

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR VARIATION OF A CLUB PREMISES CERTIFICATE
ROBERT HOLME HALL SOCIAL CLUB, CHURCH LANE, SCUNTHORPE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application for Variation of a Club Premises Certificate for Robert Holme Hall Social Club.
- 1.2 There have been five representations, which had been deemed relevant. One of these has since withdrawn their objection. These are detailed in paragraph 4.2. and are attached to this report as Appendix 3 and 4.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided which is relevant to the licensing objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the certificate;
 - To reject the whole or part of the application
- 2.7 Members of the Sub-Committee should be advised that the applicant, statutory consultees and persons making relevant representations may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for variation of a club premises certificate for Robert Holme Hall Social Club was received on 26 May 2009. A copy of the application is attached to the report at Appendix 1.
- 3.2 The premises currently holds a club premises certificate, determined on 25 August 2005. A copy of the current club premises certificate is attached to this report at Appendix 2.
- 3.3 The Police have corresponded with the applicant with suggested modifications to the application. The applicant has agreed to modify the application by operating on a Friday or Saturday until 01:00 hrs the following morning on no more than 12 times a year. Notification of each event shall be given to the Humberside Police and Licensing Division a minimum of 10 working days before. The modification agreement is attached to this report at Appendix 3.
- 3.4 There are three letters of objection from interested parties, which have been deemed relevant. The objections are detailed in paragraph 4.2 and are attached to this report as Appendix 4.
- 3.5 The applicant has been made aware of the representations.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant wishing to vary a club premises certificate has to serve a copy of the application form on the statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table below provides details of any comments received:

Responsible Authority	Comment
Humberside Police	The Police have corresponded with the applicant and agreement was made to modify the application. The modification agreement is attached to this report at Appendix 3.
Humberside Fire & Rescue Service	Although comments received, these are being dealt with under Fire Safety Regulations 2005. No objection received to the application.
Environmental Health	Waste Management – No comments received Noise – No adverse comments received.
Health & Safety	No comments received
Health and Safety Executive (if applicable)	Not applicable.
Trading Standards	No adverse comments received.
Child Protection	No adverse comments received
Planning	No comments received
Interested Parties	Comments
Other	Four residents made objection to the application. One resident has withdrawn their objection. Further modifications to the application were put before the objectors but not all could agree. The objection letters are attached to this report at Appendix 4.

5. OUTCOMES OF MEDIATION

5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 Prevention of Crime & Disorder

6.1.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 12 of their application in Appendix 1 attached to this report.

6.1.2 Further information regarding this objective can be found in the Licensing Policy, pages 25-28.

6.1.3 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 12 of their application in Appendix 1 attached to this report.

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 29-31.

6.3 Prevention of Public Nuisance

6.3.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on pages 12 of their application in Appendix 1 attached to this report.

6.3.2 Further information regarding this objective can be found in the Licensing Policy, pages 32-34.

6.3.3 Representations have been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 12 of their application in Appendix 1 attached to this report.

6.4.2 Further information regarding this objective can be found in the Licensing Policy, pages 35-38.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 These are detailed in Appendix 1 page 12, under the heading of General.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix 5.

8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under section 182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6, and attach such conditions considered necessary.

8.3 That the Sub-Committee provides the reasons for its decision.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

The Angel
BRIGG
North Lincolnshire
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Date: 2 July 2009

Background Papers used in the preparation of this report Nil