

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

17 MARCH 2016

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

**LICENSING ACT 2003 : SECTION 71
APPLICATION FOR CLUB PREMISES CERTIFICATE
PORTHCAWL ATHLETIC ASSOCIATION
LOCKS LANE PORTHCAWL**

1. Purpose of Report

- 1.1 This application is submitted by the Porthcawl Athletic Association for the grant of a Club Premises Certificate at the Club House. The person proposed to act as Secretary for the purposes of the Act is Peter Downes.
- 1.2 The premises is described as a Club House room with a corner section to serve as a kitchen/bar area. The premises also includes changing rooms and toilets.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 None.

3. Background

- 3.1 A copy of the application form is attached at Appendix A together with a location plan.
- 3.2 The application is for a Club Premises Certificate to authorise the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club and the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises only, as follows:

Mondays to Thursdays 1900 to 2200 hours
Fridays 1900 to 2300 hours
Saturdays 1200 to 2300 hours
Sundays 1200 to 1800 hours

These are standard hours and no seasonal variations have been applied for.

Other licensable activities include indoor sporting events and recorded music within the above times, and live music on Friday and Saturdays only between 1900 and 2300 hours. All activities to take place indoors.

The operating schedule includes the hours the club premises are to be open to the members and guests

Mondays to Thursdays 1000 to 2230 hours

Fridays 1000 to 2330 hours

Saturdays 1000 to 2330 hours

Sundays 1000 to 1830 hours

3.3 The application has been advertised in accordance with Regulations, on site, in a local newspaper and on the Council's website.

4. Current situation / proposal.

4.1 Representations have been received from members of the public. Copies of the representations are attached at Appendices B to F.

4.2 At the time this report was prepared these representations had not been withdrawn.

4.3 In order to determine the application, the authority must first be satisfied that the club is a qualifying club. As set down in the Home Office Guidance to licensing authorities, clubs are organisations where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club. A Club operates under its own Rules of membership and conduct.

4.4 The authority may only grant a Club Premises Certificate to a qualifying club which means meeting certain conditions set out below. Section 62 of the 2003 Act sets out five general conditions which a relevant club must meet to be a qualifying club.

4.5 Porthcawl Athletic Association has submitted a declaration under Section 61 of the Act which sets out how it proposes to meet these five general conditions. One of these conditions is that the authority must be satisfied that the club is established and conducted in good faith and Section 63 of the Act sets out how the authority assesses whether this is the case. Having considered the declaration, officers are satisfied that the Porthcawl Athletic Association meets the qualifying club conditions.

4.6 The Sub-Committee must have regard to the Council's Statement of Licensing Policy and the Home Office guidance, however, the Sub-Committee must consider each application on its own merits have regard to the application and the representations made. Home Office Guidance Section 6 applies to this application, together with Sections 9 and 10. There is no specific policy for the grant of Club Premises Certificates within the Bridgend County Borough Council Statement of Licensing Policy.

4.7 Members are advised that following initial representations, the applicant has been in discussion with the South Wales Police and Council licensing authority officer and has agreed to a number of additional conditions forming part of the operating schedule to the certificate, if granted. These additional matters are shown in Appendix G to this report. As a result, there are no responsible authority representations to be considered at this hearing.

4.8 Members are also advised that all matters contained in the operating schedule in Section L (a) to (e) of the application would be translated into conditions on the certificate, if granted.

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 A full Equality Impact Assessment has not been undertaken in relation to this service, however due regard has been given to the implications on persons protected by equality legislation and human rights. Adverse impact of this Legislation on the equality protected groups is very unlikely. Consideration has been given to the guidance issued to accompany the Licensing Act 2003 relating to need to eliminate duplication and conflict with existing disability legislation and to reference and highlight the Council's Race Equality Scheme, policies and codes of conduct to applicants. We do not consider, on the basis of the above, that a detailed Equality Impact Assessment is required for this service. In line with our Inclusive Equalities Scheme we will monitor for any adverse impacts that may develop.

7. Financial Implications.

7.1 None

8. Recommendation.

8.1 The Sub-Committee is asked to determine the application;

having regard to the application information, the representations submitted, together with the Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State. In doing so, the Sub-Committee is requested to confirm whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule. The Sub-Committee shall provide a statement of reasons to accompany the determination.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services

Date: 11 March 2016

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Background documents

Application for Club Premises Certificate

Copies of various representations received from Members of the Public

Council's Statement of Licensing Policy available at www.bridgend.gov.uk

Amended Guidance issued under Section 182 of the Licensing Act 2003 available at www.homeoffice.gov.uk