
LICENSING APPLICATION – LICENSING ACT 2003

1 SUMMARY

- 1.1 This report introduces an application for variation of a club premises certificate made under section 84 of the Licensing Act 2003.
- 1.2 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

2 BACKGROUND

- 2.1 The application was given to the Licensing Authority by Paul Robinson of The Old Bank, 470-474 London Road, Westcliff on Sea, SS0 9LD and refers to premises known as Hullbridge Sports & Social Club, Lower Road, Hullbridge SS5 6BP.
- 2.2 Appendix A consists of a copy of the original application form with copies of amendments to the original attached as sub-appendices, where relevant.

Description of Premises

- 2.3 The premises to which the application relates are a large brick building that trade as a registered club providing social, recreational and sporting facilities for its members. There is a member's bar and a separate bar serving a large function room
- 2.4 The premises are situated on the outer edge of a residential area approximately 1 mile to the east of Hullbridge village centre. They have a car park and an external patio area, outside of the licensed area.
- 2.5 Appendix B consists of a copy of the plan of the premises.

Previous Licences

- 2.6 A Club Registration Certificate was renewed for 5 years on 21 December 2000.
- 2.7 The premises are exempt under section 2 of the Private Places of Entertainment (Licensing) Act 1967 from requiring a licence to provide music, dancing or entertainment of a like kind which is not a public entertainment but is promoted for private gain.
- 2.8 A club premises certificate under section 71 of the Licensing Act 2003 was granted on 30 August 2005, following an application to convert the existing club registration certificate made under Schedule 8 of the Licensing Act 2003 and The Licensing Act 2003 (Transitional provisions) Order 2005.

2.9 Appendix C consists of a copy of the club premises certificate.

3 APPLICATION

3.1 The application is made in accordance with section 84 and schedule 8, part 2, paragraph 19 of the Licensing Act 2003 and The Licensing Act 2003 (Premises licence and club premises certificates) Regulations 2005.

3.2 The following licensable and qualifying club activities and hours of opening for the premises are being applied for: -

Activity	Time/s	Days
Films – including live broadcasts of sporting events and other recorded film, indoors only Indoor sporting events – indoor bowls Live music – both amplified and/or un-amplified live music, indoors only Recorded music – indoors only Provision of facilities for dancing, indoors only Alcohol – for consumption on the premises only, except to a member in person	(a) 1200 – 2300hrs	(a) Monday – Thursday
	(b) 1200 – 0100hrs the following day	(b) Friday
	(c) 0900 – 0100hrs the following day	(c) Saturday
	(d) 0900 – 2230hrs	(d) Sunday

3.3 Additional hours to the hours for licensable activity listed in paragraph 3.2 above are applied for in respect of: -

(a) New Year’s Eve from the terminal hour for licensable activity on that day until the start of licensable activity being permitted the following day.

- 3.4 The applicant has requested that club rules dated 27/04/2005 should replace those in effect on 07/02/2005, which amend the hours of operation of the club in line with those at paragraph 3.2 above.

Amendments to the application

- 3.5 The following amendments have been made to the application:-

(a) Windows and doors of the premises will be closed during the performance of live music and discos.

Conditions

- 3.6 The club premises certificate is subject to conditions and restrictions carried over from the conversion of the club registration certificate and the Mandatory Conditions required under sections 73 and 74 of the Licensing Act 2003.
- 3.7 The matters listed in the relevant sections of part B of the application form will be converted into new conditions on the varied club premises certificate, as will those arising from compromises reached prior to the hearing and any additional or amended conditions arising from the Sub-Committee's determination.

4 REPRESENTATIONS

- 4.1 Representations that might have been made by Environmental Protection Unit were withheld following resolution of issues and amendments to the application.
- 4.2 There have been representations from 7 Interested Parties, concerning issues of crime and disorder and public nuisance.
- 4.3 Appendix D consists of a copy of the representations received.

5 NOTICES

- 5.1 All parties involved have been served with the relevant notices and documentation required by paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005.
- 5.2 The notices and documentation included an explanation of the rights of persons to attend hearings and to be represented, to give evidence and to call witnesses, the consequences of not attending, the procedure to be followed at a hearing, and, for applicants only, a copy of all relevant representations made.
- 5.3 Paragraphs 8 and 9 of the regulations require that parties notify the Licensing Authority, no later than 5 working days before the hearing, of those matters mentioned in paragraph 5.2 above. A pro-forma and pre-paid envelope was

included for that purpose with the notices and documentation mentioned paragraph 5.2 above.

5.4 At the time of drafting this report, there has been no response from any of the parties.

5.5 It is not known whether or not the applicants will be represented.

6 POLICY CONSIDERATIONS

Legal provisions

6.1 The provisions of Licensing Act 2003, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 Licensing Act 2003 and the Statement of Licensing Policy, approved by Full Council for the period 7 January 2005 – 6 January 2008 need to be considered by Members in determining the application.

7 OPTIONS

7.1 The following options are available to Members: -

(a) Grant the application subject to such conditions as are consistent with the operating schedule, modified to such extent as Members consider necessary for the promotion of the licensing objectives.

(b) Exclude from the scope of the licence any of the licensable activities to which the application relates.

(c) Reject the application.

(d) Subject to paragraphs 11 - 13 of the Licensing Act 2003 (Hearings) Regulations 2005, adjourn the hearing to a specified date or arrange for a hearing to be held on specified additional dates, where Members consider this to be necessary for their consideration of any representations or notice made by a party.

8 RECOMMENDATION

8.1 It is proposed that the Sub-Committee **RESOLVES**

To determine the application, having considered all representations made at the hearing.

G Woolhouse
Head of Housing, Health & Community Care

Background Papers: -

None

For further information please contact Peter Nellies on: -

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