

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

**APPLICATION FOR REVIEW OF THE PREMISES LICENCE - LEGENDS
CUE AND SPORTS CLUB, FIRST FLOOR, 17 MARKET PLACE,
RINGWOOD**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday, 7 April 2011 at 10.00 a.m.**

1. Members of the Licensing Sub-Committee

Councillor - G C Beck (Chairman)
Councillor – J Penwarden
Councillor – S S Wade

2. Parties and their Representatives attending the Hearing

Mr Spinks – Counsel for Hampshire Constabulary, Applicant for the Review
Representatives from Hampshire Constabulary:

Insp Douglas
PS Adams
PS Barry
PC Waller
Ms G Fice

Mr E Vandyck – Environmental Health Officer.

Mr P Weston – Licensing Officer.

Mr N Jones – Representing the Premises Licence Holder
Ms N Binden – Premises Licence Holder
Mr B Maddern – Witness for the Premises Licence Holder.

3. Other Persons attending the Hearing

Mr R Davis
Cllr S Rippon-Swaine
Cllr J D Heron
Mrs L Clarke – Solicitor, New Forest District Council

4. Parties not attending the Hearing

Ms M Earl – Hampshire Children’s Safeguarding Unit.
Ringwood Town Council

Mr and Mrs Lister
Mr Summer
Mr Tomlinson

5. Officers attending to assist the Sub-Committee

Tory Putnam – Legal Advisor
Jan Debnam - Clerk

6. Decision of the Sub-Committee

The Sub-Committee decided that the following amendments should be made to the License for the Premises:

Sale of alcohol – to be amended to 10:00hrs – 23:45hrs every day

Opening hours – to be amended to 10:00hrs – 24:00hrs every day

Licensable activities authorised by the License to include:

- (b) Films
- (c) Indoor Sporting Events
- (e) Performance of Live Music
- (f) Recorded Music
- (h) Entertainment of a similar description to that falling within (e), (f) or (g)
- (i) Provision for facilities for making music
- (j) Provision for facilities for dancing

to be amended to 1000hrs – 2300hrs every day

- (l) Late Night Refreshments – to be amended to 23:00 to 24:00 every day.

With the removal of all non standard timings in relation to the sale of alcohol and regulated entertainment.

The following additional conditions to be added to the Licence:

1. The premises will operate the Challenge 25 Scheme; Challenge 25 posters will be displayed in prominent positions at the premises.
2. All staff will be trained to challenge every individual who appears to be under 25 attempting to purchase alcohol. The training will be refreshed every six months, individual written staff training records will be kept for a minimum of 12 months and produced to the police, licensing authority and trading standards on request.
3. The premises will only accept photographic driving licences, passports or PASS accredited photo identification.

4. A written log shall be kept of all refusals including refusals to serve alcohol, refusals of entry and/or ejections from the premises. The premises licence holder shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a monthly basis. The written log shall be produced to the police, licensing authority and trading standards on request
5. Toilets will be checked every 2 hours by staff who must be trained to look out for suspicious or illegal activity occurring. A record of the checks will be retained for 31 days and produced to the police and licensing authority on request.
6.
 - (a) A CCTV system will be installed and maintained at the licensed premises. As a minimum, it will enable surveillance of both external and internal areas of the premises as specified by the police.
 - (b) There will be a recognition camera situated at the entrance of the premises to capture customers' access and egress.
 - (c) The CCTV will be continually recording at all times that the premises are open.
 - (d) Recordings from the system will be of a quality acceptable to the police.
 - (e) Recordings from the system will be securely retained at the licensed premises for a minimum period of 30 days.
 - (f) The CCTV system will be maintained on a weekly basis to ensure that the date and time are correct to either BST or GMT. These weekly checks will be recorded and kept for a minimum of 12 months and produced to the police or licensing authority on request
 - (g) Recordings will be surrendered to Hampshire Constabulary or the Licensing Authority in a playable format immediately on request.
7. All staff will be trained to the standard of the nationally recognised qualification for personal licence holders. The training will be refreshed every 6 months and individual training records shall be maintained for each member of staff, and retained on the premises for at least 12 months. The records shall be produced to the police or licensing authority on request. Any staff who are not trained to this standard will not be permitted to personally sell alcohol.
8. Doorstaff shall be on duty at the premises from 21:00 to the close of business on Friday, Saturday and Sundays prior to a bank holiday. There will be no fewer than 2 for the first 100 customers and an additional 1 for every 50 customers thereafter. Door staff shall wear high visibility long sleeved jackets to the BS EN 471 or equivalent standard. They should be a colour other than yellow (to differentiate between door staff and emergency services). The jackets should have appropriate holders for SIA badges to allow for clear identification.
9. The management will ensure that accurate control of numbers/capacity is undertaken. This will be by a method previously approved by the Local Authority but in any case not less effective than SIA registered door stewards, utilizing "clickers" to manually count people in and out of the premises.
10. All doorstaff will be in radio contact with each other.

11. The premises licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide upon request by the Licensing Authority or any Police Officer the following details.
 - The registration number, name and date of birth of that person
 - The time at which he/she commenced that period of duty, with a signed acknowledgement by that person
 - The time at which he/she finished the period of duty, with a signed acknowledgement by that person
 - Any times during the period of duty when he/she was not on duty
 - If that person is not an employee of the Premises Licence Holder, the name of the person by whom that person is employed or through whom the services of that person were engaged
 - The register shall be so kept that it can be readily inspected by the Licensing Authority or any Police Officer
 - The duty register shall comprise a bound, consecutively page numbered book and the Premises Licence Holder or DPS shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.
 - The premises licence holder shall notify the council and the chief officer of police of details of any staff employed in the capacity of a door/security person dismissed by him/her for serious misconduct which might affect the continuation of, or renewal of, his/her registration.
12. There will be a designated member of staff whose role is to patrol all areas of the premises at least hourly to identify and prevent any potential problems. The member of staff will be trained to the standard of the Conflict of Management Course offered by the British Institute of Innkeepers and individual training records shall be maintained for each such member of staff, and retained on the premises for at least 12 months. The records shall be produced to the police or licensing authority on request. These staff are trained to this standard in order to recognise the signs of drunkenness, drug abuse or any activity which may lead to crime and disorder.
13. The premises will operate a membership scheme in accordance with rules dated and signed on 7 April 2011, and attached hereto. These rules may only be amended by prior written agreement of Hampshire Police and New Forest District Council Environmental Health.
14. On Friday evenings into Saturday mornings and Saturday evenings into Sunday mornings the licence holder will ensure that persons leaving the premises leave the rear courtyard and do not loiter therein. The license holder will also use their best endeavours to prevent the commission of any public nuisance or crime and disorder in the immediate vicinity outside of the premises insofar as that is within their control.
15. The licence holder will ensure that all use of the smoking area will cease by 23:30 hours and will display a fixed notice within the smoking shelter to the effect that this area shall not be used after 23:30 hours.

7. Reasons for the Decision

The Sub-Committee carefully considered the application along with the evidence, both written and oral, supplied by the Police, who were the Applicant for the Review of the Premises License, the supporters of the Review and also the representatives of the Premises License Holder.

There had been extensive consultations between the Police, representatives of the Designated Licence Holder and the Environmental Health Officer during the course of the Hearing which had established an agreed set of amendments to the conditions regarding the hours for the sale of alcohol and for the provision of regulated entertainment, together with additional conditions controlling the operation of the premises. The Police and the Designated Premises License Holder, and their representatives had indicated, in writing, their agreement to these changes to the conditions on the licence. In addition the Environmental Health Officer and Mr Davis, a local resident present at the hearing, indicated that they were content for these restrictions to be applied.

The Sub-Committee accepted that by imposing the proposed amendments to the License, a different clientele, with different aspirations from their evening's entertainment, should be attracted to the premises. By ceasing the provision of regulated entertainment at 23:00 hours and the sale of alcohol at 23:45 hours, with the premises to be cleared by 12 midnight, it was expected that the clients of the premises would disperse more gradually, and in a more orderly manner, causing less disturbance to local residents.

The controls on regulated entertainment would not affect the Darts League events which were held monthly at the club. The restrictions would not therefore prejudice the continuation of the premises as a sports club.

The Sub-Committee was satisfied that the proposed amendments were proportionate to address concerns raised by the Applicant for the Review, whilst still entitling the Licence Holder to operate the business within the Licensing Objectives.

Date: 11 April 2011

Licensing Sub-Committee Chairman: Cllr G C Beck

FOR OFFICE USE ONLY

Decision notified to interested parties on 11 April 2011

APPENDIX TO THE DECISION NOTICE

Legends Club Rules, Terms and Conditions (at 7 April 2011)

Name

1. The club is called Legends.

Objects

2. The objects of the club shall be to provide sporting and social facilities for its members and their guests and for enjoying general entertainment and the supply of intoxicating liquor at the club premises.

Constitution

3. The club is a proprietary club, the proprietor being Bindle Ltd t/a Legends.
4. The club premises is located at First Floor, 17 Market Place, Ringwood, Hampshire, BH24 1AN.
5. For the purpose of these rules and the management of the club the expression "the proprietor or the proprietors" wherever used in these rules, shall mean the Director(s) of Legends or and other persons as the company may from time to time appoint to act on its behalf with the delegated authority.

Membership

6. There shall be the following categories of membership:-
 - a. Full Membership – over 18 years.
 - b. Joint Membership – husband and wife or boyfriend/girlfriend living at same address both over 18.
 - c. Junior Membership – 14-17 years.
7. Free Membership is offered to Members who represent the club or at the discretion of the Proprietor.
8. Applications for membership must be proposed by the proprietor, a member of staff or another member of the club who shall vouch for the applicants fitness for membership. Proposals for membership must be on the forms provided for that purpose and must be completed in full and signed by the applicant for membership.
9. Subscriptions are set and published by the Proprietors at such level as they think fit and their decision in this respect shall be final.
10. Subscriptions shall be due and payable on acceptance as a member and thereafter annually or on such date(s) as the proprietors may decide from time to time.

11. When an accepted applicant has paid their first annual subscription, they shall be a member of the club and be entitled to all the privileges of membership and shall be deemed to have agreed to be bound by these rules.
12. Every member shall be issued with a Membership Card and a copy of the Club Rules. The membership card will show the Member's name, date of birth and photograph. New Members will be issued a temporary membership card immediately and must be issued with a full membership card within 7 days of joining.
13. Entry to the Club may be refused to any person not having their Membership Card in their possession.
14. Membership is not transferable.
15. The Proprietor may terminate the Membership of any Member whose subscription is more than one month in arrears. His/her name shall be removed from the list of registered Members and he shall immediately cease to be a Member and forfeit all rights of Membership.
16. The appointment and dismissal of all Club servants shall be vested solely in the Proprietor. Any Member who shall interfere with such appointment or who shall incite any Club servant to leave the employment of the Club shall at the discretion of the Proprietors be expelled.
17. Each Member shall inform the Management or Proprietors of his/her address and promptly of any changes thereto. Notices may be given to Members either by prepaid letter addressed to the relevant Member at the last address he/she furnished to the Proprietor or by prominently displaying such notice to Members on a notice board within the Club.

Membership Rights and Liabilities

18. Every member of the club shall be subject to the rules in force and are entitled to use and enjoy (in common with other members of the club) the club premises and things therein, provided by the club or the use of the club, except when the equipment is required for special events and competitions and shall not by reason of his or her membership be under any financial liability.

Guests

19. Members may introduce bona fide guests but no person shall be permitted as a guest at the club on more than six occasions in any one year, if so they must then apply to become a member of the club.
20. If a member introduces a guest (Up to 6 Guests at any one time), the name and address of the guest shall be written in the visitors Book kept for that purpose.

21. On application to the proprietor a member may introduce to the club on a special occasion, which has previously been pre-booked, an unrestricted number of guests, providing that the names and addresses of these guests are available for inspection at the club premises 48 hours before the special occasion takes place.
22. Members must accompany their bona fide guests introduced by them during the period of their stay in the club and it shall be the member's responsibility for their good conduct whilst they are on the club premises and that they comply with the rules of the club.
23. Members must not leave the club premises before their guests.
24. The following shall not be admitted as guests:-
 - a. former members who have been expelled
 - b. persons who, having applied for membership, have been rejected
 - c. members who are under suspension
25. Guests shall pay an admission charge as directed – this can be changed at the discretion of the proprietor.

Bye-Laws

26. The Proprietor from time to time can make, vary and revoke bye-laws (not inconsistent with these Rules) for the regulation of the internal affairs of the Club and the conduct of Members. Until revoked all bye-laws shall be binding on the Members.

Conduct of Members

27. A member may resign his/her Membership at any time by letter delivered to the Management or Proprietor.
28. The Proprietor may terminate or suspend the membership of any member whose conduct whether inside or outside the club premises is in the opinion of the proprietor contrary to the interests of the club or is harmful to its reputation, without giving any reason for so doing.
29. A Member expelled shall forfeit all the privileges or Membership without claim for any refund of subscription.
30. No illegal gambling or betting shall be allowed in the club and any member who is found to have broken this rule shall be suspended forthwith.
31. No drunkenness, bad language or disorderly behaviour shall be permitted on the premises.
32. The Management or the Proprietors shall have the power to refuse admission to or require to leave any Member or guest if in their sole opinion it is in the interests of the Club.

33. Any member or guest whose conduct whether inside or outside the club premises is in the opinion of the proprietor contrary to the interests of the club or is harmful to its reputation, will be excluded from the club for a minimum of 3 months, for serious mis-conduct the offenders will be nominated for Pubwatch.
34. If at any time it should become necessary to close the club premises for any reasons whatsoever or to cease the club's activities, members shall have no claim of any kind whatsoever against the club or against the Proprietors and members shall acquire no Proprietary rights in the Club premises or any property of the club.

Intoxicating Liquor

35. The sale or supply of intoxicating liquor in the Club shall be permitted within the general licensing hours in force within the licensing district in which the Club premises are situated (subject to any extension from time to time permitted to the Club) and the bar opening hours shall be fixed by the Proprietor.
36. Intoxicating liquor shall be sold to Members and their guests and to visitors in accordance with the terms and conditions imposed by the licences granted in respect of the Club's premises. Only intoxicating liquor sold by the club bar may be consumed on the premises.
37. No person under the age of 18 years may purchase nor consume liquor on the premises.
38. There shall be no Off Sales except to members of the club in person.
39. A Visitors Book will be kept at the club. Each guest will sign and have both his name and address printed in the book and then this entry signed by the member of whom he is the bona fide guest. This book will be produced on demand to any police officer visiting the club, whilst on duty, for his inspection.

Hours of Opening

40. The Club opening hours will be displayed on the Club premises and can be lengthened or shortened at the discretion of the Proprietor.

Responsibility

41. The Club and the Proprietor cannot in any circumstances be responsible to Members or their guests for:
 - a. Loss or damage to any property of any kind while it is in or about the Club, or

- b. Loss or damage to vehicles parked, collected or driven by staff or agents of the Club, or to the contents or accessories of any such vehicles.

Capacity

- 42. Capacity is the figure deemed to be full in accordance with local authority guidelines, in particular those laid down by the Fire Authority.
- 43. Where capacity is reached the Management will be required by the Proprietor to refuse admission, regardless of Membership status.

Damage and Breakage

- 44. Any damage to the premises, equipment, furniture or fittings must be reported immediately to a member of staff or the Proprietor. The Club must be reimbursed for any damage caused by members or their guests.

First Aid/Accidents

- 45. There is a First Aid box in the bar area for the treatment of minor injuries. All injuries should be reported in the Club Accident Book, normally kept behind the bar. All such reports should be made within 24 hours of the accident.

Animals

- 46. Animals are not admitted in the Club without prior permission of the Proprietor (except those trained or under training for the task of guide dogs for the blind or deaf).

Car Parking

- 47. All vehicles must be parked in the authorised car park and are parked at the owner's risk.