

## **LICENSING SUB – COMMITTEE**

14 September 2005

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Application to Vary the Premises Licence for:

**Arlebury Park Sports and Social Club  
The Avenue  
Alresford  
Winchester**

**Part A. Report** *Buff*

- 1 Application**
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- Appendix 4 Other Appendices** *White*

**Part A.****1. Application****Applicant: Robin Atkins****Premises: Arlebury Park Sports and Social Club****Conversion of the Existing Licences.**

The conversion of the existing licences to a Club Premises Certificate was granted under delegated powers on 2 September 2005.

The current permitted hours are;

<b>Monday to Saturday</b>	<b>1000 to 2300</b>
<b>Sunday and Good Friday</b>	<b>1200 to 2230</b>
<b>Christmas Day</b>	<b>1200 to 1500</b> <b>1900 to 2230</b>
<b>New Year's Eve</b>	<b>1000 to 2300 1 January</b>

The premises hold a Public Entertainment Licence.

**Application for Variation.**

The application is for variation of the Club Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003, to extend the hours when the premises are open to Members of the club for the sale of alcohol, regulated entertainment and the performance of plays.

**Removal of Embedded Restrictions**

The application is also to remove the limitations on hours (permitted hours under Licensing Act 1964 and hours set out in public entertainment licence).

Notice of the application was displayed outside of the premises for a period of 28 days until 16 August 2005, and advertised in the Hampshire Chronicle on 15 July 2005.

The Operating Schedule, copied at Appendix 1, has been amended by letter dated 6 September 2005. The amended Schedule proposes the Relevant Licensable Activities as:

**Regulated Entertainment (A,E,F,G,H,I,J,K):**

Sundays to Thursdays	1000 until 0000
Fridays and Saturdays	1000 until 0100
New Years Eve	to 0100 on 1 January

**Supply of Alcohol (L)**

Sunday to Thursday from 1000 until 0000  
Fridays and Saturdays from 1000 until 0100  
New Years Eve to 0100 on 1 January

The amended application (as set out in the letter of 6 September 2005) requests 12 other occasions to coincide with any special event, over a 24 hour period, with a minimum of 10 days prior notice to Police and the Licensing Authority. It also seeks a further 12 other occasions to coincide with special sporting events on live TV over a 24 hour period, with a minimum of 10 days prior notice to Police and the Licensing Authority. The letter suggests that in the event of disagreement, the club could appeal to the Courts, although there is no legal provision in the Act to cover this.

The Police are prepared to agree 12 extensions, on seven days' notice, with a veto for the Police. The applicant has indicated that the Police are happy with the proposed 24 (in total) occasions, although it has not been possible to confirm this with the Police at the time of writing this report.

These extensions (if granted) will be in addition to the temporary event notice procedure which allows 12 events in one year.

*(The above letters in brackets refer to the relevant sections of the application form)*

**Steps to promote the Licensing Objectives**

Please see Section Q Appendix 1

**Removal of Embedded Restrictions**

The application is also to remove the restrictions on hours. It has not however sought the removal of the conditions (other than limitation of hours) attached to the Public Entertainment Licence, which were transferred to the new Club Premises Certificate under the application for conversion.

**Notice of Hearing**

Notices of the hearing were sent to all Parties on 30 August 2005.

## **Relevant Representations**

### **2. Responsible Authorities**

All of the Responsible Authorities have been served with a copy of the application and make the following representations:

#### **Director of Communities**

There is no representation from the Director of Communities.

#### **Hampshire Constabulary**

Representation has been received from Hampshire Constabulary (Appendix 2) with a request that 24 hour opening be restricted as follows:-

- a limit of 12 extensions per annum
- An operating plan covering the additional measures to be taken to manage crime and disorder.
- Seven days notice to be given to the Police and the Licensing Authority.
- An absolute veto for the police in respect of any of the occasions.

It is understood from the applicant (see letter 6 September 2005) that the Police have agreed to the proposed 24 extensions, and are satisfied with the club's operating procedures, but this has not yet been confirmed by the Police themselves.

#### **Hampshire Fire and Rescue Service**

No representations received.

#### **Child Protection Team**

No representations received.

#### **Director of Development**

No representations received.

#### **Head of Safety Standards**

No representations received.

**3. Interested Parties**

1. Mr. and Mrs. A. Brill
2. Mr. A. Stowell
3. Mrs. E. P. Hawkins
4. L. M. O'Callaghan
5. Brian and Anne O'Rorke
6. C. J. Harris
7. R. D. Downham
8. D. M. Meadwell

The Interested Parties are concerned about the potential for noise from the regulated entertainment on a 24 hour basis and disturbance from persons leaving the premises at night.

#### **4. Observations**

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

1. Grant the application as per the application, or
2. Modify the conditions of the licence by alteration or addition, or
3. Reject the whole or part of the application.

Decisions made under 2 or 3 above must actually be necessary to promote the Licensing Objectives.

#### **Terminal hours.**

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy A8)

#### **Licensing Objectives.**

##### Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations of the Police and the interested parties.

(Licensing Policy 1.6, 2.11, 2.17)

##### Public Safety

The Sub-Committee should consider any necessary conditions relating to public safety.

(Licensing Policy B3, B4)

### Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise and light pollution from the premises having regard to the observations of the Interested Parties.

(Licensing Policy Section C)

### Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Operating Schedule.

(Licensing Policy D6, D7)

### **Human Rights**

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

## 5. Conditions

### Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

### Possible Conditions

The application to vary does not seek the variation of the conditions in the public entertainment licence (other than the limitation on hours). Accordingly, the Premises Licence will include the standard conditions attached to the public entertainment licence, which are set out as Schedule 1 to the PEL, included with the application in Appendix 1).

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

#### Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- |       |                     |                        |
|-------|---------------------|------------------------|
| (i)   | Sunday to Thursday  | 1000 to 0000           |
| (ii)  | Friday and Saturday | 1000 to 0100           |
| (iii) | New Year's Eve      | 1000 to 0100 1 January |

plus:

- 12 occasions per annum on a 24 hour basis for sporting events on live TV with a minimum of 10 days notice to the Police and Licensing Authority
- A further 12 occasions per annum on a 24 hour basis for other events with a minimum of 10 days notice to the Police and Licensing Authority.

[The Sub-Committee will also need to consider whether the Police should have a veto over any such extensions].

2. The hours the premises may be used for the sale of alcohol shall be:

- |       |                     |                        |
|-------|---------------------|------------------------|
| (i)   | Sunday to Thursday  | 1000 to 0000           |
| (ii)  | Friday and Saturday | 1000 to 0100           |
| (iii) | New Year's Eve      | 1000 to 0100 1 January |



plus:

12 occasions per annum on a 24 hour basis for sporting events on live TV with a minimum of 10 days notice to the Police and Licensing Authority

A further 12 occasions per annum on a 24 hour basis for other events with a minimum of 10 days notice to the Police and Licensing Authority

[The Sub-Committee will also need to consider whether the Police should have a veto over any such extensions].

3. The hours the premises may be used for regulated entertainment shall be:

- |       |                     |                        |
|-------|---------------------|------------------------|
| (i)   | Sunday to Thursday  | 1000 to 0000           |
| (ii)  | Friday and Saturday | 1000 to 0100           |
| (iii) | New Year's Eve      | 1000 to 0100 1 January |

plus :

12 occasions per annum on a 24 hour basis for sporting events on live TV with a minimum of 10 days notice to the Police and Licensing Authority

A further 12 occasions per annum on a 24 hour basis for other events with a minimum of 10 days notice to the Police and Licensing Authority.

[The Sub-Committee will also need to consider whether the Police should have a veto over any such extensions].

### **All Licensing Objectives**

[Dealt with in relevant sections below].

#### **Crime and Disorder**

1. A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.
2. CCTV behind the bar for staff to view people entering building and foyer.

#### **Public Safety**

1. All staff shall be trained in fire drill and the procedure for notifying the fire service in the event of fire.
2. The maximum number of persons permitted to be admitted to the premises whilst in use for the purpose of this licence shall not exceed 175.

**Public Nuisance**

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

**Protection of Children**

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

***Removal of Embedded Restrictions***

The limitations on hours in the Club Registration Certificate and the Public Entertainment Licence will be superseded by the hours set out above, if the application is granted.

## **6. Other Considerations**

### **Corporate Strategy (Relevance To:)**

This report covers issues which affect the Community safety, Economic Prosperity, and Cultural and Leisure Opportunities of the Corporate Strategy.

### **Resource Implications**

None

### **Appendices**

1. Application by Arlebury Park Sports and Social Club
2. Representations by Responsible Authorities
  - 2.1 Hampshire Constabulary
3. Representations by Interested Parties
4. Map of premises' location.