

Committee: LICENSING
Date: 23 July 2007
Agenda Item No: 2
Title: THE CONSERVATIVE CLUB – SAFFRON WALDEN
Author: Murray Hardy (01799) 510598

Summary

- 1 This report sets out an application to vary the current club premises certificate in respect of the above. Representations have been made to this application therefore it has been referred to the Committee for deliberation.
- 2 The Conservative Club is situated in Museum Street, Saffron Walden near to the junction of Church Street and operates as a Registered Club under a club premises certificate. It is managed by Officers and Committee Members of the club and operates in accordance with the approved rules.
- 3 The club was established in 1885 and is one of oldest Conservative clubs in Great Britain. Membership is confined to persons over 18 years of age who are subscribing to a Conservative Association which is affiliated to the Conservative Party. The constitution allows for a Special Class of Membership and deals with resignations of members and disqualification of potential members.
- 4 Visitors may be permitted to enjoy the facilities of the club provided they are accompanied by a member. Details of their visit must be recorded in the appropriate book.
- 5 On 5th July 2005 the club premises certificate was granted subject to the condition of sound proofing being installed in the Function Room subject to the satisfaction of the Principle Environmental Health Officer.
- 6 This condition was imposed following a hearing when representations were made which directly impacted on the licensing objective relating to the prevention of public nuisance. It was a requirement that the work be carried out within 3 months from the certificate becoming operative.
- 7 On 12 December 2006, a review of the Club Premises Certificate was heard before the Licensing Committee following an application by the Principal Environmental Health Officer. This followed complaints that had been received from local residents regarding excessive noise coming from the premises.
- 8 At the time of the review the work relating to the sound proofing of the Function Room had still not been carried out.

- 9 Following that review the Licensing Committee decided to remove all regulated entertainment from the certificate.
- 10 The club did launch an appeal to the Magistrates Court against the decision of the Licensing Committee which has now been settled.
- 11 The club are now seeking reinstatement of regulated entertainment as the sound proofing work has now been completed and also an extension of the hours that they are permitted to remain open to club members.
- 12 The current hours for the supply of alcohol by or on behalf of the club to members and their guests are:-

Monday – Friday	11.00 am – 2.30 pm
Monday – Friday	6.00 pm – 12 midnight
Saturdays	11.00 am – 12 midnight
Sunday	12 noon – 11.00 pm

For the non-standard timings the hours are:-

Christmas Club Draw	6.00 pm – 2.00 am
New Year's Eve	6.00 pm – 2.00 am
On Friday, Saturday and Sunday of a Bank Holiday weekend	11.00 am – 2.00 am.

- 13 The current hours that the premises are open are:-

Monday – Friday	11.00 am – 2.30 pm
Monday – Friday	6.00 pm – 12.30 am
Saturdays	11.00 am – 12.30 am
Sunday	12 noon – 11.30 pm

For the non-standard timings the hours are:-

Christmas Club Draw –	6.00 pm – 2.30 am
New Year's Eve –	6.00 pm – 2.30 am
On Friday, Saturday and Sunday of a Bank Holiday weekend	11.00 am – 2.30 am.

- 14 The Club Secretary, Mr J Gerrard has submitted a new operating schedule which seeks the following licensable activities.

- (a) Indoor Sporting Events for Darts and Snooker Fixtures and area finals when the club premises have been selected as a venue.

Tuesdays and Thursdays only 8.00 pm – 12 midnight.

- (b) Live Music for both indoors and outdoors.

Monday – Thursday	8.00 pm – 11.30 pm
Friday – Saturday	8.00 pm – 12 midnight
Sunday–	12 noon – 6.00 pm

The seasonal variations indicated that live music in the garden will only take place on a Sunday during the summer months only, however not on every Sunday.

- (c) Recorded Music (indoors only)

Monday – Thursday	8.00 pm – 11.30 pm
Friday – Saturday	8.00 pm – 12 midnight

For the non-standard timings, the hours are 8.00 pm – 1.00 am on Christmas Eve, New Year's Eve and Public Holidays.

- (d) Provision of facilities for dancing (indoors only)

Monday – Thursday	8.00 pm – 11.30 pm
Friday – Saturday	8.00 pm – 12 midnight
Sunday	8.00 pm – 1.00 am

For the standard timings, the hours are 8.00 pm – 1.00 am on Christmas Eve, New Year's Eve, Public Holiday weekends and on the Christmas Night Draw.

- (e) The supply of alcohol for both on and off the premises.

Monday – Friday	11.00 am – 2.30 pm 6.00 pm – 12 midnight
Saturday	11.00 am – 12 midnight
Sunday	12 noon – 11.00 pm

For the non-standard timings, the hours are 6.00 pm – 2.00 am on Christmas Eve, New Year's Eve, Public Holiday weekends and the Christmas Night Draw.

- (f) Hours Club Premises are open to the members and guests.

Monday – Thursday	11.00 am – 12.30 am
Friday – Saturday	11.00 am – 1.00 am
Sunday – 12 noon	11.30 pm

For the non-standard timings the hours are 11.00 am – 2.30 am on Christmas Eve, New Year's Eve, Public Holiday weekends and the Christmas Night Draw.

- 15 The operating schedule indicates that the following measures will be taken to promote the licensing objective relating to the prevention of crime and disorder.

- Under-age drinking: A person must be over the age of 18 years before applying for membership of the club and club rules make it clear that members may not purchase alcohol to be consumed by persons under the legal age. Drunkenness, etc: Member/guests will be refused service and/or membership suspended or terminated in accordance with club rules. Most regular users of the club are well known to the Committee and bar staff and the general manager keeps a list of members at the bar. Members have been advised to carry their membership cards when visiting the club.
- 16 The operating schedule indicates that the following measures will be taken to promote the licensing objective relating to public safety.
- Richard Spencer MIFire E, on behalf of Saffire Safety Ltd on 16 December 2003, carried out a risk assessment. Recommendations from the report are being implemented and a new system of fire and smoke alarms has been installed. Escape routes and assembly points have been identified and written permission has been obtained from Castle Tennis Club to use their courts as an emergency exit from the Snooker Room. Club staff are trained by Jason Thompson (Essex Fire and Rescue Service and Saffire Safety Ltd). The club restricts attendance at events to 180 persons.
- 17 The operating schedule indicates that the following measures will be taken to promote the licensing objective relating to the prevention of public nuisance.
- UDC Environmental Health Officer, Mrs Ann Lee-Moore, took sound measurements on Friday 18 May 2007 relating to statutory nuisance matters and declared the sound levels to be satisfactory. The club manager monitors sound levels from live music. Signage is displayed near exits requesting members and guests to respect the needs of local residents by quietly leaving the premises.
- 18 The operating schedule indicates that the following measures will be taken to promote the licensing objectives relating to the protection of children from harm.
- Children may only enter club premises when accompanied by a responsible club member acting as a 'concerned parent'. This will usually be when meals are served, ie Saturday and Sunday lunchtimes. Children may not enter the Saloon Bar area where smoking is permitted (until 1 July 2007) and the gaming machine is located. Club Byelaws have been amended to this effect. Club membership is restricted to persons over the age of 18 years and young adults applying for membership must satisfy the committee that they are over 18. Committee members, club staff and members are instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children. Signage is posted prohibiting the direct or indirect supply or delivery of alcohol to children.

- 19 Copies of this application have been served on the statutory bodies with no representations being received.
- 20 The response from the Principal Environmental Health Officer indicates that an agreement has been reached between both parties who have agreed to the following conditions being imposed on any certificate that may be issued.
- (a) **Live music outdoors:** events to be no longer than 4 hours in duration between the hours of 12.00 – 18.00, to take place on no more than 3 days each year, with not less than 14 days between events.
- (b) **Non-standard timings for recorded music:** applicable to Christmas Eve and New Year's Eve only.
- 21 Representations have been received from interested parties based on the licensing objective that relate to the prevention of a public nuisance. It is feared that additional noise may be created together with the potential for a disturbance if the current licensing hours are extended.
- 22 In carrying out its statutory function, the licensing authority must promote the licensing objectives as defined in the Licensing Act 2003.
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 23 The decision that the Committee can make for this application is to:-
- Grant the application
 - Modify the application by inserting conditions
 - Remove a licensable activity from the application
 - Reject the application
- 24 When determining an application then due regard should be given to the Council's Licensing policy and the Secretary of State's Guidance.
- 25 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: Operating Schedule
Representations from the Interested Parties
Plan of premises
Location of premises
Committee Decision Letter to John Gerrard
Letter of suggested conditions from Mrs A Lee-Moore
Statements from Club Secretary