

**LICENSING PANEL
2 APRIL 2014**

**LICENSING ACT 2003
SANDHURST SOCIAL CLUB, WELLINGTON ROAD, SANDHURST, GU47 9AW
APPLICATION FOR VARIATION OF CLUB PREMISES CERTIFICATE
(Chief Officer: Environment and Public Protection)**

1. CURRENT POSITION

- 1.1 The premises currently has a club premises certificate, which was originally granted on 26 August 2005 following a panel hearing of a conversion and variation application. The certificate was subsequently varied in March 2009 to amend the plan of the premises.
- 1.2 The club premises certificate is attached at **Annex A**, and the plan at **Annex B**. It permits supply of alcohol and live and recorded music from 08:00 to midnight, and performance of dance 11:00 to 23:00, seven days a week. The opening hours are 08:00 to 00:30, seven days a week.

2. APPLICATION

- 2.1 On 13 February 2014 an application was made by Sandhurst Social Club for a variation to the club premises certificate, as attached at **Annex C**.
- 2.2 The application is to vary the conditions of the club premises certificate in order to extend permitted hours for use of the outside areas from 22:30 to 23:00, and to remove and merge redundant and duplicate conditions.

3. REPRESENTATIONS RECEIVED

- 3.1 In the period from 13 February to 13 March 2014, one representation was received, which is attached at **Annex D**.
- 3.2 None of the responsible authorities (Thames Valley Police, Environmental Protection, Trading Standards, Royal Berkshire Fire and Rescue, Child Protection Committee, Planning, Public Health and Environmental Health & Safety) have made representations against the application.

4. SUPPORTING INFORMATION

- 4.1 A map showing the location of the premises is attached at **Annex E**.
- 4.2 The proposed conditions arising from the operating schedule are attached at **Annex F**.

5. RELEVANT BRACKNELL FOREST BOROUGH COUNCIL POLICIES

- 5.1 In determining applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned (p 1.24).
- 5.2 The Council, as Licensing Authority recognises that conditions attached to licences will be focused on matters which are within the control of individual licensees (p 1.11).
- 5.3 When determining applications the Licensing Authority must be satisfied that the applicant's operating schedule seeks to promote the licensing objectives (p 1.13).
- 5.4 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the licensing objectives, as listed in the model conditions (p 2.12, 3.15, 4.8 & 5.17).

5.5 The Licensing Authority will apply a level of conditions proportionate to the individual style and characteristics of the premises concerned (p 6.8).

6. RELEVANT NATIONAL GUIDANCE

6.1 All licensing determinations should be considered on a case-by-case basis. They should take into account any representations that have been received from responsible authorities or other persons, and representations made by the applicant (9.38).

6.2 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations. (9.4)

6.3 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- a) the steps that are appropriate to promote the licensing objectives;
- b) the representations (including supporting information) presented by all the parties;
- c) the s182 Guidance;
- d) its own statement of licensing policy. (9.34)

6.4 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. (9.39)

6.5 The licensing authority should only impose conditions which are appropriate and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer at or operator of a premises, it is not appropriate to impose the same or similar duties on the club. It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for conditions to be attached. (1.17)

6.6 Conditions attached to certificates must be tailored to the individual type, location and characteristics of the premises concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. (1.16). Licence conditions should be both realistic, proportionate and within the control of the applicant and management of the premises. (8.43)

7. RECOMMENDATION

7.1 The Licensing Authority must, having regard to the representations, take such steps as it considers necessary for the promotion of the licensing objectives, either:

- a) to vary the certificate subject to the conditions as proposed, or
- b) to vary the certificate subject to modified and/or additional conditions, or
- c) to reject the application.

Background Papers

Licensing Act 2003 and associated regulations
Guidance issued under section 182 of the Licensing Act 2003
Bracknell Forest Council Licensing Policy (January 2011)

Contact for further information

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