

**BABERGH DISTRICT COUNCIL**

**FROM:** Head of Natural and Built Environment

**REPORT NUMBER:** **H160**

**TO:** LICENSING SUB-COMMITTEE

**DATE OF MEETING:** 19 January 2009

**LICENSING ACT 2003 - HEARING REPORT**

**1. SUMMARY**

1.1 To determine an application under the Licensing Act 2003 made by:

**Cornard United Football Club**

in respect of:

**Club Premises, Blackhouse Lane, Great Cornard, SUDBURY CO10 0NL**

The hearing is to determine an application to VARY an existing club premises certificate (Ref: BCP0026) made under section 84 of the Licensing Act 2003. For ease of reference a copy of the existing premises licence summary and conditions are attached as **Appendix 1**.

1.2 Generally, the variation seeks to include additional regulated entertainment activities and to increase some timings. All licensable activities are for the benefit of club members and bona fide guests only, and a club premises certificate does not authorise the 'public' activities that would be subject to a premises licence (or temporary events notice). The application form and accompanying plans are attached as **Appendix 2**.

**2. RECOMMENDATIONS**

2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers necessary for the promotion of the licensing objectives:

- to modify the conditions of the certificate;
- to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee is able to determine the variation application.

**3. THIS APPLICATION**

3.1 The holder of the certificate BCP0026 is Cornard United Football Club, and Mr Christopher Symes is the secretary and main contact point in respect of licensable activities at the club. Mr Symes is directly involved with the management of the football team and is often involved with organising events and running the bar. Unlike a premises licence under the Act, a qualifying club is not required to have any DPS or personal licence holders to authorise the sale and supply of alcohol.

3.2 The variation application seeks to carry on the following licensable activities:

- (a) Live music (indoors and outdoors). Note: Outdoors no more than twice per annum.
- (b) Recorded music (indoors and outdoors). Note: Outdoors no more than twice per annum.
- (c) Supply of alcohol (ON the premises only). This will occasionally include consumption of alcohol on some areas of the pitch (as defined in the plan included with Appendix 2).

The application identifies a 30 minute period for drink-up/dispersal Monday to Thursday, an hour on Friday/Saturday and none on a Sunday.

The application proposes increases in timings for licensable activities and opening, with the latest times being proposed as last supply of alcohol midnight and closure of 1am (Fridays and Saturdays). The original reference within the application to OFF sales has been removed by the applicant, as no alcohol sales for consumption away from the club premises will actually be permitted.

3.3 The statutory advertisements required by regulation have been published and displayed - including a newspaper advertisement of the application appearing in the Sudbury Mercury. The following consultees, as Responsible Authorities under the 2003 Act, have been served with a copy of the application and plan:

<b>RESPONSIBLE AUTHORITY:</b>	<b>RESPONSE:</b>
1. Chief Officer of Police	<b>Representations made and NOT withdrawn as no mediation agreements have been reached.</b>
2. Local Fire Authority	No representation or comments
3. Health and Safety Executive/Local Authority for Health and Safety at Work Act	<b>Representations made and NOT withdrawn as no mediation agreements have been reached.</b>
4. Environmental Health	<b>Representation made and NOT withdrawn as no mediation agreements have been reached.</b>
5. Local Planning Authority	Confirmed no objection.
6. Area Child Protection Committee	<b>Representations as per Chief Officer of Police comments.</b>
7. Any other Licensing Authority	Not applicable
8. Trading Standards	No representation or comments
9. Environmental Agency/British Waterways Boards/Maritime and Coastguard Agency	Not applicable.

3.4 Representations have been received during the statutory period from 'interested parties' as defined by the 2003 Act, as follows:

- Mrs L.Ford-Platt, Moorlands Barn, Blackhouse Lane, Little Cornard CO10 0NL
- Mr & Mrs C.J.Bowman, Moorlands, Blackhouse Lane, Little Cornard CO10 0NL
- Mr C.Ping & Mrs D.Ping, Little Wrongs, 81 Wells Hall Road, Great Cornard CO10 0NH
- Mr & Mrs J.Stuart, The Cottage, Blackhouse Lane, Little Cornard CO10 0NL

- Mr C.Richer & Mrs L.Richer, Blackhouse Farm, Blackhouse Lane, Little Cornard CO10 0NL
- Mr M.J.Brane, Moat Cottage, Blackhouse Lane, Little Cornard CO10 0NL
- Mrs P.A.Hume, Well House, Wells Hall Road, Great Cornard CO10 0NH

3.5 Copies of the above representations are attached as **Appendix 3**, together with a site plan identifying the approximate location of the interested parties in relation to the club premises. It should be noted that only matters relevant to the four licensing objectives should be considered when determining the application.

#### **4. GUIDANCE AND POLICY CONSIDERATIONS**

4.1 The Sub-Committee is referred in general terms to section 2 - 'The Licensing Objectives', section 6 - 'Club Premises Certificates', section 9 - 'Determining Applications' and section 10 - 'Conditions Attached to Premises Licences and Club Premises Certificates' of the Central Government Guidance (as revised June 2007) in respect of this application. Specifically sections 6.13 to 6.15 refer to the benefits clubs may bring to local communities and the need to not attach conditions unless they can be demonstrated to be strictly necessary.

4.2 The Government Guidance issued under section 182 of the Licensing Act 2003 advises that duplication with other statutory provisions is to be avoided (sections 1.16 and 10.15-10.18 refer) and that any conditions deemed strictly necessary to attach to a licence/certificate must be proportionate and focus on relevant measures that are within the direct control of the licence/certificate holder.

4.3 Licensing law is not the primary mechanism for the general control of individuals once they are away from the licensed premises and beyond the direct control of individual licensees (section 1.26 refers).

4.4 The Sub-Committee should have due regard to all relevant sections of the Council's Statement of Licensing Policy in respect of the determination of this application.

#### **5. THE ISSUE(S)**

5.1 The Licensing Act 2003 came into full effect on 24.11.2005. The four underlying objectives of the legislation are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

These are the **only** grounds upon which an application may be refused, or if deemed necessary, proportionate conditions may be attached to a licence.

#### **6. PROCEDURE TO BE FOLLOWED AT HEARING**

6.1 A copy of the 'Procedure for Hearing of Application under the Licensing Act 2003 where a Representation/Objection is received' is attached to the Agenda.

## **7. APPENDICES REFERRED TO**

- (a) Appendix 1: Summary of existing Club Premises certificate BCP0026 permissions
- (b) Appendix 2: Application together with premises plans
- (c) Appendix 3: Representations received and site plan

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