

Committee: LICENSING
Date: 26 September 2005
Agenda Item No: 4
Title: THE NEWPORT CLUB ELEPHANT GREEN NEWPORT
Author: Murray Hardy (01799) 510598

Summary

- 1 This report sets out an application to convert the existing club registration certificate under the Licensing Act 2003 and simultaneously vary the licence. Representations have been made to the Licensing Authority regarding the proposed variations, so therefore this application has been referred to the Committee for deliberation.

Background

- 2 The Newport Club is situated at Elephant Green, Newport near to the junction of High Street and operates as a Registered Club under a Club Registration Certificate. It is managed by Officers and Committee Members of the club and operates in accordance with the approved rules of the club.
- 3 The objectives of the club are to afford to its members the means of social intercourse, mutual helpfulness, mental and moral improvement and rational recreation. Admission to the club is by way of being a member and the current rules do not permit a person under the age of 17 years to enjoy the privileges of being a member.
- 4 Visitors may be permitted to enjoy the facilities of the club provided they are accompanied by a member. The details of their visit must be recorded in the visitor's book.
- 5 The current club rules permit the supply of intoxicating liquor during times which are agreed by the Committee, but are in accordance with the provisions of the Licensing Act 1964.
- 6 The application made on behalf of the club has been submitted by Elizabeth Affleck who is the current club secretary.
- 7 The club are applying for a conversion with a simultaneous variation, so as to extend the hours for the sale of alcohol and to include licensable activities which have not been previously licensed.
- 8 The applicants have applied for a licence in respect of the following activities

- a) Live music for inside the premises only on Fridays and Saturdays between the hours of 8pm to 12.30am. This would be in the form of a karaoke and the non-standard times also includes Bank Holidays and Christmas Eve.
- b) Recorded music for inside the premises only which is not amplified during the evenings when the bar is open. For the non-standard timings an extension is sought to cover Bank Holidays.
- c) For anything of a similar description to paragraphs (a) and (b) above including performance of dance the times sought are 8pm to 12.30am on Fridays and Saturdays.
- d) The hours sought for the supply of alcohol for consumption on the premises only are

Thursdays 5pm – 12.30am
 Fridays and Saturdays 11am – 12.30am

For the non-standard timings which include Bank Holidays, weekends, Christmas Eve, Boxing Day, New Years Eve and New Years Day then an extra 30 minutes is sought until 1am.

- 9 The club in its operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder.

- Check members are signed in
- Check age of member and their guests
- Good visibility in all parts of the premises
- No person under 18 allowed to purchase alcohol

- 10 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding public safety:

- Premises checked regularly for any hazard
- Fire equipment checked on a regular basis
- Exits lights illuminated
- Fire certificate checked on a regular basis by the Fire Authority

- 11 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of public nuisance:

- Members informed to be quiet when leaving premises
- The level of noise coming from music being played to be kept to a minimum
- Noise levels to be checked
- No consumption of alcohol permitted outside club premises

- 12 The applicants in their operating schedule have indicated that the following measures will be taken to promote the licensing objective regarding the prevention of crime and disorder
- Children only allowed on premises with a responsible adult
 - Premises checked on a regular basis to reduce any harm that could be caused by a hazard
- 13 Copies of this application have been served on the statutory bodies which have attracted no representations. The Licensing Authority have received representations from interested parties. These are based on the licensing objective for the prevention of public nuisance and mainly concern noise being emitted from the premises late at night. The premises are situated in a mainly residential area.
- 14 In carrying out its statutory function, the Licensing Authority must promote the licensing objectives as defined in the Licensing Act 2003, i.e:-
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 15 When determining an application then due regard should be given to the Council's policy regarding licensing and the Secretary of State's Guidance.
- 16 The decision which the Committee can make for this application is to:-
- Grant the application
 - Modify the application by inserting conditions
 - Remove the licensable activity from the license
 - Reject the application
- 17 If the Committee in their discretion wishes to impose conditions, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application is determined
- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to give evidence on behalf of the authority.

Background papers: Operating Schedule from applicant
Plan of Premises
Letter from interested parties
Location of Premises