

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Thursday 13 October 2022
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Catherine Young (Chairman) The Mayor, Councillor Dennis Booth The Deputy Mayor Councillor Masuk Miah
<b>OFFICERS PRESENT:</b>	Mark Adams (Licensing Officer) Sophie Butcher (Democratic Services Officer) Clive Uzoho (Legal Advisor)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	There were no disclosures of interest.
<b>PREMISES:</b>	Compton Club, Spiceall, Compton, Guildford, GU3 1JQ
<b>TYPE OF APPLICATION:</b>	Application for a new Premises Licence.
<b>DETAILS OF APPLICATION SOUGHT:</b>	An application for a new premises licence for the provision of regulated entertainment, late night refreshment and supply of alcohol.
<b>APPLICANT:</b>	Mr Ian Ranger (Chairman of Compton Club) in attendance on behalf of Compton Club Ltd.
<b>OTHER PERSONS:</b>	Mr Stuart Anderson Mr Gethin Tasker

# GUILDFORD BOROUGH COUNCIL

## DETAILS OF DECISION TAKEN

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted verbally and in writing. The Sub-Committee was also made aware that the following sections of the Licensing Policy were relevant:

- Section 4: (Fundamental Principles)
- Section 11: (Licensing Hours)
- Section 12.1: (Prevention of Crime & Disorder)
- Section 12.2: (Public Safety)
- Section 12.3: 12.3.1 – 12.3.6 (Prevention of Public Nuisance)
- Section 12.4: (Protection of Children from Harm)
- Section 17: (Licence Conditions)

The following sections of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 were also relevant:

- Paragraph 1.16 – Licence conditions – general principles
- Paragraph 1.17 – Each application on its own merits
- Paragraphs 2.1-2.6 – Crime and Disorder
- Paragraphs 2.7-2 – 2.14 – Public Safety
- Paragraphs 2.15-2.21 – Public nuisance
- Paragraphs 2.22-2.32 – Protection of children from harm
- Paragraphs 9.31-9.41 – Hearings
- Paragraphs 9.42 – 9.44 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1-10.66 – Conditions

The Sub-Committee received a report from the Licensing Officer, Mark Adams. The application was for a new premises licence for the provision of regulated entertainment, late night refreshment and supply of alcohol. The premises had been operating as a Private Members Club under a Club Certificate which had been in place since 2009. The conditions proposed accorded with the licensing objectives. No representations had been received from Responsible Authorities. Two representations had been received from other persons, both of whom were in attendance at the hearing. The Sub-Committee was reminded that it must consider the application for the grant of a premises licence on its merits. It may impose additional conditions on the licence, exclude licensable activities, refuse to specify a person as the premises supervisor or reject the application.

## GUILDFORD BOROUGH COUNCIL

The Chairman invited the applicant, Mr Ranger, to make his submission in support of his application, who stated the following:

- Had been in the position of Chairman of the Compton Club for the last 10 months as the previous Chairman had resigned.
- Had previous experience with licensing and also received help with this application from a GBC employee.
- The Compton Club had been operating for a number of years. The Club however did not make much money and therefore needed to rent it out to make money from the bar to cover increasing heating and lighting costs.

The Sub-Committee asked how frequently the public area was rented out and was confirmed by Mr Ranger that TENs applications were regularly submitted for events taking place.

The Chairman invited the other persons to make their representations, in objection to the application. Mr Tasker made the following submissions:

- His backyard backed onto the side entrance of the Compton Club. He had experienced problems since 2013, in particular, in relation to noise from the car park and disco beats heard from the club when his children's sleep gets regularly disturbed.
- A licensing officer had attended Compton Club in an attempt to resolve these issues.
- A notice had been erected on the building asking people who rented out the club to ensure that all windows and doors were closed when onsite so to avoid creating a nuisance.
- However, on a number of occasions, the club had been rented out with music playing loudly and the doors and windows left open.
- The staff managing the club are clearly not interested.
- Last weekend the club had been hired out to a group of young people who stood outside smoking cigarettes and failed to close the door.
- The previous Chairman of the Compton Club could not cope with the number of complaints received from local residents and had to resign which was why Ian Ranger was now in place.
- Had originally bought a house next to a bowling club but it was now a club asking for a licence to play music and serve alcohol at night.

Mr Anderson, the second other person, made the following submissions in support of his objection:

- The Compton Club ran an unviable operation which required a more structured reform.
- The Club hosted a lot of children's parties which was good for the local community, however, whilst the staff were nice, they were incapable of running the Club overall.
- At Christmas, the Club was hired out by the Restaurant Olivio's for their staff party. The music went on until 2am in the morning which was very disturbing to their sleep.
- If the administrative staff are asked to contact Club Members about incidences where music is played too loud, they will refuse to attend the premises at night to sort it out with the people who are causing a nuisance.

## GUILDFORD BOROUGH COUNCIL

- People who hire out the venue and drink, frequently find it difficult to get a taxi from Compton late at night and have been observed getting back into their cars to drive home under the influence of alcohol.
- Has tried to foster good relations with the club by sanding down and painting their benches.
- The overwhelming feeling is that the Club was in the wrong location given its proximity to residential properties and the premises licence that it now sought would undoubtedly give rise to more problems for residents in terms of noise and disorder.

The Sub-Committee asked the other persons if either objector had made a formal complaint to the Local Authority about the anti-social behaviour experienced when the club was hired out at night. Mr Anderson confirmed that he had not submitted a complaint as it would de-value his property when he sells as it would have to be declared. Mr Tasker stated that he had contacted both the licensing and planning departments towards the end of lockdown regarding the lack of security at the Club.

The applicant, Mr Ranger confirmed that he was previously a police officer in Godalming. He had therefore acted as security on the previous Saturday evening referenced by the objectors. He stated that he had told all attendees to go into the hall and confirmed that signs were up throughout the premises advising patrons to be quiet. He found it disheartening to receive these complaints about Compton Hall. He had only recently taken over as Chairman and stated that there were not loud music events taking place every Saturday night. People were responsible for the hall once they were inside. He confirmed that the motorcycle meet-up would be cancelled as the Club understood that these events were noisy. Mr Ranger would attend as security for all events held at the Club.

The Licensing Officer, Mark Adams confirmed that the Club Certificate was in place and would continue until further notice. TENs applications could also continue to be submitted. It was not a condition to have door staff, but if in place, they have to be SIA accredited. The DPS was the individual on the licence who authorised the sale of alcohol. The door staff don't need to be supervised but have to be trained.

The other persons were invited to sum up. Mr Anderson stated that the club was formed of 120 members which formed the population of Compton and did not understand the need to have a premises licence which would effectively encourage more people to attend events beyond the village.

Having considered the submissions made by all parties, the Sub-Committee:

RESOLVED to grant the new premises licence for the provision of regulated entertainment, late night refreshment and supply of alcohol for The Compton Club Ltd, Spiceall, Compton, Guildford, GU3 1JQ.

## GUILDFORD BOROUGH COUNCIL

The Sub-Committee agreed to the following licensable activities and amended requested hours as follows:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>(1) Films</b>							
<b>(2) Live music</b>							
	18:00 – 00:00	18:00 – 00:00	18:00 – 00:00	18:00 – 00:00	18:00 – 00:00	18:00 – 00:00	18:00 – 23:00
<b>(3) Recorded music</b>							
	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 23:30
<b>(4) Performances of dance</b>							
<b>(5) Late night refreshment</b>							
	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	23:00 – 00:00	
<b>(7) Supply of alcohol</b>							
	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	09:30 – 23:00
<b>Times premises are open to public</b>							
	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 00:00	08:00 – 23:30

The conditions consistent with the operating schedule and the following mandatory conditions applied:

### **Mandatory condition - Sales of alcohol**

1. No supply of alcohol may be made under the premises licence –
  - a. at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. at a time when the designated premises supervisor does not hold a personal licence, or the personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

### **Mandatory condition - Age verification policy**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

## GUILDFORD BOROUGH COUNCIL

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - a. a holographic mark, or
  - b. an ultraviolet feature.

### **Mandatory condition - Irresponsible promotions**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Mandatory condition - Free potable water**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Mandatory condition - Smaller measures**

The responsible person must ensure that—

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - i. beer or cider: ½ pint;
  - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - iii. still wine in a glass: 125 ml;

## GUILDFORD BOROUGH COUNCIL

- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **Mandatory condition - Permitted price for alcohol**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - b. “permitted price” is the price found by applying the formula  $P=D+(D \times V)$ , where—
    - i. P is the permitted price,
    - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - i. the holder of the premises licence,
    - ii. the designated premises supervisor (if any) in respect of such a licence, or
    - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Mandatory condition - Door supervision**

Where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the ‘Security Industry Authority (SIA).

**GUILDFORD BOROUGH COUNCIL**

**REASON FOR DECISION:**

In reaching their decision to grant the application, the Sub-Committee considered both written and oral representations from the applicant and other persons.

The Sub-Committee was mindful of the concerns that the application had caused to other persons such as the two local residents who lived next door to the Club. Noting both their concerns raised regarding noise and public nuisance, the Sub-Committee was satisfied that this had been successfully mitigated against by ensuring that the Chairman of the Club, Mr Ranger was in attendance as security at every event held. The Sub-Committee was also mindful of the problems caused by hiring out the venue on Christmas Eve to local residents and therefore agreed that the seasonal variation requested for Christmas Eve, for each of the licensable activities, live music, recorded music, late night refreshment and supply of alcohol was not permitted.

The Sub-Committee therefore agreed that the new premises licence was granted for the Compton Club. The Sub-Committee agreed that should any public nuisance issues occur as a result of granting the application, they had the powers to review the licence in the future.

Signature of Chairman: .....

Dated: .....