
LICENSING APPLICATION – LICENSING ACT 2003

Premises: Lords Golf and Country Club, Hullbridge Road, Rayleigh, Essex, SS6 9QS

1 SUMMARY

- 1.1 This report introduces an application for Review of a Premises Licence made under section 51 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 Mrs L Cowen, Clerk to Hullbridge Parish Council, on behalf of the Parish Council representing four local residents and refers to premises known as Lords Golf and Country Club, Hullbridge Road, Rayleigh, SS6 9QS.
- 2.2 The grounds for the application are based upon the licensing objectives prescribed under section 4 of the Licensing Act 2003 of:-
 - (a) The prevention of public nuisance.
- 2.3 Appendix A consists of a copy of the original application form with copies of the letters from residents to the Parish Council, together with extracts of minutes of the Parish Council meetings of 13 June 2011, item 7837 and 11 July 2011, item 7842.

Description of Premises

- 2.4 The premises to which the application relates are a large brick two storey building that trade as a golf and country club providing the customary club facilities to members, guests and visitors together with private entertainment for members, their guests and visitors or private pre-booked functions for non members e.g. weddings and wedding receptions, birthday and engagement parties. There is also a large marquee that is used for functions.
- 2.5 The premises are located in a rural area between Rayleigh and Hullbridge.
- 2.6 Appendix B is a plan of the premises and Appendix B1 is an aerial photograph of the area.

Licensing History

- 2.7 A premises licence under section 17 of the Licensing Act 2003 was granted to Hanover Golf & Country Club on 31 August 2005, following an application to

convert the existing justice's licence made under Schedule 8 of the Licensing Act 2003 and The Licensing Act 2003 (Transitional Provisions) Order 2005.

- 2.8 Under the converted licence alcohol could continue to be supplied, sold or consumed throughout the land forming the golf courses belonging to and adjoining Hanover Golf & Country Club.
- 2.9 At the same time an application under Section 34 of the Licensing Act 2003 was made to vary the licence to extend the hours the premises could operate for the sale and supply of alcohol both on and off the premises.
- 2.10 The application included the provision of regulated entertainment for plays, films, indoor sporting events, performance of dance and anything of a similar nature to music and dance to take place indoors only. Live music, recorded music, the provision of facilities for making music, provision of facilities for dancing and anything of a similar nature to take place both indoors and outdoors.
- 2.11 On 20 September 2005 this premises licence, with agreed conditions, was granted to Hanover Golf & Country Club.
- 2.12 On 6 November 2006 an application was made for the immediate transfer of the licence to Urban Developments London Ltd of Carlton House, 101 New London Road, Chelmsford, Essex, CM2 0PP.
- 2.13 At that time the name of the premises was changed to Lords Golf and Country Club.
- 2.14 On 11 March 2009 Hook & Partners Solicitors, on behalf of Lords Golf and Country Club (Rayleigh) Ltd of Carlton House, 101 New London Road, Chelmsford, Essex, CM2 0PP, made an application for the grant of a new premises licence for the premises.
- 2.15 The application was properly made and advertised. With no representations being made the licence was granted as requested on 14 April 2009 at which time the previous licence was surrendered.
- 2.16 Mrs Tonia Govey has been the premises supervisor since 14 April 2009.
- 2.17 The granted application permits the licensable activities within the times and days shown below: -

Activity	Time/s	Days
Sale by retail of alcohol (both on and off) and provision of Regulated Entertainment including plays, films, live music, recorded music, indoor sporting events including darts, pool, snooker,	(a) 8.00 – 24.00 hrs	(a) Sunday to Thursday
	(b) 8.00 – 01.00 hrs	(b) Friday & Saturday

Activity	Time/s	Days
performance of dance and anything of a similar nature. Provision of entertainment facilities including making music; dancing and anything of a similar nature (All to be carried out both indoors and outdoors).		
Provision of late night refreshment.	(a) 23.00 – 05.00 hrs	(a) Monday - Sunday

An additional hour is added to the above times on all public and bank holidays and all Fridays, Saturdays and Sundays preceding such holidays and on the following notable days, Maundy Thursday, Burns night, Valentines Day, 29 February, St David's Day, St Patrick's Day, St George's Day, Halloween (31 October), St Andrew's Day, Christmas Eve, 27 and 28 December.

Hours for New Years Eve are from the start of licensable activity on New Year's Eve to the end of licensable activity on New Year's Day.

- 2.18 The opening hours of the premises are at any time for non-licensable activities.
- 2.19 Appendix C consists of a copy of the premises licence.

Premises History

- 2.20 Council records show that after the weekend of 28/29 May 2011 numerous complaints were received from local residents for loud music being heard from the premises into the early hours of the morning. Similar complaints were received from residents for the nights of 11 and 18 June 2011.
- 2.21 The complaints came from Wellington Avenue, South Avenue, Lower Road and Queen Ann's Grove.
- 2.22 It would appear, from what the complainants are saying, that on each occasion an event was being held in the marquee that has been erected adjacent to the left hand side of the club house.

3 APPLICATION

- 3.1 The application is made in accordance with section 51 of the Licensing Act 2003 on the grounds of the licensing objectives relating to prevention of public nuisance experienced by four residents arising from very loud music up to 1 am coming from the premises on the nights of 11 and 18 June 2011.

4 REPRESENTATIONS

- 4.1 A representation with regard to the prevention of public nuisance has been received from Martin Howlett, Principal Environmental Health Officer of Rochford District Council's Environmental Protection Unit.
- 4.2 The representation, together with proposed licence conditions, is shown at Appendix D.
- 4.3 No representations have been received from other Responsible Authorities and three representations have been received from Interested Parties. These all relate to the licensing objective of the prevention of public nuisance.
- 4.4 The representations are shown at Appendix D1.

5 NOTICES

- 5.1 Notices advertising the application were placed by the Licensing Authority at or near the premises, at the Council's offices in Rayleigh and Rochford and on the Council's website, as required by paragraph 38 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.2 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, including 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 those 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.

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 2011 – 6 January 2014 need to be considered by Members in determining the application.
- 6.2 Section 10 of the Section 182 Guidance provides advice and recommendations concerning best practice in relation to attaching conditions to premises licences and club premises certificates. Paragraphs 10.11

onwards are of particular relevance to Licensing Sub Committees where consideration is given to imposing conditions.

7 OPTIONS

7.1 The following options are available to Members:-

- (a) To modify the conditions of the licence;
- (b) To exclude a licensable activity from the scope of the licence;
- (c) To remove the Designated Premises Supervisor;
- (d) To suspend the licence for a period not exceeding 3 months;
- (e) To revoke the licence;
- (f) 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.

Richard Evans
Head of Environmental Services

Background Papers: -

None.

For further information please contact Peter Nellies (Senior Licensing Officer) on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.