
FW: Application for Review of the Club Premises Certificate for the Royal British Legion Club, Corfe Mulled (CO3920/1)

From Philip Day [REDACTED]
Date Mon 2025-11-24 3:45 PM
To Claire Marsh [REDACTED]
Cc Jane Cable [REDACTED]; Jane Cable [REDACTED]; Aileen Powell <aileen.powell@dorsetcouncil.gov.uk>; Licensing <licensing@dorsetcouncil.gov.uk>; Ben Jones [REDACTED]

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Dear Sirs

Thank you for your email and letter of 20th November, the relevant parts of which I have “cut and pasted” into the email below and appear in black.

I and my clients are acutely aware that you have sent a letter of claim and we make is absolutely clear at the outset that nothing herein is to be taken as an admission of any liability or wrongdoing on behalf of the club and that any civil proceedings will be contested.

In terms of the Licensing proceedings, we maintain our position that the appropriate decision for the Licensing Sub-Committee to make is that they do nothing.

If however, the sub-committee considers it appropriate to vary or modify the licence, what is set out below are the matters to which we would not object (and the reasons why) but also why it is that we would not agree to some of your other proposals. Copies of the photographs referred to will follow as soon as I collate the same into a sensible format.

Please now consider our comments below **in red**.

I look forward to hearing from you but intend to refer to this exchange at the hearing.

Regards

Philip

Our client: John and Cordner

Your client: Corfe Mullen Royal British Legion

Thank you for your email dated 27 October 2025. We note that you have taken over conduct of this review application. We have instructed Prof. Roy Light of counsel on behalf of the applicants.

We note that you have instructed Counsel but also note that you have made no reference to our email exchanges post 27th October.

We are grateful for your offer of mediation and trust that a resolution to this matter can be agreed between the parties. We are all agreed that conditions on the licence are inadequate and outdated and that the review can be resolved by way of amended conditions with a possible suspension in order to allow time for the agreed conditions to be implemented.

This with respect is a misrepresentation of our position. These premises have operated perfectly well and without any complaint since the Certificate was granted in 2005. We accept that if a new licence application were to be made today, one would expect to see additional conditions to those that appear on this Certificate but that is not the point here. As you will see below, some of your proposals are simply unacceptable and your suggestion of a suspension of the CPC is wholly rejected, not least because (as you will again see below), the Club has for some time implemented what I would call "good practice measures" which do not now need to be imposed by way of conditions.

Please find below conditions, which we are sure you will agree are appropriate and proportionate for your client's premises, with a view to promotion of the licensing objectives.

We do not agree that what you propose is either appropriate nor proportionate.

Several conditions reflect matters raised in the statement of Jane Cable and others relating to changes of hours and other action that has been taken by the Club towards promotion of the licensing objectives.

That Mrs Cable and other committee members may have done in efforts to address your clients' concerns simply demonstrates the Club's efforts to mediate. We do not accept that it is appropriate to then use this as a justification to have further conditions imposed on the Certificate.

The dance school and burger van are no longer at the premises so the applicants no longer suffer loss of amenity due to their activities. The sub-committee will therefore not be required to take steps in relation to them but the evidence remains relevant as both the dance school and burger van operated on Club premises under the permission, supervision and control of the Club.

Whilst we gratefully accept this (somewhat overdue) concession we do not accept that the complaints made about either the Dance Club nor the Burger van have any relevance whatsoever. As *Hall and Woodhouse v Borough of Poole* clearly establishes, the holder of a Licence (or in this case a Certificate) is not responsible for the acts of their tenants. Furthermore, the relevant responsible authorities investigated these matters and found "no case to answer". It is also the case (as the Licensing Officer's Report confirms) that nothing that went on in either the Dance School nor the Kebab Van involved any licensable activity and any reference to the same is wholly irrelevant.

The appellant accepts that parking is not a matter for the licensing sub-committee.

Again, we accept this concession but regret that it is only (again) at this late stage that the applicants have accepted this to be the case.

While evidence provided by responsible authorities would be relevant, its absence in no way negates the evidence provided by those who live and work in the vicinity of the Club. As HM Government put it during passage of the Licensing Bill in Parliament:

Judgment of the merit of an application against the licensing objectives should be left to the experts. The experts on crime and disorder, and the protection of children from harm are the police, and so the police have a voice. The experts on public safety are the health and safety and fire authorities, and so they have a voice too. The experts on public nuisance are the local environmental health authority. It follows that they should have a voice too, and the Bill provides them with one. The experts in what it is like to live and do business in a particular area are local residents and businesses. As I have said on a number of occasions, we are providing them with a voice in the licensing regime for the first time.^[1] (emphasis added)

We find it extremely surprising that in support of an application to review a CPC that reference is now made to Hansard but to address the point, under the previous licensing regime (Licensing Act 1964), it was well nigh impossible for anyone other than the police (or the Local Authority in the case of a Public Entertainment Licence) to revoke a licence. The 2003 Act (as subsequently amended) gave anyone the right to seek a review of a Licence (or CPC). However, the (binding) s.182 Guidance makes it clear (at 9.43) that “the authority’s determination should be evidenced based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve”. I refer also to para 9.12 of the Guidance and in particular “Each responsible authority will be an expert in their respective field” and “The police should usually therefore be the licensing authority’s main source of advice on matters relating to the crime and disorder licensing objective.” That NONE of the responsible authorities has made any representation that assist you client is highly relevant.

The issues raised by the applicants relate to nuisance and anti-social behaviour from the Club and its effects on residents in the area. This evidence will be presented to the licensing sub-committee for it to determine the steps that should be taken.

Noted but see above.

As the respondent accepts, the conditions on the club certificate are outdated and inadequate and the sub-committee will be requested to modify the conditions.

Please see our comment above. Whether the subcommittee is minded to modify or vary conditions is a matter for them. We reiterate that our position is that it is not appropriate for them to take any action but if they do consider it appropriate and proportionate to do so, we would not oppose some of what is suggested below.

The point in relation to the DPS is accepted, but while it is agreed that the mandatory condition in relation to SIA security staff does not apply to club certificates this does not preclude such a condition if thought appropriate.

It is (again) regrettable that the solicitors for the applicant did not appreciate this in the first instance. The point about SIA staff is dealt with below.

The applicants welcome the suggestion of mediation which is what they have tried to engage in with the Club for some considerable time and, to this end, the applicants submit the following conditions to the respondent and it is hoped that agreement can be reached.

There is a fundamental misconception here. Their “engagement with the club” was centred around their (ultimately successful) attempts to close down the dance school and remove the Kebab van – neither of which provided any licensable activities but which then resulted in a substantial loss of income to the charity. The recent response to a proposed mediation was to suggest that a professional mediator with experience in licensing matters should be instructed at the expense of the club – this was clearly wholly inappropriate.

To assist in this regard we should be grateful for confirmation that the Club is observing the qualifying club activities as the representation from the Town Council states:

Members of the public have reported consistently being able to enter the premises and purchase alcohol without being a member or being asked to sign in as a guest.

Representations in support of the Club also appear to indicate that this is the case – see representations 24, 32, 34, 35, 39, 46, 47, 50, 54, 56, 58.

The applicants seem to be unaware that the Club gives about 12 Temporary Event Notices each year, these to allow non-members to attend organised events and that members are permitted to a sign in guests.

What follows are comments about what the Club might be prepared to accept BUT on the basis as set out above that it remains the position that we do not consider it appropriate for the sub-committee to make any order at all.....

Conditions

1. The officers of the club shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol. **This is not an issue as all staff employed (and there are only three) are trained but this surely is a matter for the responsible authorities who have made no representations and in the absence of any evidence that staff are not promoting the licensing objectives, it would not be appropriate to add such a condition (but if the sub-committee have a different view, we would not be objecting to such a condition as the Club does this anyway)**
2. Records of the training programme shall be maintained and made available to authorised officers upon request. **See 1 above**
3. The officers of the club shall provide a refresher training session to all relevant staff members as and when deemed necessary on a case-by-case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months. **See 1 above**
4. The CCTV policy shall incorporate the following basic requirements:
 - CCTV cameras will be located and operated in consultation with the police or crime prevention officer.
 - Cameras to be switched on and fully operational when licensable activities are being carried on.
 - Recordings will be retained for a minimum rolling period of 31 days.
 - The premises will have the means for copying footage to another medium as evidence if requested by the police or licensing officer.
 - Warning notices advising visitors that CCTV cameras are in use will be displayed.**This is a matter for the Police who have made no representations. For information, there is in fact a comprehensive CCTV system in place (see photographs) but I understand that recordings are maintained for 30 days not 31. The cameras record 24 hours a day and copies are available if needed. The requirement to have notices advising visitors that CCTV is in operation is a statutory requirement and is complied with.**
5. Any person who appears to be under the age of 25 years of age seeking to purchase alcohol must provide proof of age in the form of a photographic driving licence or a proof of age card carrying a 'PASS' logo. **This is already in place but please note that membership is restricted to persons over the age of 18 and children are only permitted if accompanied by an adult. Note also that the average age of members is over 60.**
6. A refusal log will be kept at the premises and be maintained to record the refusal of alcohol to underage or intoxicated persons. The details collated will include a description of the individual refused, the date and time, the details of the product refused, the reason for refusal and the name of the staff member. The log shall be kept for a minimum of 12 months and made available for inspection by authorised officers on request. **Refusals are almost unheard of in these premises but there is a refusals log in place.**
7. The premises shall maintain an incident log, to record details of any complaints, refusals of entry, ejections, or incidents of disorder or disturbance. The log shall be kept for a minimum of 12 months and made available for inspection by authorised officers on request. **Refusals of entry, ejections, incidents of disorder and disturbance are extremely rare. Sadly, complaints from Mr and Mrs Cordner are frequent but as evidenced by the papers (including the review application itself) these frequently have nothing to do with the licensed premises. It would be wholly disproportionate to require the Club to log each such complaint (although in practice and to protect the club from spurious allegations) a note is usually made. Again, the Police as lead authority has not requested such a condition.**
8. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of local residents and of the need for acceptable behaviour when leaving the premises and area to do so quietly. **Such notices are in place – see the photographs and a condition requiring this is unnecessary.**
9. Local taxi firm information is to be available at the premises. **Such information is in place – see the photographs and a condition requiring this is unnecessary.**
10. There will be a half hour drinking-up time following each day's stated terminal hour for licensable activities. **It is inappropriate to make this a "condition". The permitted hours**

for licensable activities and the opening hours are set out in both Part A and B of the Certificate.

11. All qualifying club activities are from 08:00 hours to 23:00 hours and the opening hours of the Club are from 08:00 hours to 23:30 hours. **We strongly resist this proposed change. The fact that the club (in common with many other licensed premises) does not make full use of its permitted hours is neither here nor there. It would be unreasonable and disproportionate to reduce the permitted hours in the light of the evidence adduced by the applicants.**

12. The premises shall close to the public no later than 23:30 hours, and all patrons must vacate the club premises and its curtilage and the gate to the premises closed and secured by that time. See 11 above. Please however note that when the club itself is closed, parents of children at the local school make use of the car park during the day, others park overnight and users of the "Nissan hut" also make use of it. The gate is in fact never closed nor locked and if it were, people would only park on the road, a matter that the applicants have complained about (even though they now accept that parking issues are not relevant).

13. No outside seating to be placed at the front of the premises. As the applicants will be well aware, this popular seating area was removed by the Club in its efforts to accommodate them. We would object to such a condition as whilst there is no intention to re-instate it, the fact of the matter is that although the club has been in operation for decades, there were no complaints until the applicants moved in. If/when the applicants relocate, the Club would like to re-instate this facility.

14. The front of the premises to be a no smoking area with the smoking area located to the side of the garden. We would resist this. As demonstrated by the photographs, "No Smoking signs" are prominently displayed at the front of the premises. Patrons are directed to smoke either in the Beer Garden or at the side of the premises in a smoking shelter some distance from the applicants' house. It is a practical impossibility to prevent patrons from "lighting-up" in the car park, particularly when they leave. There is no credible evidence that the activities of the relatively few smokers cause a public nuisance or any issue of crime and disorder.

15. No deliveries or waste collections including bottles to be carried out between the hours of 23:00 and 08:00 (the following day). Beer deliveries (from Marstons) arrived on a Friday morning at about 6.30 a.m. In (yet another) attempt to appease the applicants, the Club managed to change the delivery times. Unfortunately, Marstons cannot deliver later on a Friday and deliveries now take place on Mondays at 10 a.m. This has caused the Club any number of practical difficulties, not least that they have to anticipate likely sales (technically "supplies") during the week to ensure that they have enough stock for the forthcoming weekend. They therefore have, in effect to order for the fortnight ahead with an impact on their storage and cashflow. The timing of waste collections is outside the control of the Club but no bottles are removed from the building other than before 23:00 or after 08:00. It should also be noted that this is a relatively new complaint on the part of the applicants and that no-one in the past has complained about this.

16. From 22:00 hours onwards when qualifying club activities are being carried on, an SIA registered door supervisor shall actively monitor and discourage loitering or congregation in the area immediately outside the front of the premises and ensure that people leave the premises and its curtilage by 23:30 hours. We would strongly resist this. It is perhaps of note that this marks a departure from what was sought in the Review application which was as follows:

Door Supervision: On Fridays, Saturdays, and during large-scale events, a minimum of two SIA-registered door supervisors shall be on duty from 21:00 hours until closure. A written record of door supervisor attendance shall be kept and made available for inspection on request.

On the one hand, there appears to be a concession in that it is now suggested that only one SIA supervisor be deployed and "only" from 22:00 hours rather than 21:00 but on the other hand, the request is that this condition should apply every day the Club is open. Yet again, none of the relevant Responsible Authorities have sought such a condition. The reality is that employing an SIA Registered Door Supervisor for what would normally be but 90 minutes is wholly impractical – the vast majority of companies require a minimum of a 4 hour shift and the cost would be wholly disproportionate.

It is also the case that there are occasions when the premises operate under the authority of a Temporary Event Notice (usually about once a month) and on those occasions, no “qualifying club activities” are provided!

Further and for the avoidance of any doubt, we again assert that no evidence has been provided by the applicants that would support the imposition of such a condition.

17. A noise management plan is to be prepared and agreed which will include as a minimum the following:

- Where regulated entertainment is provided, the officers of the club or a responsible person nominated in writing will regularly monitor recorded or live music levels emanating from the premises to ensure that noise levels are reasonable and unlikely to become a nuisance and will make necessary adjustments to reduce volumes or bass where necessary.
- A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time of the monitoring and the result obtained. The records shall be made available without delay to an officer of a responsible authority or the police.
- A single named point of contact plus telephone number will be provided so that local residents can report any noise issues or other complaints directly to the Club. All calls will be logged and the log will include a note of the remedial action taken. The log will be kept on the premises and be made available upon request for inspection by an officer of a responsible authority or police.
- Apart from access and egress all external windows and doors must be kept closed when live music or recorded music is played between 22:00 and the closing time of the premises on any day.
- The premises shall install and maintain a sound limiting device, set to a level agreed in writing with Environmental Health, and all amplified music shall be routed through this device.
- There shall be immediate compliance with a request to adjust noise levels/frequency spectra by an officer of a responsible authority or the police.

There is a great deal wrong with this but fundamentally, we object to the imposition of such a condition.

Firstly, the relevant Responsible Authority has made it clear that even the complaints about the (now closed) Dance School did not amount to a Public Nuisance.

Secondly, there is no credible evidence that any noise from music inside the Club building has ever been the cause of any public nuisance.

Thirdly, the applicants here are (again) seeking to put themselves in the place of responsible authorities – for example, when it is asserted that “a noise management plan is to be prepared and agreed”, there is no indication as to whom the agreement should be with – surely not the applicants?

Fourthly, although “regulated entertainment” is included on the Certificate, the reality is that this has largely been superseded by the Live Music Act which allows the Club to provide music entertainment in particular until 11 p.m. daily.

Fifthly, you do not appear to appreciate the reality of the way in which the premises operate. The only live music that is provided takes place in the function room at the rear of the building, and then only on a once a month and under the auspices of a TEN to which neither the Police nor Environmental Health have ever objected. All doors and windows are double glazed and noise breakout is minimal.

Sixthly, it is ridiculous to suggest that all amplified music (which would include background music that is provided in the bar and members lounge should be routed through a sound limiting device.

Finally, this is (yet again) a matter for the relevant Responsible Authority and not (with respect) for the applicants/your clients.

18. Patrons who are involved in serious or repeated incidents of anti-social behaviour shall be refused entry and banned for an appropriate period, to be determined by the club premises certificate holder.

Please be aware that the Club operates a very strict policy that goes further than this. Any member who themselves or by their guests behaves in an inappropriate way (even if that falls far short of either a serious or repeated incident) is required to appear before the Club's

Committee to answer for themselves (and any guest) and is made subject to appropriate sanctions.

We should be obliged to hear from you in respect of the above following which this firm and Counsel should be happy to discuss with your firm by telephone with a view to agreeing matters if possible in advance of the 1 December hearing.

I am, as I have said on a number of previous occasions, happy to discuss this matter with you (and now Counsel).

However, it remains my view that the review application was fundamentally misconceived, relaying as it does in the main part on complaints about matters that have absolutely nothing to do with the Club and its Club Premises Certificate (and which, incidentally, are entirely historic, even if justified which they are not). Despite my earlier emails pointing this out, it is only now that you have made any concessions about the irrelevance of those aspects which is disappointing.

The reality is that your clients bought a property next door to a long established, reputable and well-run establishment whilst Covid restrictions were in place. They appear to have had issues with the Dance School even though none of their complaints were substantiated and of course, the Dance School is long since gone (largely thanks to your clients' actions). Much the same applies to the Kebab van which was not forced to re-locate as a consequence of any action by the Club. They have now directed their attentions to the Club itself, no doubt on the basis of progressing a civil claim if the Club were to make any concession to them.

Now looking to sell their property, they have of course to disclose their "neighbour dispute" – an issue entirely of their own making.

Despite your assertions that the Club has failed to mediate or engage with your clients throughout what I can only describe as a "feud" the reality is that the Club has done all that it can (and indeed more) to try and accommodate your clients. In that regard, we are specifically asked to point out that the allegations made against the father of the operator of the Dance Club are defamatory and wholly disputed.

It is, with the greatest of respect, not for your clients to effectively usurp the roles of Responsible Authorities by seeking to impose conditions on the Club Premises Certificate that none of them have sought.

I invite you (again) to consider your position and propose to refer to this and my earlier emails at the hearing.

In that regard, I am copying this to the Licensing Authority and asking that it be included with the agenda papers.

Regards

Philip
Philip Day | Consultant Solicitor

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[1] HL Deb, vol.645, 27 February 2003.