

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

17 AUGUST 2006

REPORT OF THE HEAD OF CORPORATE SERVICES

CLUB PREMISES CERTIFICATE APPEAL HEARINGS

1 Introduction and Purpose of Report

- 1.1 The purpose of this report is to provide an outline of an application and details of representations received from The Head of Environmental Health and interested parties which has resulted in the necessity for a hearing.

2 Wards Affected

- 2.1 Hook Norton.

3 Effect on Policy

- 3.1 None.

4 Contact Officers

- 4.1 Tina Poke (Ext 1503);
Natasha Barnes (Ext 1599).

5 Background

- 5.1 This report contains details of an application in respect of Hook Norton Sports & Social Club, The Bourne, Hook Norton, Banbury that is to be considered by the Committee.
- 5.2 The application is to vary the club premises certificate issued under the Licensing Act 2003. Details are provided in respect of the existing licence and the proposed variation.
- 5.3 Should any supplementary information be received from those making representations, it will be circulated in advance of the meeting of the Sub-Committee.

6 Application in respect of Hook Norton Sports & Social Club, Hook Norton

- 6.1 The application to vary was received on 21 June 2006, from Geoffrey James of 'Speedwell', Brick Hill, Hook Norton, who is Secretary to the Club.

7 Details of Variation to Premises Licence under the Licensing Act 2003

- 7.1 Brief description of the nature of the proposed variation:

To vary the club premises certificate to include regulated activity and to include the supply of alcohol for consumption by members and by guests of members both on and off the premises.

7.2 The Existing Club Premises Certificate which came into force on 24 November 2005 allows

- Supply of alcohol to members and their guests Sunday to Thursday 11:00 to 23:00, Friday and Saturday 11:00 to 23:30 (For consumption **on** the premises)
- Provision of Live Music on Friday and Saturday 19:00 to 21:30 (Indoors)
- Non-Standard timings apply to the Provision of Facilities for Dancing (Indoors) in addition to above activities as follows; Pre-booked special events (not exceeding 12 in any year) of which prior notification has been given to the Police and the Licensing Authority.

7.3 The proposed variation is briefly described as:

- Supply of alcohol to members and their guests Sunday to Thursday 11:00 to 23:00, Friday and Saturday 11:00 to 23:30 (For consumption both **on and off** the premises)
- Provision for Films, Indoor Sporting Events and provision of facilities for Dancing Monday to Sunday 08:00 to 23:30 (Indoors only)
- Provision for Plays, Live Music, Performance of Dance and provision of facilities for Making Music Monday to Sunday 08:00 to 23:30 (Both Indoors and Outdoors)
- Provision for Recorded Music Sunday to Thursday 08:00 to 23:30, Friday and Saturday 08:00 to 00:00 (Both Indoors and Outdoors)
- Provision of regulated entertainment of a similar description to that falling within live and recorded music or performance of dance and provision of entertainment facilities of a similar description to that falling within making music or dancing Monday to Sunday 12:00 to 23:30 (Both Indoors and Outdoors)
- Non-standard timings apply to **provision of entertainment facilities of a similar description to that falling within making music or dancing only** as follows Summer Ball 18:00 to 02:00, Christmas Eve and Boxing Day 12:00 to 00:00 and New Years Eve 12:00 to 02:00 (Both Indoors and Outdoors).

8 Promotion of the Four Licensing Objectives

8.1 The applicant has stated the following in respect of promoting the four licensing objectives

CD1	All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be ongoing and under constant review.
CD9	All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under age or appears to be under age.

The Prevention of Crime & Disorder

8.2 Some representations received have stated concerns in relation to potential issues in respect of increased risk of crime and disorder being caused by the grant of additional permissions to the club premises. The applicant has stated the following in respect of promoting this licensing objective.

CD11	All licensable activities shall stop at the terminal hour and the premises shall be cleared of customers and closed 30 minutes after the conclusion of the last licensable activity.
CD25	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed <i>[number]</i> (<i>[number]</i> low density use).
CD28	All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

CD29	Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
CD34	Alcoholic drinks shall not be advertised, promoted or supplied in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

The Prevention of Public Nuisance

- 8.3 All representations received have stated concerns in relation to potential issues in respect of public nuisance being caused by the grant of additional permissions to the club premises. The applicant has stated the following in respect of promoting this licensing objective.

PN12	All [external doors / windows] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
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The Protection of Children from Harm

- 8.4 One of the representations received stated concerns in relation to potential issues in respect of the need to protect children from harm being caused by the grant of additional permissions to the club premises. The applicant has stated the following in respect of promoting this licensing objective.

CP17	All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.
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9 Representations Received and Relevant Licensing Objectives

- 9.1 The Head of Environmental Services has no objections to the grant of the licence subject to the following conditions which will implement additional measures to control public nuisance from noise related issues.

PN12	All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
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In addition it is recommended that a condition requiring the applicant to give the Licensing Authority 14 days notice of any event involving the playing of live music outdoors and for this notice to contain details of how the licensing objective of the prevention of public nuisance will be achieved.

It is recommended that amplified music terminates at the same time as live music on all days i.e.23:30 hrs. The comments relating to live music above apply equally to amplified music.

The applicants must provide the Licensing Authority with an operating schedule detailing how youth club discos are to be stewarded.

Whilst the rehearsal of music in the absence of an audience is not a licensable activity, the applicant should be aware that this type of activity requires close supervision in order to prevent nuisance arising. In addition the comments relating to live and amplified music details above should apply. In the event of adult entertainment being planned, the club shall provide the Licensing Authority with an event management plan 14 days prior to the event taking place.

- 9.2 The response from Environmental Services is attached as Annex 1.

9.3 There are 2 interested parties who have submitted representations;

- The representation from E. A. White of Scotland Bungalow, Round Close Road, Hook Norton is attached as Annex 2.
- The representation from Steve Jackson of 37 The Bourne Hook Norton is attached as Annex 3.

10 Relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003

10.1 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for all the cases are as follows:

Guidance:

Sections 7.20 – 7.30 Page 80

Annex G Page 148 Conditions relating to the prevention of crime & disorder.

Sections 7.38 – 7.46 Page 85

Annex G Page 164 Conditions relating to the prevention of public nuisance.

Sections 7.47 – 7.66 Page 87

Annex H Page 166 Conditions relating to the protection of children from harm.

Cherwell District Council Statement of Licensing Policy:

Page 14 LH 3 - 8 Sections 5.3 – 5.7 Licensing Hours .

Page 18 CH5 Section 6.2 Prevention of under-age consumption.

Page 22 LA5 Section 7.3.9 Addressing local concerns.

Page 22 LA6 Section 7.3.10 General Management and control.

10.2 Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them with them to the meeting.

11 Options

11.1 There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- 1) approve the application for the variation as submitted;
- 2) reject the application for the variation in whole or part;
- 3) place conditions on the variation to the premises licence and/or require changes to the details of the variations sought.