

LICENSING COMMITTEE (HEARING) – 10 JUNE 2011

APPLICATION FOR A CLUB PREMISES CERTIFICATE FROM THE HARTLEY & DISTRICT SOCIAL CLUB LTD, THE CLUB HOUSE, ASH ROAD, HARTLEY, KENT. DA3 8EH FOR VARIATION UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 11/00622/LACPC

Report of the: Community and Planning Services Director

Status: For Decision

Portfolio Holder Cllr. Mrs Bracken

Head of Service Head of Environment & Operational Services – Mr. Richard Wilson

Recommendation: Members' instructions are requested

Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.
- 2 The application is made by Hartley & District Social Club Ltd, The Club House, Ash Road, Hartley, Kent. DA3 8EH Brief description of what is being applied for.
- 3 Increase in authorised hours to allow for daytime use of hall for Christenings, weddings, wakes etc.

The variation is to:

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| Section A | To allow exhibition of plays indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. |
| Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours | |

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| Section B | To allow the exhibition of films indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. |
| Section F | To allow recorded music films indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. The areas to be used would be the main bar area or the upstairs hall. |
| Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours | |
| Section G | To allow performances of dance indoors on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. |
| Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours | |
| Section I | To allow the provision of facilities for making music indoors on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. |
| Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours | |
| Section J | To allow the provision of facilities for dancing on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. |
| Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours | |
| Section L | To allow sale of alcohol for consumption on and off the premises on Monday to Saturday from 11:00 hours until 00:00 hours. |

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| Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours | |
| Section M | Hours premises are open to the public on Monday to Friday from 09:00 hours until 00:30 hours and on Sunday from 09:00 hours until 23:30 hours. |
| Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours | |

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed variation is granted:

General

- 4 Exterior lighting monitors arrivals and departures at the club main door and adjacent car parking area. Club management, steward and bar staff are informed of the Licensing Act 2003 objectives and statutory requirement to comply with all relevant provisions of the Act.

The Prevention of Crime and Disorder

- 5 Club constitution includes rules governing the conduct of members and their guests within and adjacent to the club premises. Admission to the club is confined to members and bona fide guests and controlled through a computerised door entry system. Guests arriving unaccompanied are scrutinised before admission and signing in by a host member.
- 6 Club employees are instructed not to admit or serve members and guests who behave in a drunk or disorderly fashion. Misconduct is reported to the committee to consider action under the club's disciplinary code.

Public Safety

- 7 The club complies with Health and Safety and Fire Precautions regulations. Following risk assessment, preventive and control measures are in place to ensure the safety of members, guests, employees and entertainers while on the premises. The club complies with advised capacity limits. Fire action notices are posted; emergency escape routes are signposted.

The Prevention of Public Nuisance

- 8 Signage is displayed near exits requesting members and guests to respect the needs of local residents by quietly leaving the premises and car park.

- 9 When live or recorded music is played all reasonable steps are taken to avoid disturbance to neighbouring properties. Meetings have taken place with Environmental Health Team for advice on limiting disturbance to surrounding residential dwellings.

The Protection of Children from Harm

- 10 Persons under age 18 are only allowed in the club if accompanied e.g. children & grandchildren attending a club junior disco in the function room. The function room bar will be closed during junior discos. Accompanied children & grandchildren of members may be admitted to the snooker room for tuition.
- 11 Door control ensures that children seeking admission to the club for any purpose are accompanied by an adult member. Young adults applying for membership must satisfy the committee that they are over 18 years, if necessary by producing proof of age. Accompanied children & grandchildren of members and their guests may attend a private party in the function room.
- 12 Committee members, the club steward and other members of staff are instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children. Signage is posted at all bars prohibiting the direct or indirect supply or delivery of alcohol to children. Members are advised that they should accompany their children to the toilets.

Representations received from statutory consultees:

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| Fire Safety | NO ADVERSE COMMENTS |
| Trading Standards | NO ADVERSE COMMENTS |
| Social Service | NO ADVERSE COMMENTS |
| Police | NO OBJECTIONS |
| Commercial | NO OBJECTIONS |
| Environmental Protection | SEE COMMENTS ATTACHED AT APPENDIX B |
| Development Control | NO ADVERSE COMMENTS |

Representations received from interested parties:

- 13 Comments from the Environmental Protection team (attached at Appendix B) and seven letters from local residents (attached at Appendix C).

Conclusions

- 14 Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:
- 15 Mandatory conditions – the following conditions will be added to the club premises certificate when it is issued.
- 16 Supply of alcohol for consumption off the premises - A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.
- 17 A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:-
- 18 the supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- 19 Any alcohol supplied for consumption off the premises must be in a sealed container.
- 20 Any supply of alcohol for consumption off the premises must be made to a member of the club in person.
- 21 The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Risk Assessment Statement

- 22 This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.
- 23 The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 10th June 2011, subject to any appeal to a Magistrates Court or higher Court.

Sources of Information: [http://www.culture.gov.uk/alcohol and entertainment](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s): Mrs. Leeann Leeds Ext. 7270

KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES DIRECTOR