

Licensing Sub-Committee – Tuesday 18 December 2007

TO DETERMINE THE FOLLOWING APPLICATION RECEIVED UNDER THE LICENSING ACT 2003, FOR A NEW CLUB PREMISES CERTIFICATE WHEREBY RELEVANT REPRESENTATION HAS BEEN RECEIVED BUT MEDIATION HAS TAKEN PLACE WITH AN AMENDMENT BEING MADE TO THE APPLICATION. AS A RESULT ALL PARTIES CONSIDER A HEARING TO BE UNNECESSARY.

Report of the Licensing Manager

Statutory Powers: Licensing Act 2003

Financial Implications: There are no direct financial implications to the Council from this Report

Purpose

To determine an application for a new Club Premises Certificate for the below named premises in accordance with Section 72 of the Licensing Act 2003.

There is a link to the Council's priorities of CP2: 'Creating the conditions for the growth and maintenance of quality economic activity' and CP3: 'Maintaining the district's distinctive environment whilst enabling access and sensitive development'.

Recommendations

That the Sub-Committee consider the application for a Club Premises Certificate together with the amendments agreed following representations and to make a determination in respect of this applications, namely to:

a) To grant this certificate subject to

i) the conditions mentioned in section 72 (2)(a) [i.e. as applied for] modified to such an extent as the authority considers necessary for the promotion of the licensing objectives, and

ii) any conditions which must under section 73 (2) to (5) or 74 be included in the Certificate [i.e. The supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with a club premises certificate, to members for the club for consumption on the premises; any alcohol for consumption off the premises must be in a sealed container; and any supply of alcohol for consumption off the premises must be made to a member of the club in person.

b) to exclude from the scope of the certificate any of the qualifying club activities to which the application relates;

c) reject the application

in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

Background / The Issues

Summary of Applications

- 1 The premises for consideration is Harbertonford Football Club, Woodcourt Road, Totnes. These premises currently host football matches as part of the Devon County Football Association. They would like the opportunity to be able to supply alcohol to members/guests and visiting teams on match days. In order to be able to achieve this they must apply for a Club Premises Certificate to cover the licensable activity.
- 2 With regards the above application, only interested parties or responsible authorities may make representations.
- 3 The premises have received relevant representations and following mediation an agreement has been reached to amend the application, for example reducing the hours asked for or including additional conditions to achieve the four licensing objectives.
- 4 Parties have agreed, subject to the amendments being implemented on the Certificate that a hearing is unnecessary.
5. **The application can be found in Appendix A and the agreed amendment in Appendix B** (please note that due to the vast amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-Committee Members. Any interested parties who would like to receive full (or part) copies are asked to contact Member Support Service on (01803) 861273.

HARBERTONFORD

Harbertonford Clubhouse, Woodcourt Road, Harbertonford, Totnes

Risk Assessment

6 Risk Assessment

The following are the significant risks and opportunities identified;

Opportunity	Issues / Obstacles	Benefits
To review the application in line with: <ul style="list-style-type: none">• The Licensing Act;• National Guidance issued by the Secretary of State, and,• The South Hams District Council Statement of Licensing Policy.	The need to address the four Licensing Objectives written within the Act namely: <ul style="list-style-type: none">• The prevention of Crime and Disorder;• Public Safety;• The prevention of public nuisance; and• The Protection of	To be able to give consideration to representations made by 'Interested Parties' and / or 'Responsible Authorities' in line with the Licensing Objectives, namely:- <ul style="list-style-type: none">• The prevention of Crime and Disorder;• Public Safety;• The prevention of public nuisance; and

	<p>children from harm. (Also listed alongside as a benefit)</p> <p>Due consideration should be given to Guidance issued by the Secretary of State under section 182 of the said Act 2003.</p> <p>Due consideration should be given to the Council's Licensing Policy Statement.</p> <p>Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.</p>	<ul style="list-style-type: none"> • The Protection of children from harm.
To create an increased opportunity for employment in the district.	The above must always take precedence.	As detailed above.
An opportunity to maintain the districts distinctive environment whilst enabling access and sensitive development.	The above must always take precedence.	As detailed above.
To consider whether the proposal would promote tourism. The population doubles in the summer months with tourists and international visitors who are, in the main, families with young children and retired people – the very segments of society who would perhaps be deterred by anti-social behaviour.	The above must always take precedence.	As detailed above.

Conclusion

- 7 The Interested Parties who have made representation are satisfied that the implementation of the agreed variation will satisfy the licensing objectives. The granting of the certificate subject to the amendments will not set the certificate in stone. Parties can request a review of the certificate at any time if the objectives are not met.

Graham Munson
Licensing Officer
18th December 2007

Licensing Sub-Committee

Background Documents:

- Licensing Applications for a new Club premises certificate
- Representations received from the residents in the vicinity of the premises to hold a club premises certificate (where applicable) and written agreement agreeing the proposed amendments addressing the licensing objectives agreeing a hearing is unnecessary
- Written agreement from the applicant agreeing to the proposed amendment and that a hearing is not necessary
- Guidance on Meeting the Licensing Objectives
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy.