

Committee	-	General Licensing Panel
Date	-	20 August 2018
Report of the	-	Executive Director
Subject	-	Application for a Club Premises Certificate WK201804782 Bexhill Boxing Club, De La Warr Parade, Bexhill-on-Sea, East Sussex TN40 1RT

Recommendation: It be **RESOLVED:** That the application for a Club Premises Certificate be determined.

Service Manager: Richard Parker-Harding

1. Introduction

27 representations have been made regarding the application for a Club Premises Certificate; therefore it has been referred to this Panel for determination.

1.1 Applicant Details:

Name: Club Secretary Bexhill Boxing Club

Address: Bexhill Boxing Club, De La Warr Parade, Bexhill-on-Sea, TN40 1RT

1.2 The Premises: Details of the premises subject of the application are as follows:-

Bexhill Boxing Club, De La Warr Parade, Bexhill-on-Sea, TN40 1RT

Please see the location plan, floor plans and photographs (Appendices B, C and D).

Location:

The premises is situated in a predominately residential area which is bordered by the Hastings to Bexhill railway line to the North and the seafront to the South.

Description:

The premises was previously used as a squash club. The application describes the premises as a "*Boxing Club for members and bone-fide guests*".

Existing Licences/Club Certificates: None

2. The application and opening hours

The applicant has applied for the following licensable activities:

- The supply of alcohol by or on behalf of the Club, or to the order of a member of the Club.
- The sale by retail of alcohol by or on behalf of the Club to a guest of a member of the Club for consumption on the premises where the sales take place.

On Sale/Supply and Off Supply. (Off supply restricted to members only).

2.1 Sale and supply of Alcohol

The applicant has applied for the following hours for the sale and supply of alcohol

Monday to Sunday 12:00hrs to 23:30hrs.

Note: although the application does not include live or recorded music - following the deregulation of music entertainment, a premises which benefits from an on-sales alcohol licence does not need any authorisation for live music, or the playing of recorded music if it takes place between 8am and 11pm; and the audience is no more than 500.

2.2 Opening Hours

Opening hours stated on the application form (note: opening hours are not a licensable activity):

Monday to Sunday 09:00hrs to 00:00hrs.

3. Relevant representations of interested parties

	Relevant licensing 'objective'
27 representations	Prevention of Crime & Disorder; Prevention of Public Nuisance

The representations are predominately concerned with crime and disorder and public nuisance and are reproduced in full in Appendix E.

4. Representations of responsible authorities

Rother DC 'Licensing Authority'	None received
Rother DC Planning Authority	No objection
Rother DC Pollution	No objection
Rother DC Health & Safety Team	None received
East Sussex Fire & Rescue Service	None received
Sussex Police	No objection
ESCC Public Health	None received
ESCC Area Child Protection	None received

ESCC Trading Standards	None received
Home Office Immigration	None received

5. Conditions offered

The applicant has described the steps the business intends to take to promote the licensing objectives. The conditions offered by the applicant are reproduced in Appendix A.

6. Licensing history

A Club Premises Certificate 05/02063/LAPREC was issued under 'grandfather' rights in August 2005 for Bexhill Squash and Social Club. The Certificate authorised the supply (on and off) of alcohol by or on behalf of the Club to a member of the Club, the sale by retail of alcohol by or on behalf of the Club to a guest of a member for consumption on the premises. Monday to Saturday 10:00 to 23:00hrs, Sunday 12:00 to 22:30hrs (plus 20 minutes drinking up time). This Certificate remained in place until Bexhill Boxing Club took over the running of the premises and the Certificate was then surrendered.

Unlike Premises Licences, Club Premises Certificates are not transferrable, therefore the Squash and Social Club could not simply transfer to the Boxing Club.

A Temporary Event Notice was submitted by the Boxing Club for 14th July 2018 18:00-23:00hrs to authorise the sale of alcohol.

Appendix F sets out outline information regarding Club Premises Certificates.

7. Summary

The representations received predominately relate to noise, nuisance and alcohol related disorder.

8. Legislation

The Licensing Act 2003 requires that the Council, as the local Licensing Authority, carry out its functions with a view to promoting the four Licensing Objectives:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm

In exercising those functions, the Licensing Authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

9. Consideration

When considering this application the following options are available to the Panel:

- a) to grant the certificate subject to the conditions consistent with the operating schedule;
- b) to grant the certificate subject to any modified conditions, which are considered appropriate to the promotion of the licensing objectives;
- c) to exclude from the scope of the certificate any of the licensable activities to which the application relates; or
- d) to reject the application in its entirety.

10. Conclusion

Having considered the written and oral representations and submissions -- made at the hearing, the Panel shall determine the application.

Malcolm Johnston
Executive Director

Risk Assessment Statement

The applicant and others party to the hearing have a right of appeal to the Magistrates' Court.

Appendix A: Conditions offered by the applicant.

Appendix B: Map of the location.

Appendix C: Floor plan.

Appendix D: Photographs.

Appendix E: Representations from interested parties (1- 27)

Appendix F: Club Premises Certificates – outline information.

Conditions offered by the applicant

Operating Schedule

An incident book will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request. This book shall solely be used for the purpose of recording incidents.

A refusals register will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request.

All staff shall have written authorisations from the sub-committee responsible for the supply of alcohol.

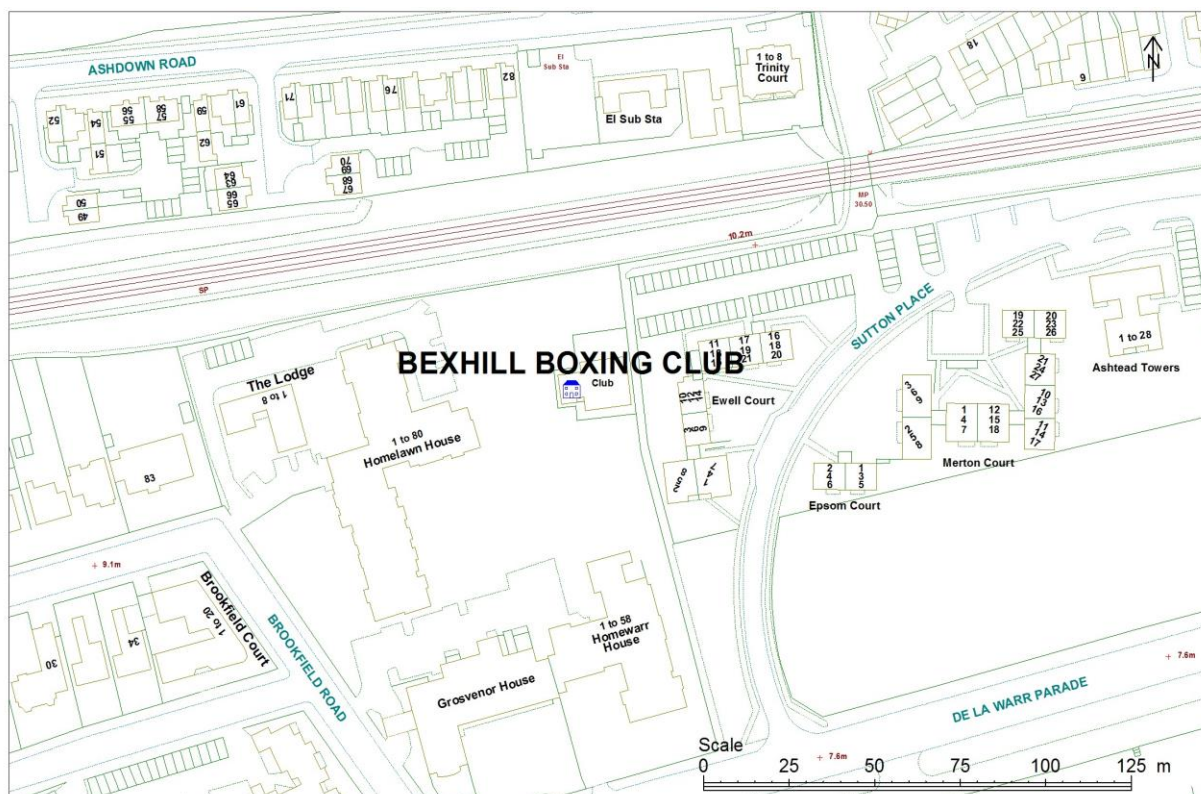
A 'Challenge 25' policy shall be in operation at the premises and staff will be suitably trained to implement this policy. The only forms of ID that will be accepted are a passport, a photographic driving licence or a Proof of Age card bearing the 'PASS' hologram.

Club persons may not be admitted to membership, or be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.

A maximum of three guests shall be permitted for each member on any one occasion.

The name and address of any guest bona fide introduced by a member to the club, together with the name of the member introducing shall be properly recorded in books kept for the purpose.

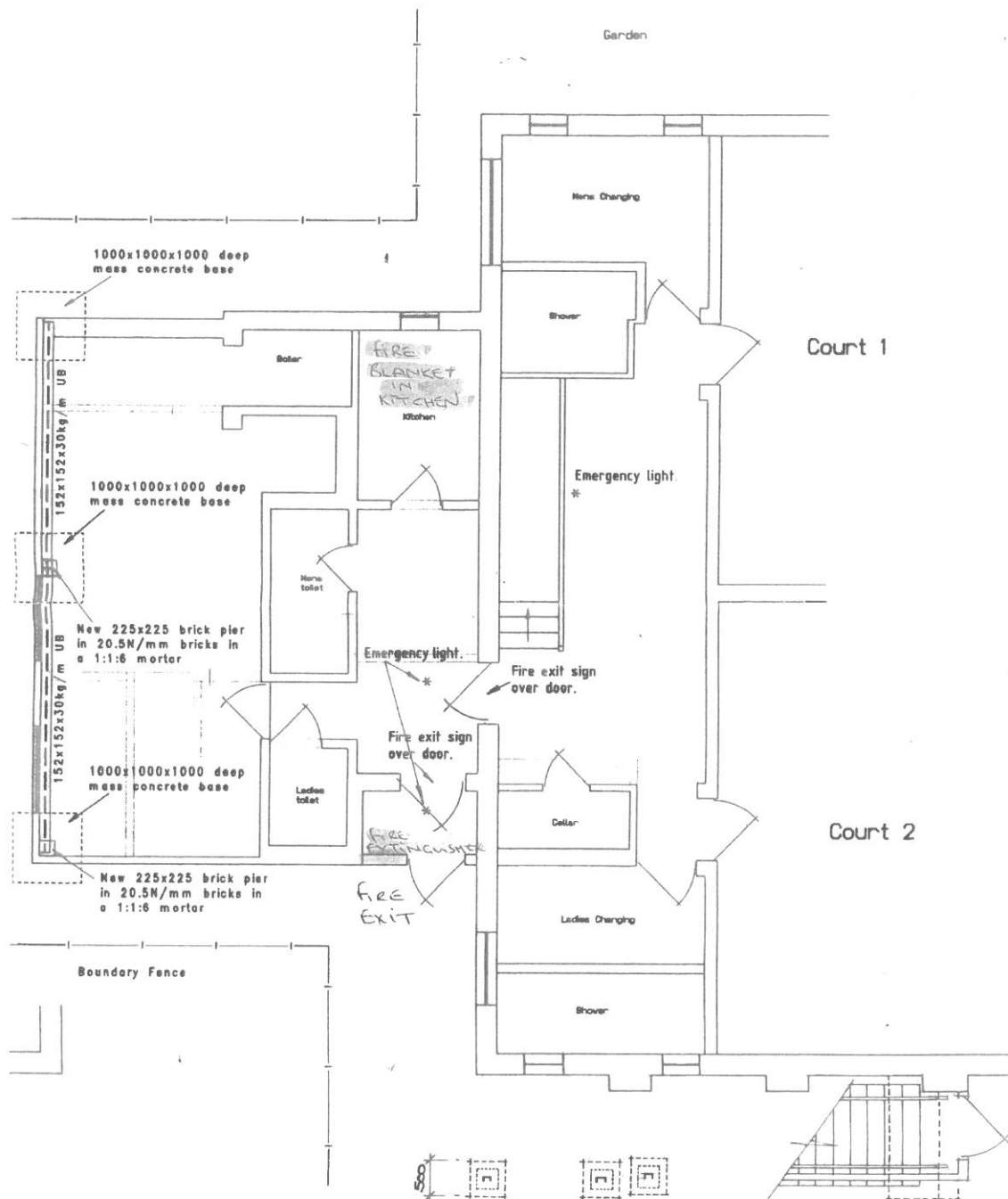
Map of the location



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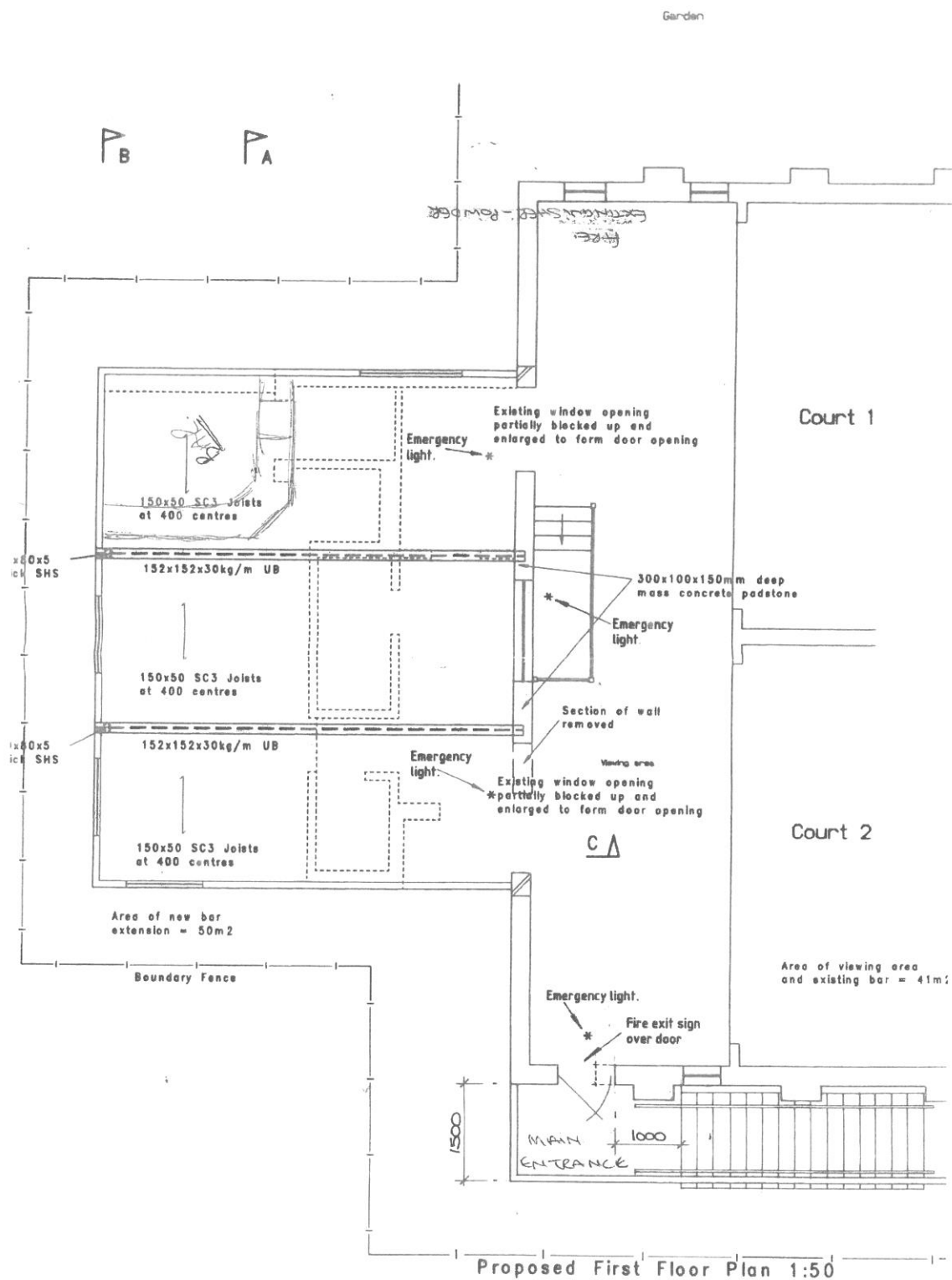
Floor Plan

Existing ground floor plan (not to scale)



Proposed Ground Floor Plan 1:50

Existing first floor plan



Photographs



Photograph 1: a view towards the premises taken from De La Warr Parade. The roof of the club is in the centre. Ewell Court is on the right, Homewarr House is to the left.



Photograph 2: a view of the premises taken from the path leading North from De La Warr Parade, Ewell Court is to the right. The entrance gate to the club is in line with the nearest front corner of the premises.



Photograph 3: a view of the premises taken from the path leading South to De La Warr Parade, Ewell Court is to the left, Homewarr House to the right.



Photograph 4: a closer view of the premises. The entrance into the building can be seen through the railings under the sloping roof to the side extension.

Club Premises Certificates – outline information

Clubs are organisations where members have joined together for particular social, sporting or political purposes.

Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another.

Only ‘qualifying’ clubs may hold club premises certificates. In order to be a qualifying club, a club must have at least 25 members and meet qualifying conditions. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:

- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal alcohol licence;
- the authority to provide late night refreshment to members of the club without requiring additional authorisation; more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public; and
- exemption from orders of the magistrates’ court for the closure of all licensed premises in an area when disorder is happening or expected.

Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence and are not qualifying clubs.

A qualifying club will be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club.

The Licensing Act 2003 does not prevent visitors to a qualifying club being supplied with alcohol as long as they are ‘guests’ of any member of the club or the club collectively, and nothing in the Act prevents the admission of such people as guests without prior notice. The Act does not define “guest” and whether or not somebody is a genuine guest would in all cases be a question of fact.

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.

The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.