

**AGENDA ITEM NO. 2**

**TITLE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - LICENSING ACT 2003**

Committee: Licensing Sub-Committee

Date: 25 February 2016

Author: Stewart Broome, Senior Licensing Officer

[Q199]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application for the grant of a premises licence in respect of Shropshire's Sport and Social Centre, Barway Road, Ely Cambridgeshire, CB7 5TZ.

2.0 RECOMMENDATION(S)

2.1 That Members grant the application, subject to the licence containing the mandatory conditions required by the Licensing Act 2003, and the conditions contained in the operating schedule as amended.

3.0 BACKGROUND/OPTIONS

Details of application

3.1 On 4 January 2016 Barway Services Ltd applied for a Premises Licence under section 17 of the Licensing Act 2003 for Shropshire's Sport and Social Centre, Barway Road, Ely Cambridgeshire, CB7 5TZ (**Appendix 1**). The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003.

3.2 The applicant has applied for a licence that requests the following:

Licensable Activity	Proposed Hours
Films (indoors and outdoors)	06:00 to 03:00 every day
Indoor Sporting Activities	
Live Music (indoors and outdoors)	
Recorded Music (indoors and outdoors)	
Performance of Dance (indoors and outdoors)	
Activities similar to the Performance of Dance (indoors and outdoors)	
Late Night Refreshment	23:00 to 05:00 every day
Sale by Retail of Alcohol for consumption on and off the premises	06:00 to 03:00 every day
All activities to be permitted from the end of permitted hours on New Year's Eve through to the start of permitted hours on New Year's Day.	

Opening Hours	24 hours a day, every day
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- 3.3 Although each application should be considered on its own merits, Members should note that Shropshire’s Sports and Social Club currently holds a Club Premises Certificate which was issued in 2006 to authorise the following activities for their members and bonafide guests of their members:

Supply of alcohol to members and guests for consumption on the premises only	14:00 to 00:00 Monday to Thursday 14:00 to 02:00 Friday 12:00 to 02:00 Saturday 12:00 to 00:00 Sunday
Live Music (indoors)	17:00 to 02:00 Friday and Saturday
Recorded Music (indoors)	10:00 to 00:30 Monday to Thursday
All above activities (indoors)	12:00 to 02:00 Christmas Eve, New Year’s Eve, Good Friday and Easter Monday
Opening Hours	10:00 to 00:30 Sunday to Thursday 10:00 to 02:00 Friday 12:00 to 02:00 Saturday

- 3.4 According to licensing records, this premises has never been subject to any official enforcement action.

Relevant Representations

- 3.5 During the consultation period Environmental Services as a Responsible Authority under the Act submitted a valid representation (**Appendix 2**). No other representations were received.
- 3.6 As a result of this representation the applicant and Environmental Services agreed for additional conditions to be placed on the licence, and both parties have agreed to dispense with the need to hold a hearing (**Appendixes 3 & 4**).
- 3.7 A proposed schedule of conditions is attached at **appendix 5**. This schedule includes the mandatory conditions, enforceable conditions extracted from the original application, and the two additional conditions agreed during the consultation period.

4.0 CONCLUSIONS/DETERMINATION OF APPLICATION

- 4.1 Members are requested to consider the application on its merits, and in accordance with the statutory Guidance issued under Section 182 of the Licensing Act 2003, the Council’s Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the other persons/authorised bodies making relevant representations.

- 4.2 Having regard to the representation made by Environmental Services, the licensing authority can determine the premises licence application as follows:
- a) to grant the premises licence subject to:
    - (i) the conditions that are consistent with the operating schedule accompanying the application modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives; and
    - (ii) any mandatory conditions that must be included in the licence;
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor; or
  - (d) to reject the application.
- 4.3 When determining the premises licence application, Members are asked to consider the following matters:
- (a) the application was considered satisfactory by all but one responsible authority with no representations received from the general public;
  - (b) the representation received from Environmental Services, whilst agreeing to those conditions proposed by the applicant, sought to increase public protection by means of two additional licensing conditions;
  - (c) it is considered that two additional conditions would have no adverse effect on the general public or any other responsible authority;
  - (d) the applicant has agreed to the additional conditions being placed on the licence;
  - (e) both the applicant and Environmental Services have agreed to dispense with a formal sub-committee hearing.
- 4.4 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.
- 4.5 If Members believe that the agreement reached satisfies them that the licensing objectives will be upheld they can agree to dispense with the need to hold a hearing, and they may determine the application without hearing any verbal evidence from the applicant or person/body who submitted a

representation. If Members still consider the application could have a detrimental impact on one of the licensing objectives, and believes it is in the public interest, they may adjourn the determination and invite all parties to attend a hearing on a future specified date to answer their questions.

## 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 The cost of convening a Licensing Sub-Committee to determine an application is covered by the fees paid by licence applicants.
- 5.2 Should there be a decision to modify the premises operating schedule, exclude a licensable activity from the scope of the licence, refusal to specify a person as the designated premises supervisor or reject the application, the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.3 Where a person who made relevant representations in relation to the application desires to contend that any variation made ought not to have been made or that when varying the licence the licensing authority ought not to have modified the conditions of the licence or ought to have modified them in a different way the person who made the relevant representation may appeal against the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.4 Equality Impact Assessment (INRA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

## 6.0 APPENDICES

- 6.1 Appendix 1 Premises licence application
- 6.2 Appendix 2 Representation dated 29 January 2016 from Karen See, Senior Environmental Health Officer
- 6.3 Appendix 3 Email from applicant agreeing to conditions
- 6.4 Appendix 4 Email from Senior Environmental Health Officer agreeing to conditions
- 6.5 Appendix 5 Proposed schedule of conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer</u></b>
Licensing Act 2003	Room SF208 The Grange Ely	Lin Bagwell Licensing Officer  01353 616477  lin.bagwell@eastcambs.gov.uk
Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, March 2015		
ECDC Statement of Licensing Policy 2016		