Mytchett, Frimley Green & Deepcut Society

Re: Application for a Premises License for "The Waters Edge", in Mytchett

Dear Sirs,

Whilst we do not question the applicants right to apply for a premises licence in respect of the premise identified as ñThe Waters Edgeò, situated on the Mytchett Road, Mytchett, we must however, along with the numerous objections raised by local residents state our objection to this application, on the grounds that it conflicts with SHBCôs own ñStatement of Licencing Policy 2011-2014ò

This states at paragraph 111 the following:
Any premises for which a licence is required must also have an authorised use under town planning legislation. This could be for:

- "Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises" (Use Class A3);
- Assembly and leisure (Use Class D2) which includes concert halls, dance halls and indoor/outdoor sports and recreation;
- a retail shop licensed for the sale of liquor e.g. an off-licence (Use Class A1); or
- a hotel which has a restaurant or bar included in its authorised use (Use Class C1).

There are two opposing views on the validity of this application:

- On the first hand, the applicants view is that they have the authorised use granted in 1993 under Planning Application 93/0313.

- On the other hand, it is the view of the Development Manager, Regulatory Services, outline consent obtained in 1993 under PA 93/0313 is no longer valid because as he *states "...whilst a building was subsequently built the applicant has never utilised the building or land for its intended use and never discharged the pre-start conditions on the land. Consequently, the current building on the land (whilst its existence is lawful given the period of time since it was erected) has no authorised use in planning terms..."*

If the former view is held to be correct then the licence application must be governed by paragraph 118 of the "Statement of Licencing Policy 2011-2014".
Which states:

"…The existing planning consent might have conditions restricting the use of the premises in some way e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would involve obtaining a revised planning consent or a relaxation or removal of the condition…"

PA 93/0313 does indeed have a condition attached restricting the use of the clubhouse to between the hours of 8am ï 11pm Monday to Saturday and 8am ï 10.30pm on Sundays, Christmas Day and Good Friday. Therefore it follows the applicant must submit an application for a revised planning consent or a relaxation or removal of the condition.

If the latter view is held to be correct then the licence application must surely be subject to paragraph 122 of the "Statement of Licencing Policy 2011-2014".
Which states:

"…The absence of planning consent would not be grounds for refusing the application but no use of the premises for licensable activities would be permitted until the licence had been issued and appropriate planning consent for the use of the premises for those activities had been granted. Similarly the licence holder will not be able to use the full hours permitted under the terms of a licence unless planning consent for the use of the premises for the purpose of that licence is in force…"

Therefore it follows, that in order to be able to use the premises for the licensable activities contained in the application, the applicant must submit a new planning application covering the hours of opening being sought.

We also feel that paragraphs 90 thru 93 have got to be taken fully into consideration, particularly paragraph 93.
Which states:

"…In considering the grant of applications involving striptease the Council will also have regard to any increase in the risk of public nuisance or disturbance to residents living in the vicinity and if these problems cannot be addressed will consider rejecting the application or attaching appropriate conditions…"

Public nuisance or disturbance applies as much to young people as it does to adults.

Although it has been stated publicly by a co-applicant that:

"…sometimes a wedding would want say a comedian or a magic act etc. not pole dancers strippers or any large pop bands that is not what we intended for this venue…"

It should be noted that the ñEvent Management Planò under the section entitled **"The Protection of Children from harm"** at paragraph 2 refers to what could be seen as the possibility of activities or entertainment of a sexual nature including but not limited to striptease, lap dancing, pole dancing, etc. being available to adults. This could mean anything up to and including full sex and perhaps, things even more unacceptable to the local community.

While we do not for a moment believe that the applicant would countenance such activities, we have to ask, why are such activities not excluded by the applicants in section k. of the application?

We would also draw the attention of the committee to paragraphs 95 and in particular 96 of the "Statement of Licencing Policy 2011-2014".

Paragraph 95 states:

"…Other means that will be used to control customers behaving in an anti-social manner when leaving licensed premises will include..."

A series of mechanisms which could be used to achieve this end are then listed.

Paragraph 96 states:

"…For a variety of reasons many of these mechanisms will be of limited effectiveness and value in dealing with anti-social behaviour away from the premises. This is why it is the policy of the Council to consider very carefully the grant of a licence particularly when the hours sought extends into the early hours of the morning…"

It is hoped that the committee takes the above points into consideration and awards them the weight they deserve.

Yours sincerely,
Kevin Daley (chair, MFGD Society)