

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Director of the Department for Place
to
Licensing Sub-Committee
on
11 October 2013

Report prepared by: Lee Colby

Thorpe Hall Golf Club, Thorpe Hall Avenue, Thorpe Bay, Southend-on-Sea, SS1 3AT
Application for the Grant of Premises Licence

LICENSING ACT 2003

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Thorpe Hall Golf Company Ltd, for the grant of a Premises Licence.

2. Recommendation

- 2.1 **That the Sub-Committee determines the application.**
- 2.2 **Should the Sub-Committee decide to approve the application, the relevant mandatory licence conditions must be applied. (These are set out in Appendix 1).**
- 2.3 **Appendix 2 sets out possible conditions, drawn from the application, for the Sub-Committee's consideration.**

3 Background

- 3.1 The application relates to a golf course located at Thorpe Hall Avenue, Thorpe Bay. The premise currently holds a Club Certificate and is run as a private members club.
- 3.2 The applicant has indicated the Club Certificate will be surrendered in favour of the Premises Licence although the club will still be run in the same style in general.

4 Proposals

- 4.1 The application was given to the Licensing Authority on 8th August 2013 and is for the grant of a Premises Licence for the golf course and building located within the boundary.
- 4.2 The hearing was delayed at the request of the applicant to allow time for negotiations with the objectors

4.3 Details of the application which are to be determined by the Sub-Committee can be briefly summarised as follows:

- a) To permit the sale of alcohol (for consumption on and off the premises) on Sundays to Thursdays from 07.00 hours to 00.00 (midnight) hours, and Fridays and Saturdays from 07:00 hours to 01:00 hours the following day. On New Year's Eve the permitted hours are extended to the start of permitted hours the following day.
- b) To provide regulated entertainment comprising of plays, films, indoor sports, live & recorded music, performance of dance along with anything similar on Sundays to Thursdays from 07.00 hours to 00.00 (midnight) hours, and Fridays and Saturdays from 07:00 hours to 01:00 hours the following day. On New Year's Eve the permitted hours are extended to the start of permitted hours the following day.
- c) To supply late night refreshment from 23.00 hours to 00:00 (midnight) Sundays to Thursdays and from 23:00 hours to 01:00 hours the following day on Fridays and Saturdays. On New Year's Eve from 23:00 hours to 05:00 the following day.
- d) To allow the premises to remain open to the public from 07:00 hours to 00:30 hours the following day Sundays to Thursday and from 07:00 hours to 01:30 hours the following day on Fridays and Saturdays.

4.4 The application seeks to permit the use of club house for those activities listed above, as well as allowing a marquee to be used for functions which will be located by the 1st Tee and to allow drinks to be served to members on tournament days while on the golf course.

4.5 The proposals are more fully documented in the application form which has been copied to Sub-Committee Members

5 Application Procedures

5.1 Applicants for grant of licence are required by law to send copies of their applications to all of the "Responsible Authorities". They are also required to display a notice giving brief details of the application in a prescribed form at the application site, and to publish the same information in a newspaper circulating in the area.

5.2 Representations have been received from three interested parties.

5.3 Conditions were agreed during consultation with both the Essex Police Licensing Unit and the Licensing Authority, in its role as a responsible authority. These are detailed in Appendix 3 and Appendix 4.

5.4 A copy of the representations has been provided to the Sub-Committee Members. In accordance with the legislation, all parties have been invited to attend the hearing.

6 Matters for Consideration

6.1 Formal objections having been made and not withdrawn or resolved, the Licensing Authority is obliged to hold a hearing to consider them. Further, having regard to such

representations, the Authority is required to take steps (if any) as it considers necessary for the promotion of the Licensing Objectives.

Thus, the Authority may:

- a) Grant the licence, subject to conditions consistent with the operating schedule (modified as considered necessary for the promotion of the Licensing Objectives) and subject to relevant mandatory conditions;
- b) Exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) Refuse to specify a person in the licence as the premises supervisor;
- d) Refuse the application.

6.2 The Licensing Act 2003 requires that the Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives. These are:

- a) The prevention of crime and disorder;
- b) Public safety;
- c) The prevention of public nuisance; and
- d) The protection of children from harm.

6.3 In carrying out its licensing functions, the Licensing Authority must also have regard to:

1. Its Licensing Statement, and
2. The guidance issued by the Secretary of State.

6.4 The Licensing Authority has, in accordance with the requirements of the Act, prepared and published a Statement of Licensing Policy, following formal consultation. Copies of this document, together with the statutory guidance, have been made available to all Licensing Committee Members.

7 Background Papers

7.1 Council's Statement of Licensing Policy.

8. Appendices

- 8.1 Appendix 1 - Mandatory conditions.
- 8.2 Appendix 2 - Conditions, drawn from the application, for the Sub-Committee's consideration.
- 8.3 Appendix 3 - Conditions agreed with Essex Police.
- 8.4 Appendix 4 - Conditions agreed with the Licensing Authority.

APPENDIX 1

MANDATORY CONDITIONS

The Licensing Act 2003 lays down certain mandatory conditions which must be applied to Premises Licences. These are summarised below:-

1. Where a Premises Licence authorises the supply of alcohol, the licence must include the following conditions:-
 - a) The first condition is that no supply of alcohol may be made under the Premises Licence;
 - i) At a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - ii) At a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.

The second condition is that every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a personal licence.

2. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Any individual who carries out security activities at the premises must be licensed by the Security Industry Authority.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-
 - (i) The outcome of a race, competition or other event or process, or
 - (ii) The likelihood of anything occurring or not occurring;
 - (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that:-
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml; and
- (b) Customers are made aware of the availability of these measures.

APPENDIX 2

CONDITIONS DRAWN FROM THE OPERATING SCHEDULE

1. The premises shall be run predominately in the style of a members club with a committee controlling the rules of the “club”.
2. Without prejudice to the general requirements of condition 1) above, the disciplinary code for the ejection and prevention of re-entry of members contained within the Club Rules shall be kept in operation. Members of the public when on the premises will be expected to behave in an orderly fashion. Any person behaving in an anti-social way shall be requested to leave the premises.
3. Closed circuit television (CCTV) surveillance shall be maintained in operation.
4. The Club shall ensure a sufficient number of staff and Club Committee members is maintained, such that managerial control is exercised to prevent crime and disorder.
5. No event shall take place without supervision by Club officers.
6. The Club shall maintain adequate measures, including the provision of emergency lighting and the fire alarm and the regular testing of fire equipment, for the safety of its members and their guests.
7. All staff shall be trained in fire awareness and adequate numbers of staff shall be trained as Fire Wardens.
8. All bookings for hiring the rooms shall be vetted by the committee to ensure the prevention of crime and disorder and public nuisance.
9. No children shall be allowed in the bar areas unless supervised or accompanied by an adult.
10. Cadet officers and assistants who supervise children shall undergo a Criminal Record check.
11. Adult entertainment or services, activities or other entertainment which may give rise to concern in respect to children shall not be provided.
12. The Club shall not accept bookings for people of 21 years of age or younger.
13. Bar staff shall be instructed to seek verification of age if they have reason to believe that a person who is unknown to them is under 25 years of age. A record shall be kept of any refusal to supply a person with alcohol by reason of age.
14. Club officers shall be in attendance at functions with regular patrols to ensure the prevention of public nuisance.
15. Hirers of the premises shall be advised that persons using the premises should have consideration to neighbours and leave quietly.

16. Activities in the marquee will be subject to the following additional measures:

- a. Adequate numbers of Club staff shall be in attendance which will include a trained first aider and a trained Fire Warden.
- b. The marquee shall be positioned such that the windows/doors face away from the highway and local houses to minimise noise disturbance.
- c. Adequate numbers of staff shall be provided to ensure litter is cleared away from the area daily.

APPENDIX 3

CONDITIONS DRAWN FROM MEASURES AGREED BETWEEN THE APPLICANT and THE POLICE

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of an Essex Police Crime Prevention Adviser. All licensed areas will be covered with a camera recording frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or Authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
2. The Marquee will have a maximum capacity of four hundred (400) including staff.
3. The club house will have a maximum capacity of two hundred (200) including staff.
4. The Marquee will be sited in the area of the first tee as indicated on the plan ref T.H.G.C. 3/2013.
5. The Licensee shall ensure that all amplified music and or sound is played through a noise limiting device, the level of which shall be set by an acoustic consultant or competent acoustician to prevent statutory noise nuisance and maintained at that level thereafter.

APPENDIX 4

CONDITIONS DRAWN FROM MEASURES AGREED BETWEEN THE APPLICANT and THE LOCAL AUTHORITY

1. The use of the Marquee shall be limited to a maximum of thirty-one days each calendar year and a maximum five events each calendar year. The maximum duration of any one event shall not exceed seven days.
2. The licensable activities outside of the club house and the Marquee (when in use) shall only take place between 08.00 and 19.00 when in British Summer time and between 08.00 and 18.00 in Greenwich Mean Time.
3. Alcohol outside of the Club House and Marquee (when in use) may only be sold from the Captain's Cabin and/or a Club motorised trolley.