

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE held at
Surrey Heath House, Camberley on 11
May 2012**

+ Cllr Rodney Bates
+ Cllr Bill Chapman

+ Cllr Valerie White

+ Present

In attendance: Cllr Ian Sams (as reserve)

Legal Adviser to the Sub-
Committee

Mrs Laura James (Solicitor)

Democratic Services Officer

Ms Rachel Whillis

Surrey Heath Borough Council
as Licensing Authority

Miss Jessica Harris (Licensing Officer)

Applicant – Langshot
Equestrian Centre

Mr Lee Chivers and Ms Lucy Stevenson

Responsible Authorities

Mrs Justine Fuller– Principal Environmental Health
Officer, Surrey Heath Borough Council
Mr Paul Sherman – Senior Planning Officer, Surrey
Heath Borough Council

All Other Persons

Mr Anthony Hay
Mr Tim Sharman
Mrs Sue Sharman

18/LS Election of Chairman

**RESOLVED, that Councillor Rodney Bates be elected as Chairman for
the meeting.**

**PART I
(public)**

19/LS Langshot Equestrian Centre, Gracious Pond Road, Chobham

The Sub-Committee considered an application for a new premises licence in respect of Langshot Equestrian Centre, Gracious Pond Road, Chobham, submitted by Mr Lee Chivers and Ms Lucy Stevenson.

The Sub-Committee was addressed by the Licensing Officer, who set out the material aspects of the application.

The Licensing Officer reported that the premises supervisor named in the application, had been changed and would now be Mr Tom Brodrick. The Licence Holders would be Mr Chivers and Ms Stevenson.

Mrs Justine Fuller, Principal Environmental Health Officer representing Surrey Heath Borough Council's Environmental Services, outlined her objections to the application.

The objections related to the Licensing Objectives concerning public safety and the prevention of public nuisance, which she did not consider to have been adequately addressed.

Mrs Fuller informed the Sub-Committee that she had subsequently met the applicants who had proposed a number of conditions to the licence. The applicants had also proposed that the site to be licensed would be reduced to the clubhouse and the fenced decked area surrounding the clubhouse. A map detailing the revised area was circulated to all parties at the hearing. She noted that the conditions may require slight revision but advised that, if the Sub-Committee was minded to accept such conditions, she would withdraw her representation.

Mr Paul Sherman, Senior Planning Officer representing Surrey Heath Borough Council as the Planning Authority, addressed the Sub-Committee. He informed the Sub-Committee that planning consent had been granted by the Local Planning Authority to support equestrian use and was subject to a condition which restricted the use of the club house to equestrian related use.

Mr Sherman also made reference to concerns about noise nuisance contained in the Planning Authority's representation. However, he advised Members that these concerns would be mitigated by the applicants' proposal to reduce the licensed area.

The Sub-Committee heard from Mr and Mrs Sharman and Mr Hay as other parties, who submitted concerns about noise nuisance from the site, public safety regarding increased traffic on the narrow road leading to the site, and, in relation to the protection of children from harm, dangers posed by the sale of alcohol within a facility which taught horse riding to children. They also made reference to the planning consent and development within the Green Belt.

Members enquired about the number of noise complaints received by Environmental Health. In response, Mrs Fuller confirmed that the department had not received any noise complaints since 1995.

The Applicants informed the Sub Committee that they had based the application on their clients' requests. Ms Stevenson confirmed that the use of the clubhouse would continue to be limited to equestrian users and advised that alcohol was sold at the other equestrian centres she regularly attended.

In response to concerns about the sale of alcohol in a facility where children had riding lessons Ms Stevenson confirmed that staff would not be drinking whilst on duty.

The Sub-Committee considered the hours requested for the sale of alcohol and was informed by the applicants that they intended to apply a half an hour 'drinking up' period after the last time for serving alcohol, Members were, however, advised by Mrs James, the Legal Advisor to the Sub-Committee, that 'drinking up time' was not a licensable activity. It was also noted that planning consent enabled the clubhouse to stay open until 11 pm, as a result of which the clubhouse would be able to remain open longer than this proposed 'drinking up' period.

After being addressed by the applicants, Responsible Authorities and any other parties the Sub-Committee retired to consider its decision and was accompanied by Mrs James who gave Members legal advice. Upon return, the Chairman announced the Sub-Committee's decision.

RESOLVED that the application be approved subject to the conditions as set out in the decision notice attached at Annex A to these minutes.

CHAIRMAN

Note 1: The hearing commenced at 11.00. It was adjourned between 12.10 and 12.35 in order to obtain clarification on a number of matters. The Sub Committee retired at 13.00 to re-convene at 16.40. The hearing concluded at 16.55.

Note 2: In accordance with the Members' Code of Conduct, Cllr Bill Chapman and Cllr Valerie White declared a personal interest as they had been advised that one of the applicants, Mr Lee Chivers, was a member of the same political party and was a Conservative Parish Councillor for Chobham Parish Council.

LICENSING COMMITTEE – 11TH MAY, 2012**The Application**

This is an application by Ms Lucy Stevenson and Mr Lee Chivers for a new premises licence at Humphreys, Langshot Equestrian Centre, Gracious Pond Road, Chobham. Representations have been received from local residents as “any other persons” and the responsible authorities comprising the Local Planning Authority and Environmental Health.

At the hearing of the application in attendance were:

Mr and Mrs Sharman
Mr Hay
Mrs Fuller (Environmental Health Officer)
Miss Harris (Licensing Officer)
Mr Sherman (Planning Officer)
Ms Stevenson (Applicant)
Mr Chivers (Applicant)

Evidence before the Sub-Committee

The sub-committee heard that the applicants had agreed with the Environmental Health officer that a number of conditions should be included in a Licence, if the sub-committee were minded to grant the Licence as proposed. One of those conditions related to the size of the premises to be licensed and at the Hearing the applicants agreed the licensable area would comprise only the club house and the area of decking immediately surrounding that building. Some of the decking area is due to be completed. A plan was produced showing this amendment and later agreed during the Hearing that this did not include the car park area.

Representations were made in turn by Mr and Mrs Sharman and Mr Hay. They both referred to their written representations. In summary, their concerns related to the planning history of the site and in particular the current planning consent conditioned solely for use of the club house in association with the equestrian use of the site. Reference was made to policy concerning Green Belt land, the existence of an unlit narrow track road used by walkers and cyclists and the lighting of the site. Further comments were made concerning noise nuisance and in relation to the proposed application the dangers they perceived relating to horse riding and alcohol on the same premises, where young riders including disabled riders are present. It was perceived that there would be noise and disruption associated with persons leaving the premises and that the numbers of users would increase relating to both usage of the road and of the club house.

Representations were made by Mrs Fuller on behalf of the Head of Neighbourhood Services, which she stated would be withdrawn if conditions were imposed upon the Licence, if granted. She stated that the conditions offered by the applicants were satisfactory to her, in the light of the reduction in the size of the premises which now comprised the application. She confirmed that the conditions would mitigate concerns relating to public safety that she had raised in her written representations.

On behalf of the Local Planning Authority, Mr. Sherman referred to concern that the premises Licence, if granted, would not be limited to equestrian facilities, such as private hire. He referred to the area being Green Belt land and that the grant of the Licence may lead to noise and nuisance to neighbours. He did say that if complaints were received that breaches of planning control would be enforced. In relation to his objection on public safety grounds, in light of the reduction to the area proposed as licensable put forward by the

applicants he said that those grounds were overcome. He was also less than previously concerned with nuisance to neighbours in respect of noise if the application was confined to the club house building but he maintained an objection on public nuisance grounds.

The applicants spoke and advised that they owned the lane leading to the premises. They said they had visited other equestrian centres all of which sold alcohol and had not experienced problems related to this. They were adamant that the club house use would be limited to the equestrian users and therefore there would be no increase in traffic. Miss Stevenson said that the centre had been in her family for thirty years and that she valued her clients and would do nothing to prejudice her business. She said that in the planning application she had not asked the Planning Authority for the hours of use that had been granted relating to the club house planning permission. She confirmed that she lived on the site with Mr Chivers, along with the Yard Manager, in mobile homes. She also stated that Mr. and Mrs. Sharman lived close by and were already exposed to a degree of noise in respect of machinery, the yard and a tannoy. She said the volume of noise would not increase. In answer to questions, she confirmed that at weekends there are approximately one hundred riders at the site, the busiest time being between 9.00 a.m. and 4.00 p.m. On week days, there are usually fifty riders per day, peaking after school hours until 6.30 p.m. She confirmed that in addition to herself and Mr Chivers, other part time staff would be asked to serve customers with alcohol. The kitchen staff currently serve food and soft drinks to users of the club house. She said that no staff would be drinking alcohol whilst on duty to assist with horse riding and advised that the disabled groups brought their own staff onto the premises for lessons.

A number of questions were put to all the parties. Mrs Fuller was asked to provide details of complaints made to her department which she provided, confirming that there had been no recorded complaints since 1995. The applicants said that they were aware that the planning consent enabled the club house to be open until 11.00 p.m. on week days and Saturdays. The supply of alcohol was proposed to end no later than 9.00 p.m. on a Friday, 8.00 p.m. Tuesdays to Thursdays, and 6.00 p.m. on Saturdays and Sundays. There was some discussion over the ability of the Licensing Authority to control hours the premises beyond the time limit for the supply of alcohol.

All parties summarised the issues they had advanced. Mrs. Fuller confirmed that complaints could continue to be made to her department in relation to noise and lighting. She confirmed that she had not conducted a night survey as she had not received any complaints in relation to lighting. She noted the undertaking by the applicants to limit the use of the club house in relation to an equestrian capacity.

Mr. Sherman noted that the application was for use by the general public and that there was no requirement for equestrian users to sign in.

The applicants confirmed that they would enforce the use by persons attending the premises for equestrian purposes.

The residents believed that part of the road is a public footpath used by children and reiterated their concerns, relating to alcohol and horses on the same site.

The Decision

The Licensing Act encourages us to view our powers and responsibilities in the light of the community as a whole. The regime under the Act has a light touch approach to regulation and we carry out functions with a view to promoting the licensing objectives and having regard to the statutory guidance and to the statement of licensing policy.

If the sub-committee is minded to attach any conditions to a proposed Licence, these must be appropriate to promote one or more of the licensing objectives. They must be proportionate in that they are tailored to the size, location, nature, style and characteristics of the business and do not repeat those which duplicate other statutory provisions.

We are mindful of the planning history in respect of this application and the fact that the club house is development within the Green Belt where development is not normally permitted. We note the Planning Authority require the usage to be linked to equestrian use and the concerns of local residents regarding those planning issues. We recognise the degree of tension between planning and licensing law and that they employ different but related criteria. We are also mindful that any Licence granted can be reviewed.

We will consider the licensing objectives in the following order:

Prevention of crime and disorder

No objection was raised by the Police and no evidence provided upon which we can conclude that this objective is not met.

The protection of children from harm

Issues were raised concerning the sale of alcohol on an equestrian site. We were reassured by the applicants that instructors/staff would not be permitted to drink whilst on duty and that parents were responsible for the care of their children, whilst on the premises in the same way with any other licensed premises.

Public safety

We note that Environmental Health would withdraw their objection if the conditions suggested by the applicants were imposed upon the grant of any Licence. The Planning Authority had withdrawn their objection on the basis of the revised size of the premises.

With regard to the road, we are satisfied that the sale of alcohol is unlikely to directly affect the usage of the road. It may well be that more equestrian events take place but not likely that other users will significantly contribute to additional traffic.

Prevention of public nuisance

The parties made representations in respect of noise nuisance caused by vehicles. We do not think it likely that this would increase significantly and we do not consider we can uphold complaints in respect of road noise in the context of public nuisance accordingly. In our view there is insufficient evidence before the Committee to support an objection.

We conclude that having regard to all the evidence before us today that the premises Licence should be granted and comprising the club house and the area of decking immediately surrounding that building. The Committee is sympathetic to the local residents and carefully considered all the points made by them, but has had regard to the fact that no official complaints have been received recently. If nuisance, in particular, occurs the Licence may be reviewed under the Licensing Act and there are separate environmental health powers to assist in dealing with complaints. The Planning Authority has its own statutory powers to enforce any perceived breach of planning control.

We therefore grant the Licence subject to the following conditions:

Conditions

We have had regard to whether there is a need for conditions and note those offered by the applicants both at the hearing and in their operating schedule. In summary we find it is appropriate that the following conditions be imposed on the Licence which we believe are readily enforceable, as follows;

1. A valid proof of age scheme using photographic identification shall be adopted and proof of identity shall be required to be produced by any person appearing to those selling or supplying alcohol to be under 25 years old
2. The applicants shall display in a prominent place a copy of the policy on checking age
3. Staff that are working in the club house shall advise anyone purchasing alcohol that drinks are not to be taken further than the railed and decked area surrounding the club house.
4. There shall be a sign behind the bar area, on the doors to the club house and at the end of the decking area stating no alcohol is to be take beyond that point.
5. Signage shall be permanent and have a font size agreeable to the Environmental Health department and displayed behind the bar area and on the decking area, on both sides of the entrance gate to read "Please respect our neighbours and leave quietly and safely. Thank you"
6. Training records of all staff shall be kept which show the date of training. This record shall be available on request to the appropriate authorities and this record is to be signed by the member of staff receiving the training and countersigned by the Designated Premises Supervisor
7. A refusal book shall be kept on the premises at all times. All refusals shall be documented in the refusals book by the person refusing the sale showing time, date and reason for refusing the sale.
8. The decking surrounding the club house building, together comprising the licensed area, shall be railed on its outside edge and such work to be completed within the next 28 days.
9. All lighting and the timing of lighting in respect of the licensed premises must be to a standard approved by Environmental Health following a survey of night time conditions conducted by the Local Authority.
10. All lighting shall be maintained in a safe and satisfactory condition and approved by the Environmental Health department.