

## LICENSING SUB-COMMITTEE - 27 SEPTEMBER 2013

### APPLICATION TO VARY A CLUB PREMISES CERTIFICATE: TOTTON RECREATION CLUB, 66 RUMBRIDGE STREET, TOTTON

#### 1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application to vary a Club Premises Certificate under Section 84 of the Licensing Act 2003.

#### 2. APPLICATION

- 2.1 Totton Recreation Club has made an application for the variation of club premises certificate 567. The application requests a variation to the licensing hours for the supply of alcohol, seeking to remove the mid day break but maintaining both the current start and end times.

- # 2.2 The application is attached as **Appendix 1**.

#### 3. REPRESENTATIONS

- 3.1 The application has received 1 letter of objection on the grounds of public nuisance.

- # 3.2 A copy of this representation is attached as **Appendix 2**.

#### 4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These being:

- The prevention of Crime and Disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

- 4.2 In determining the application the Licensing Sub-Committee must give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The relevant representations presented by all the parties;
- The Home Office guidance;
- The Council's own Statement of Licensing Policy.

- # 4.3 The following relevant section (paragraphs 9.38 - 9.40) of the current Home Office guidance issued under Section 182 of the Licensing Act 2003 relating to the determination of applications is attached as **Appendix 3**.

#### 5. CONCLUSION

- 5.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:

- Grant the application;

- Reject part of the application;
- Reject the whole of the application.

## **6. RECOMMENDATION**

6.1 That the Licensing Sub-Committee determines the application.

### **Further Information:**

Paul Weston  
Licensing Services  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)

### **Background papers:**

Appendix 1 (Section 84 Application)  
Appendix 2 (Relevant Representation)  
Appendix 3 (Home Office Guidance)



**New Forest**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
 licensing@nfdc.gov.uk  
 Telephone: 023 8028 5505

\* required information

**Section 1 of 17**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?  
 Yes  No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Is your business registered outside the UK?  Yes  No

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 17**

**APPLICATION DETAILS**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 17**

Continued from previous page...

**VARIATION**

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe briefly the nature of the proposed variation

To extend current opening selling alcohol

**Section 4 of 17**

**PROVISION OF PLAYS**

Will the schedule to provide plays be subject to change if this application to vary is successful?  
 Yes  No

**Section 5 of 17**

**PROVISION OF FILMS**

Will the schedule to provide films be subject to change if this application to vary is successful?  
 Yes  No

**Section 6 of 17**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?  
 Yes  No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?  
 Yes  No

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**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

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**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

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**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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**ADULT ENTERTAINMENT**

**Continued from previous page...**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.



*Continued from previous page...*

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

I have attached a copy of the premises certificate to the cheque which I am posting direct to you at Appletree Court

**Section 16 of 17**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

b) The prevention of crime and disorder

Continued from previous page...

c) Public safety

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d) The prevention of public nuisance

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e) The protection of children from harm

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**Section 17 of 17**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

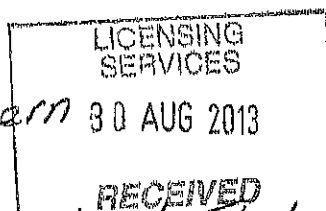
Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

28/8/2013.

7, Brokenford Avenue  
Totton  
Southampton  
SO40 9DZ.

\* Objection \*



To, Whom may Concern 30 AUG 2013

I have only just found out that the Recreation Club on Robnbridge Street Totton is applying for some sort of change in there licencing hours. I am apposed to the change. I have complained in the past but to no avail. I know the Council have wrote letters about the Noise and the Fowl Language, children left to there own Devices. Maybe for a few month, it is a bit better, but then it goes back to How it was, with Total Disrespect for the people who live close to the Club, and Disrespect for the Council, As the Manger once told me the Council will do Nothing, so go ahead and complain. I have spoken to some of my Neighbours today. at this short Notice.

X Brokenford Avenue Totton.

is of the same opinion as myself.

I have Also spoken to

X Brokenford Avenue Totton.

who has a small child. Agrees to the apposed change. Have once seen. Children Throwing Balls over the Club wall in the Street. Then Climbing over the wall to get the Balls. while he is trying to Park his Car. As a Neighbour, I expect to hear some Noise from the Club, living so Near. But when the Smoking Ban came in. They Now go outside. leave Doors open. let the children Play in this area. Fowl Language from the adults. IF the changes in the licencing Time change These matter will only get Worse.

PATRICIA SORRELL

**HOME OFFICE**

**AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003**

**October 2012**

**DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES**

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.