

Committee: LICENSING
Date: 12 December 2006
Agenda Item No: 2
Title: THE CONSERVATIVE CLUB SAFFRON WALDEN
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Summary

- 1 This report sets out an application for a review of the club premises certificate in respect of the Conservative Club, Saffron Walden. The application is being made by the Principal Environmental Health Officer.
- 2 The Licensing Act 2003 places an obligation on a Licensing Authority to promote the objectives contained within the Act. The objectives are listed below:-
 - The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.
- 3 An application for a review can be made by a responsible authority or interested party. A statutory body is defined under the Act as one of the following:-
 - (a) The Chief Officer of Police.
 - (b) The Chief Fire Officer.
 - (c) The enforcing authority within the meaning of Section 18 Health and Safety at Work 1974.
 - (d) The local planning authority within the meaning given by the Town and Country Planning Act 1990.
 - (e) The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.
 - (f) A body which represents who are responsible for, or interested in matters relating to the protection of children from harm and is recognised by the Licensing Authority as being competent to advise it on such matters.
- 4 An application for a review may also be made by an interested party and this is defined as follows:-

- (a) A person living in the vicinity of the premises.
 - (b) A body representing persons who live in that vicinity.
 - (c) A person involved in a business in that vicinity.
 - (d) A body representing persons involved in such businesses.
- 5 This review is being sought on the grounds that relate to the licensing objective that deals with the prevention of public nuisance.
- 6 An application for a club premises certification for conversion of the existing licence was made in May 2005, with a simultaneous variation. Representations were received on the application from residents and the Environmental Health Officer.
- 7 On 5 July 2005, following a licensing hearing, a club premises certificate was issued in the following terms, which would take effect from 24 November 2005.
- 1 The outdoor area must not be used for amplified music other than between the hours of 12 noon and 6.00 pm.
 - 2 The function room must not be used for amplified music later than 11.30 pm on Saturdays and no later than 11.00 pm on the remaining days of the week and no later than 12 midnight on New Year's Eve. The function room shall not be used more than once in any fourteen day period, unless the sound is not clearly audible at the adjoining property.
 - 3 A scheme of soundproofing for the function room must be agreed with the Licensing Authority and implemented to the Licensing Authority satisfaction within 3 months of the licence coming into force.
 - 4 All windows and external doors shall be closed save for access and egress when amplified music is being played.
 - 5 A nominated steward shall assess the impact of amplified music events on any residential property at the start of the event and periodically throughout the event and shall take steps to reduce the level of noise where it is likely to cause disturbance to residents.
 - 6 The club shall nominate two Hackney Carriage or Private Hire companies for the purpose of collecting persons when leaving the premises. The numbers of those companies shall be prominently displayed on the club premises.
 - 7 The company shall be instructed to inform their drivers to behave considerately and not to sound their horns on arrival at the premises and not to leave their engines running unnecessarily.

- 8 The supply of intoxicating liquor will be confined to members of the club and their bonafide guests and the hours shall be on Mondays to Fridays, 11.00 am to 2.30 pm, 6.00 pm to midnight. Saturdays, 11.00 am to 12 midnight. Sundays, 12 midday to 11.00 pm.
- 8 Conditions 1-4 above were included on the Licence following agreement between the Environmental Health Officer and the Club as a result of the representations that had been made the Principal Environmental Health Officer based on the licensing objective relating to the prevention of public nuisance.
- 9 Since the commencement of the club premises certificate noise and nuisance complaints have been received by the Principal Environmental Health Officer from local residents which are attributable to the Conservative Club.
- 10 The evidence relating to the failure to comply with the conditions is contained in a background paper which is attached to this report. It should be noted that meetings have taken place between the Principal Environmental Health Officer and representatives of the club in an attempt to resolve the concerns that were being expressed.
- 11 In accordance with the Licensing Act 2003, the Principal Environmental Health Officer served copies of this application on all of the responsible authorities and on the club itself.
- 12 Upon receipt of this application, the Licensing Authority advertised this fact on its website and on its public notice board at Saffron Walden between the period 26 October and 23 November 2006. In addition the author of this report served notice on the Club Secretary regarding this review which was displayed in a prominent position at the premises and could be seen by members of the public.
- 13 The decision that the Committee can make in respect of this application is to:-
- Modify the conditions of the certificate for a limited period not exceeding 3 months.
 - Exclude a licensable activity from the scope of the certificate.
 - Suspend the certificate for a period not exceeding 3 months.
 - Withdraw the certificate.
 - Modify the conditions of the certificate.
- 14 When determining an application then due regard should be given to the Council's policy regarding licensing and to the Guidance given by the Secretary of State.
- 15 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 represent the Authority at Court.

Background Papers:

- Application for a review from the Principal Environmental Health Officer.
- Grounds for Review of Club Premises Certificate.
- Licensing Officer's correspondence to the Principal Environmental Health Officer.
- Statement in support of review of certificate Mrs Fitzgibbon.
- Statement in support of review of certificate Mr Matthews.
- Correspondence from Mrs Fitzgibbon to Mr Gerrard.
- Correspondence from Mr and Mrs Matthews to the Licensing Officer.
- Correspondence from Mrs Fitzgibbon to the Licensing Officer.
- Correspondence from Mr R Freeman to the Licensing Officer.
- Monitoring sheets for nuisance complaints.
- Noise Evaluation Report.
- Copy of Club Premises Certificate