

# LICENSING SUB-COMMITTEE



Report subject	<b>Highcliffe Sports and Social Club, 387 Lymington Road, Christchurch, BH23 5EG – Review of Club Premises Certificate</b>
Meeting date	31 January 2024
Status	Public Report
Executive summary	<p>To consider an application by Dorset Police for a review of the club premises certificate on the grounds that they believe the premises are not adhering to the requirements of the Licensing Act 2003 and not promoting the prevention of crime and disorder and public safety licensing objectives.</p> <p>Dorset Police no longer have confidence that the premises are being operated to the expected standards.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members consider the following options –</b></p> <ul style="list-style-type: none"><li><b>a) Modify the conditions of the certificate; and/or</b></li><li><b>b) Exclude a licensable activity from the scope of the certificate; and/or</b></li><li><b>c) Suspend the certificate for a period not exceeding three months; or</b></li><li><b>d) Revoke the certificate; or</b></li><li><b>e) Leave the certificate in its current state.</b></li></ul> <p><b>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak.</b></p> <p><b>Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jillian Kay – Wellbeing
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Highcliffe & Walkford
Classification	For Decision

## Background

1. An application for a review of the club premises certificate, under Section 51 of the Licensing Act 2003, by Dorset Police was received by the Licensing Authority on 22 November 2023.
2. The application relates to the prevention of crime and disorder and public safety licensing objectives. A copy of the application is attached at Appendix 1.
3. A map showing the location of the premises is attached at Appendix 2.
4. The premises have had the benefit of a club premises certificate since transition to the Licensing Act 2003 in 2005. Legacy Christchurch Borough Council records are not available to establish how long the premises had been licensed prior to then. A copy of the current club premises certificate is attached at Appendix 3.
5. A club premises certificate differs from a premises licence in that clubs may not sell alcohol to members of the public. The club may only supply alcohol to members and their guests. For the club to provide events to which members of the public can attend and purchase alcohol a temporary event notice (TEN) or premises licence will be required.
6. There is no requirement for a designated premises supervisor (DPS) on a club premises certificate. Only a person over 18 years of age nominated by the club can serve alcohol or but it for the club.
7. In order to qualify for a club premises certificate, the following general conditions must be satisfied –
  - a) 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.
  - b) Persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
  - c) The club is established and conducted in good faith as a club.
  - d) The club has at least 25 members.
  - e) Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

8. Where a club supplies alcohol to members or guests the following additional conditions must be satisfied –
- a) The purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee who members (a) are members of the club; have attained the age of 18 years; and (c) are elected by the members of the club.
  - b) No arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
  - c) No arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from (a) any benefit accruing to the club as a whole; or (b) any benefit which a person derives indirectly by reason of the supply giving rise to contributing to a general gain from carrying on of the club.

### **Consultation**

9. A copy of the review application was served on all responsible authorities and the licence holder on 22 November 2023.
10. The Senior Licensing Officer attended the premises on 23 November 2023 and delivered copies of the site notice for display. One notice was put at the main entrance to the premises and another on an advertising board at the entrance to the car park.
11. Two further copies of the notice were placed on the main public noticeboards of the Council offices at Bourne Avenue and St Stephen's Road.
12. A notice was also published on the Council's website.
13. No representations have been received from any of the responsible authorities or any other person.
14. 32 letters of support from members of the public have been received in support of the premises and the value of the club to them. Copies of the letters are attached at Appendix 4.
15. The manager of the premises Mary White has submitted a witness statement which is attached at Appendix 5.
16. The solicitor representing the premises has provided a skeleton argument for consideration ahead of the hearing. This has been provided to Dorset Police for information and is attached at Appendix 6.

### **Options Appraisal**

17. Before making a decision, Members are asked to consider the following matters –
  - The application and submissions made by Dorset Police.
  - The submissions made by, or on behalf of the club.
  - The relevant licensing objectives, namely the prevention of crime and disorder and public safety.
  - The letters received in support of the club.

Appendix 2 – Location Plan

Appendix 3 – Copy Current Club Premises Certificate

Appendix 4 - Copy letters in support of Club

Appendix 5 – Witness statement from Club Manager

Appendix 6 – Skeleton Argument on behalf of the applicant.