



NOTICE OF MEETING

Meeting:	Licensing Hearings
Date and Time:	Monday, 19th July, 2021 at 10.00 am
Place:	Council Chamber
Enquiries to:	committeeservices@hart.gov.uk
Members:	Butler, Delaney, Wildsmith Reserve: Farmer

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.

- **At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- **The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

Please download all papers through the Modern.Gov app before the meeting.

- 1 **APPOINTMENT OF CHAIRMAN**
- 2 **DECLARATIONS OF INTEREST**
- 3 **APPLICATION FOR A NEW PREMISES LICENCE**

This report is to enable members to consider and determine an application for a new premises licence for Crookham Street Social Club in accordance with the requirements of the Licensing Act 2003.

RECOMMENDATION

It is for members of the Licensing Sub-Committee to determine the application and consider the steps it considers appropriate for the promotion of the licensing objectives which may include one or more of the following options (s18(4)):

- Grant the licence subject to:
 - 1) The conditions consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives and
 - 2) Any mandatory conditions which must under section 19 (relating the sale of alcohol) and 21 (relating to door supervision) of the Licensing Act 2003 which must be included in the licence if relevant to the proposed activities.
 - Exclude from the scope of the licence any of the licensable activities to which the application relates
 - Refuse to specify a person in the licence as the premises supervisor
 - Modify the conditions of the licence or add new conditions
 - Reject the whole or part of the application

The Act allows mediation to take place between local parties, however they are not under any duty to. Both parties were given the opportunity to mediate but chose not to engage. The applicant felt that it would make sense for the proposed activities terminal hour to mirror with those hours already granted on the Club Premises Certificate.

BACKGROUND

Crookham Street Social Club, established in 1920 currently operates as a private members club under a Club Premises Certificate (CPC) issued by Hart District Council Licensing Authority in September 2005. An application for a premises licence to run alongside the CPC was received 28 May 2021. See Appendix 1. (The premises plan is attached at Appendix 2)

The proposed premises licence application activities:

Proposed Licensable Activities	Proposed Timings
The Sale of Alcohol for consumption on the premises only	Mon to Sat 11.00 – 00.00hrs Sunday 12.00 – 00.00hrs

	24 & 31 Dec. to terminate at 01.00hrs
Provision of Indoor Sporting Events	Mon to Fri 19.00 – 23.30hrs Sat & Sun 12.00 – 23.30hrs
Provision of Live Music	Friday 19.00 – 00.00hrs Saturday 11.00 – 00.00hrs 24 & 31 Dec. to terminate at 01.00hrs
Provision of Recorded Music	Friday 19.00 – 00.00hrs Saturday 11.00 – 00.00hrs 24 & 31 Dec. to terminate at 01.00hrs

The current Club Premises Certificate permits the following activities:

Permitted activities	Permitted Hours
Supply of Alcohol by a Club	Mon to Sat 11.00 – 00.00hrs Sunday 12.00 – 00.00hrs 24 & 31 Dec to terminate at 01.00hrs
Provision of Indoor Sporting Events	Fri & Sat 20.00 – 00.00hrs
Provision of Live Music	Fri & Sat 20.00 – 00.00rs 24 & 31 Dec to terminate at 01.00hrs
Provision of Recorded Music	Fri & Sat 20.00 – 00.00hrs
Conditions specific to live and recorded music	<p>1. The finish times (live and recorded music and anything similar, supply of alcohol) on Friday and Saturdays will be 00.00 hrs.</p> <p>2. The finish times may, as a seasonal variation or non-standard timing be up to 1am (in the cases of Live Music, recorded music and anything similar) on each of up to 24 occasions per year on a Friday, Saturday, Christmas or New Year's Eve provided:</p> <p>a. Hart District Council Licensing Authority is given prior notice of each occasion</p> <p>b. A written record is kept of the same.</p> <p>3. In the case of the supply of alcohol condition number 2 (two) applies except there is no restriction on the finish time on the morning following New Year's Eve.</p> <p>4. During regulated entertainment, external doors and windows will be kept closed after 22.00 hrs, in order to reduce public nuisance.</p> <p>A noise limiter is in operation at the</p>

	<p>Club which has been set and sealed by Hart District Council.</p> <p>Signs shall be erected at all exits asking Club users to respect neighbours and leave the Club and neighbouring area quietly.</p>
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The Council advertised the application on our website and notice boards. Officers are satisfied the advertising regulations for this application were complied with. The application is subject to a statutory 28 days consultation period in which responsible authorities and other parties are able to make representations which are relevant to the licensing objectives which are:

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

The applicant has proposed steps to promote the licensing objectives within the operating schedule of the application form, see section 18 of Appendix 1.

REPRESENTATIONS

Representations are relevant if they relate to the likely effect of the granting of the application in promotion of the licensing objectives. In other words, representations need to relate to the impact of licensable activities carried on from a premises on the licensing objectives.

Within the consultation period, one representation opposing the application was received relating to the Prevention of Public Nuisance objective. The representation mentions that complaints have been made in relation to the Club: *“Noise complaints date from 2002 (official complaints were also made in 2014 and 2020, both following long periods of unsuccessful direct complaints to CSSC)”*. In the absence of any comments by the Environmental Health department, a noise complaint was logged against the premises in 2013 and in 2019 a complaint was received and noise monitoring equipment was placed in the complainant’s property. The Club carried out remedial work to doors, windows, vent/extractor holes and a new air conditioning system was installed. The complaint was closed in January 2020. The representation can be found at Appendix 3. Any matters outside the scope of the licensing objectives are not considered relevant under the Licensing Act 2003.

No representation were received from any of the Responsible Authorities.

CONSIDERATIONS/DETERMINATION

In carrying out its licensing functions, a licensing authority must have regard to its “Statement of Licensing Policy” and the guidance issued under section 182 of the Licensing Act 2003. Relevant extracts of both documents are attached at Appendices 4 and 5. Members should note this does not preclude them from

considering the remainder of the guidance and policy.

When making a decision regarding this application, members must focus on licensing related matters only. The sub-committee can only determine matters relating to licensable activities and within the control of the licence holder. Members are required to take the steps they consider appropriate to promote the particular licensing objective that has given rise to the specific representations and avoid straying into undisputed areas. The sub-committee must set out reasons for their decision within the decision notice.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of this report.

EQUALITIES AND HUMAN RIGHTS

Equalities/Human rights - Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant/licensee and those making representations when making their decision. The sub-committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the District.

Legal Implications - The decision made by this sub-committee is subject to appeal rights to the Magistrates Court. Appeal rights must be included within the decision notice.

Where a decision is made that is contrary to the statement of Licensing Policy or is contrary to statutory guidance members must clearly state their grounds for departing from those documents within the decision notice.

- i The duties to take steps appropriate to promote the licensing objectives are referred to throughout this report..

CONCLUSION

The sub-committee must consider the application on its own individual merits and take into account all relevant matters then determine the applications by taking the steps it considers appropriate to promote the licensing objectives. The options available to the committee are detailed within paragraph 2.1 of this report.

APPENDICES / CONFIDENTIAL APPENDICES

Appendix 1 – Crookham Street Social Club – New Premises Licence Application Form

Appendix 2 – Premises Plan

Appendix 3 – Representation from member of the public

Appendix 4 - Relevant extracts from Hart District Council Statement of Licensing Policy

Appendix 5 - Relevant extracts from the section 182 guidance

BACKGROUND PAPERS:

The Licensing Act 2003

Hart District Council – Statement of Licensing Policy

Guidance issued under section 182 of the Licensing Act 2003

Date of Publication: Tuesday, 6 July 2021