

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3
2nd OCTOBER 2009		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel: 453502 Tel: 453561

APPLICATION: NEW CLUB PREMISES CERTIFICATE

APPLICANT: Netherton United Football Club Limited

REFERENCE NO: M / 57008

PREMISES: Netherton United Football Club, The Grange Clubhouse, The Grange Playing Fields, Mayors Walk, Peterborough. PE3 6HH

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 6**

1. PURPOSE OF REPORT

1.1 To consider and determine this application for a new club premises certificate for Netherton United Football Club, The Grange Clubhouse, The Grange Playing Fields, Mayors Walk, Peterborough. PE3 6HH, taking into account the representations received from individuals who live in the vicinity as detailed in paragraph 5 of this report including two representations supporting the application.

2. BACKGROUND INFORMATION

2.1 As per the application (under general description) the premises will be used as a clubhouse for a local football club. The clubhouse will be used for the benefit of football club members and invited guests.

3. AUTHORISATIONS AND TIMES APPLIED FOR

- **Sale of alcohol for consumption on the premises**
 - Sunday to Thursday 12.00 to 23.00
 - Friday & Saturday 12.00 to 24.00
 - Christmas Eve 11.00 to 24.00
 - New Years Eve 11.00 to 02.00

- **Live Music, Recorded Music, Dancing, Provision of facilities for music & dancing, Anything of a similar description to music & dancing. All activities are indoors.**
 - Sunday to Thursday 11.00 to 23.00
 - Friday & Saturday 11.00 to 24.00
 - Christmas Eve 11.00 to 24.00
 - New Years Eve 11.00 to 02.00

- **Plays (indoors)**

- Sunday to Thursday 11.00 to 23.00
- Friday & Saturday 11.00 to 24.00

- **Opening hours of premises**

- Sunday to Thursday 09.00 to 23.00
- Friday & Saturday 09.00 to 24.00
- Christmas Eve 11.00 to 24.00
- New Years Eve 11.00 to 02.00

4. APPLICATION

- Please refer to the application attached at **Appendix B on Page 9**
- Representations have been received from interested parties living in the vicinity. A plan indicating the location of these interested parties in relation to the premises is attached at **Appendix C on Page 49**
- Part P of the application sets out the applicant’s proposed conditions under the licensing objectives The Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder and Protecting Children from Harm. These are also contained within the body of the report (in section 7) and, in accordance with Para 5.67 of the Guidance have been translated into clear and understandable conditions consistent with the proposals in the Operating Schedule.
- No representations have been received from any of the Responsible Authorities i.e. Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Children’s Services, Peterborough City Council Environmental Pollution Team and Peterborough City Council Trading Standards Department.

5. INTERESTED PARTIES

LICENSING OBJECTIVE:	REPRESENTATIVE:
Public Nuisance	Interested Parties 7 representations against the application from Interested Parties 2 representations supporting the application from Interested Parties. To comply with the Data Protection Act all letters have been distributed to Committee Members and the applicant, but are not for public circulation
Crime and Disorder	
Public Safety	
Protecting Children from Harm	

5.1 ‘Interested Parties’ is defined as:-

- a person living in the vicinity of the premises
- a body representing persons living in that vicinity

- a person involved in the business in that vicinity; and
- a body representing persons involved in such a business

5.2 Summary of issues raised

- i) Potential increase of existing alcohol related incidents and anti social behaviour in the area
- ii) Noise from patrons
- iii) Excessive hours of opening in residential area
- iv) Potential sleep disturbance from noise
- v) Underage drinking.
- vi) Close proximity to other 'on' licensed premises.

6. MEDIATION

6.1 Mediation was attempted but due to the amount of representations received it was unsuccessful.

7. APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES:

7.1 General

A written club constitution is in place which covers measures put in place to meet all four of the licensing objectives. This is available for inspection by an authorised officer.

7.2 Crime and disorder

Any grills and / or alarms installed at the licensed premises shall be maintained in working order.

Any anti social behaviour at the premises by a member or their guests will result in the member being subject to the club's disciplinary code.

7.3 Prevention of Public Nuisance

The club premises certificate holders shall take all necessary steps to ensure that noise or vibration is not noticeable at the façade of any noise sensitive premises or residential property.

Doors and windows shall be kept closed (except for access and egress) to reduce noise nuisance after 11pm.

No club members or invited guests will be permitted to leave when carrying open or sealed bottles or glasses.

7.4 Public Safety

The capacity limit for the clubhouse is 150

A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended)

Valid public liability insurance will be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

Authorised Officers from the Regulatory bodies will be given access to the premises at all reasonable times to enable them to carry out their lawful regulatory functions.

7.5 Protection of Children from Harm

No entertainment will be allowed at the club which is offensive to children.

Children under the age of 16 years will only be allowed in the alcohol serving area of the premises if accompanied by an adult.

The club will have its own child protection policy which will be closely monitored. All volunteers are subject to vetting by the use of Criminal Records Bureau (CRB) checks.

A proof of age policy agreed by the Police and Local Authority shall be implemented. This will be either the Challenge 21 / Challenge 25 policy.

8. POLICY & GUIDANCE IMPLICATIONS

8.1 The following sections/paragraphs are applicable to this application:

8.2 Council's Statement of Licensing Policy

- Objectives, Section 4 on Page 8
- Fundamental Principles, Section 6 on Page 9
- Licensing Hours, Section 8 on Page 12
- Children and Licensed Premises, Section 9 on Page 12 to 14
- Licence Conditions, Section 13 on Page 16 and 17
- Delegation / Decision Making / Administration, Section 16 on Page 18 and 19

8.3 Guidance Issued under Section 182 of the Licensing Act 2003

- The Licensing Objectives – Crime and disorder, - Section 2 pages 16 to 19
- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Public Safety, Section 2 pages 19 to 21
- Protection of Children from Harm, Section 2 pages 23 to 25
- Determining applications – Section 9 pages 74 to 76
- Pools of conditions – Annex D page 125 to 142

9. LICENSING OFFICER'S COMMENT (FOR INFORMATION)

9.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is "not relevant" to the application.

9.2 Members should note that the letters attached are in their entirety and that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what 'weight' they attach to these areas

10. LEGAL OFFICER'S COMMENTS

10.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a new club certificate made under Section 71 of the Licensing Act.

10.2 In this case, the application was received at these offices on 7th August 2009.

10.3 The application before this committee will be treated on its own merits, and the Licensing committee will make its decision based upon

- The merits of the application
- The promotion of the four licensing objectives
- The statement of policy of the Licensing Authority

- The Guidance issued by the Secretary of State for Culture, Media and Sport on the 9th July 2009 under section 182 of the Licensing Act 2003.

10.4 The licensing authority may determine the application, depending upon what is necessary for the promotion of the licensing objectives, in any of the following ways:

- Decide to grant the licence in the same terms as it was applied for
- Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives)
- Exclude from the scope of the licence a licensable activity
- Decide to refuse to grant the licence

10.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Interested parties’:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Peterborough City Council

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Licensing Objectives’

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

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

'Rateable Value': as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

'Regulated Entertainment' (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

'Relevant Licensing Authority': is the Authority in the area the premises are situated.

'Responsible Authority' means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

'Supply of alcohol':

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

'Temporary Event Notice' means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

'the Act': means the Licensing Act 2003

'Vicinity': Given the normal everyday meaning of being 'near to' when considering the relevance of representations received from individual's residence or business.

Licensing Act 2003\glossary of terms 13 March 2007