
  - b. The licence is for the supply of alcohol for consumption on the premises only;
- 2 The licence is subject to the mandatory conditions imposed by the Licensing Act 2003;
- 3 The licence is granted consistent with the Operating Schedule, amended as follows:
  - a. The hours for the supply of alcohol are amended to 0800 to 2230 hours Mondays to Saturdays and 0800 to 2200 hours on Sundays;
  - b. Condition 14 is deleted and replaced: The operation of the licensed premises is to be operated in accordance with the relevant Health and Safety legislation and with the Equality Act 2010.
- 4 Further conditions are imposed as follows:
  - a. There are to be no fireworks let off on the site;
  - b. The designated smoking area, when identified, is to be to the west of the licensed premises;
  - c. No food or drink from the licensed premises is to be consumed outside it, including a prohibition on such consumption in the designated smoking area, when identified.

## REASONS

- 5 In coming to its decision, the Licensing sub-committee has taken in to account:
  - a. Section 18 of the Licensing Act 2003, which states that having regard to the relevant representations that have been made, the sub-committee must take such steps as it considers appropriate for the promotion of the licensing objectives;
  - b. The Guidance issued under Section 182 of the Licensing Act 2003, particularly paragraphs 2.18, 2.22, 2.25 and 1.19;
  - c. The Council's Statement of Licensing Policy; and
  - d. The written and oral evidence presented to it at the hearing.
  
- 6 The Licensing sub-committee heard from the Applicants, the Environmental Services, and a number of local residents. The sub-committee endeavoured throughout to strike a fair balance between the interests of the applicants and the concerns of the local residents.
  
- 7 In respect of the application for an off-licence, the Licensing sub-committee considered the impact of there being an increase to two licensed premises on the site, and also had concerns about the possibility of public nuisance emanating from smokers associated with the premises, and other users exiting the premises but remaining on the site.
  
- 8 In respect of the hours for the consumption of alcohol on the premises, the sub-committee was concerned about the possibility of public nuisance or crime and disorder caused by both licensed premises on the site closing and the patrons exiting at the same time. This is why the opening hours have been slightly reduced. The sub-committee was also concerned about public nuisance, particularly the detrimental effect upon local residents of light and noise associated with the premises.
  
- 9 The Licensing sub-committee, although made aware of various planning issues relating to the site, could not and did not take these into account in their decision.

## APPEAL

10 If the Applicants or any other person having made a relevant representation is dissatisfied with this decision he or she may appeal against the decision to Guildford Magistrates' Court, Mary Road, Guildford, Surrey, GU1 4PS within the period of 21 days beginning with the day on which he or she was notified by the licensing authority of the decision appealed against.

07 November 2014