

BABERGH DISTRICT COUNCIL

From: Head of Environment	Report Number: P10
To: Licensing Sub-Committee	Date of meeting: 9 May 2014

LICENSING ACT 2003 – HEARING TO DETERMINE AN APPLICATION TO VARY A CLUB PREMISES CERTIFICATE

1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable the determination of an application made to vary club premises certificate BCP0020 on issue to Northcroft Social Club for its club premises at 1 The Croft, SUDBURY CO10 1HN.

2. Recommendations

- 2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the certificate;
- to reject the whole or part of the application;

and for this purpose the conditions of the certificate are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee is able to determine the variation application.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The notices advertising the application have been on display at the premises and published.

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Shared Service / Partnership Implications

7.1 Not applicable.

8. Key Information

8.1 The hearing is to determine an application made to VARY an existing club premises certificate (number BCP0020) made under section 84 of the Licensing Act 2003. For ease of reference a summary of the existing club premises certificate permissions is attached as Appendix A.

8.2 Northcroft Social Club has previously been the subject of a club premises certificate withdrawal by the Licensing Authority (under section 90 of the Licensing Act 2003) via a hearing on 03 May 2012 and subject to a further hearing over two days, due to relevant representations being made, the outcome of which a new club premises certificate was granted for the club on 04 October 2012. For the information of the Sub-Committee the decision notices relating to those matters are attached as Appendix D.

8.3 Northcroft Social Club is a Sudbury based long-established industrial and provident society registered members club, which places separate obligations on the club in terms of its club rules and constitution via the Financial Service Authority (FSA). Club premises certificates are only made available under the legislation to qualifying members clubs and the club activities may be carried on for club members, bona fide guests or associate club members and their guests. Unlike the system for premises licences, the legislation allows clubs to operate licensable club activities without a designated premises supervisor (DPS) or personal licence holder(s). No general public licensable activities may take place reliant on a club premises certificate as these would need to be authorised by means of a full premises licence or else temporary event notices.

8.4 Generally, the variation (reference BCP0020-010187) received on 19 March 2014 seeks to extend live and recorded music, supply of alcohol and opening times (members and bona fide guests only). It proposes recorded music extensions until midnight Monday to Saturday and live music extensions until 23:30hrs Monday to Wednesday, midnight Friday/Saturday and 23:00hrs Sunday. It seeks alcohol supply until midnight Monday to Thursday, 01:00hrs Friday/Saturday and 23:30hrs Sunday. The club would close 30 minutes after the last supply of alcohol.

8.5 Being a variation, all existing conditions of certificate would continue to apply to any updated authorisation granted. No revisions or updates have been voluntarily proposed by the club with its variation application operating schedule. The Club has taken some steps, including some works at the club premises since reinstatement of the certificate, to address some of the concerns that had been previously raised. However, the close proximity of residential premises and some outstanding issues have given rise to further comments to the current application.

8.6 A hearing is necessary to determine the application following receipt of relevant representations which have not been withdrawn. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

- 8.7 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.
- 8.8 Section 6 of the guidance (June 2013 revision) issued by the Secretary of State under section 182 of the Licensing Act 2003 refers to clubs. Section 62 of the 2003 Act sets out the five general conditions which clubs must meet to be a 'qualifying club' to benefit from a club premises certificate.
- 8.9 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.
- 8.10 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 and Articles 8 and 1 of Protocol 1 when determining applications for the variation of an existing licence or certificate.

9. Representations

- 9.1 Representations have been received from a Responsible Authority under the 2003 Act – being the Senior Environmental Protection Officer – attached as Appendix C. The Police have not issued any comments in relation to the variation application.
- 9.2 There have been representations made by 'other persons' (which includes local residents and businesses). These submissions are attached as Appendix C to this report.

10. Appendices

Title	Location
A. Summary of club premises certificate BCP0020	Attached
B. Variation application BCP0020- 010187	Attached
C. Representations received from Senior Environmental Protection Officer and 'other persons'	Attached
D. Previous decision notices dated 07.05.2012 and 09.10.2012 (for background information)	Attached

11. Background Documents

None.

Authorship:

Lee Carvell
Corporate Manager - Licensing

Tel: 01473 825719

Email: lee.carvell@babergh.gov.uk

APPENDIX A

Licensing Act 2003

Club Premises Certificate Summary

BCP0020

Club Details

NAME OF CLUB IN WHOSE NAME THE CERTIFICATE IS GRANTED AND RELEVANT REGISTERED POSTAL ADDRESS OF CLUB

Northcroft Social Club

ADDRESS

**1 The Croft
SADBURY, Suffolk CO10 1HN**

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- **Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (for consumption ON the premises)**
- **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 where the sale takes place**
- **Live music (indoors)**
- **Recorded music (indoors)**
- **Performance of dance (indoors)**

STANDARD TIMINGS

(a) Supply of alcohol

Hours authorised:

Monday to Thursday 11:00hrs until 23:00hrs
 Friday & Saturday 11:00hrs until 23:30hrs
 Sunday 11:00hrs until 23:00hrs

(b) Live music & Performances of dance

Hours authorised:

Monday to Thursday 20:00hrs until 23:00hrs
 Friday & Saturday 20:00hrs until 23:30hrs
 Sunday 20:00hrs until 23:00hrs

(c) Recorded music

Hours authorised:

Monday to Thursday 11:00hrs until 23:00hrs
 Friday & Saturday 11:00hrs until 23:30hrs
 Sunday 12:00hrs until 23:00hrs

NON-STANDARD TIMINGS / SEASONAL VARIATIONS

Christmas Eve: All licensed activities authorised to extend until 00:00hrs

New Years Eve: From the end of authorised hours to the start of authorised hours on the following day.

STANDARD TIMINGS

Monday to Thursday 11:00hrs until 23:30hrs
 Friday & Saturday 11:00hrs until 00:00hrs
 Sunday 11:00hrs until 23:30hrs

NON-STANDARD TIMINGS / SEASONAL VARIATIONS

Christmas Eve: Opening hours may extend until 00:30hrs

New Years Eve: From the end of authorised hours to the start of authorised hours on the following day.

Supply of alcohol for consumption ON the premises only

A: By virtue of section 145 of the Licensing Act 2003

(i) Children under the age of 16, that are not accompanied by an individual aged 18 or over, are not permitted to be on the premises at a time whilst the premises is open and being used exclusively or primarily for the supply of alcohol for consumption on the premises.

(ii) Children under the age of 16, that are not accompanied by an individual aged 18 or over, are not permitted to be on the premises between the hours of midnight and 5am whilst the premises is open and being used for purposes including the supply of alcohol for consumption on the premises.

B: By virtue of the operating schedule submitted by the Club

(i) Children shall only be permitted on the club premises whilst accompanied by an adult that is a full member of the Club.

ANNEX 1 - MANDATORY CONDITIONS:

The following conditions in Annex 1 are mandatory under the provisions of the Licensing Act 2003:

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. (a) The club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The following conditions in Annex 2 are conditions consistent with the operating schedule submitted by the applicant within the application:

1. All **members** on the club premises whilst licensable activities are taking place shall on all occasions:
 - (a) Carry their membership card;
 - (b) Be subject to the Club's disciplinary proceedings (in addition to any offences which may apply) should they (i) purchase or attempt to purchase alcohol for an intoxicated person, or (ii) carry out irresponsible activities, games or promotions involving alcohol
2. All **guests** on the club premises whilst licensable activities are taking place shall on all occasions be:
 - (a) Signed in by a full member of the Club;
 - (b) Permitted on the Club premises on not more than one occasion per calendar month;
 - (c) Required to apply for full membership should they wish to attend the Club on a more frequent basis.
3. All **functions or hirings** held at the Club premises shall be:
 - (a) Supervised by a minimum of 2 (two) committee members of the Club;
 - (b) Entry by invitation only; and
 - (c) Supervised on the door by club members or staff who shall refuse entry to any person(s) deemed to be unsuitable.
4. Bookings and hirings of the club facilities for licensable activities shall only be accepted from a full and current paid-up member of the Club, who must be aged 18 years or over. The booking must be for a private licensed function only and sub-letting of the Club facilities shall not be permitted. For the avoidance of doubt non-member bookings involving licensable activities shall be via the temporary event notice system. No 18th Birthday party bookings shall be taken from non-club members.
5. All hirers of the club facilities shall be briefed by the Club on the function rules and licensing/noise control requirements, prior to the commencement of a function. The hiring agreement for the Club facilities shall clearly state the terms and conditions of hire.
6. The Club management shall promptly terminate any function, hiring or licensable activity taking place in a manner which is undermining promotion of the licensing objectives.
7. There shall be no alcohol, bottles nor glassware permitted to leave the club premises nor permitted in any outdoor areas of the club premises (with the exception of waste storage/disposal).
8. For any function or hiring involving licensable activities a dedicated glass and bottle collector shall be on duty for the duration of the function, and shall be required to ensure that no glasses or bottles leave the premises or are taken into outdoor areas of the premises.
9. Attendees shall be encouraged by the Club when leaving the premises to disperse in a timely manner and considerate to the needs of neighbouring residents.
10. The maximum capacity of the club premises shall be monitored and enforced by the club management. For the avoidance of any doubt the requirements of the Regulatory Reform (Fire Safety) Order 2005 should be observed in relation to occupant/maximum permitted capacity.
11. A suitable receptacle for smoking waste shall be provided in areas immediately outside of the club used by smokers.
12. Children shall only be permitted on the club premises whilst accompanied by an adult that is a full member of the Club.

13. The Club shall operate a 'Challenge 25' age verification policy whereby any person attempting to purchase alcohol, who appears to be under the age of 25 years, shall be required to produce, before being sold alcohol, identification bearing the individual's photograph and date of birth. Acceptable forms of identity shall be a passport, photo card driving licence or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
14. Any club member or other person found to be using or supplying illegal drugs or substances on the club premises shall be reported to the Police. Any person so found shall be permanently excluded from being a member or otherwise attending the Club.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Attached via Licensing Sub-Committee hearing 03 September 2012 and 04 October 2012 (Report M65):

1. The authorised timings proposed by application 007846 shall be reduced to those now shown on Club Premises Certificate BCP0020 and summary of it.
2. There shall be no licensable music activities authorised by Club Premises Certificate BCP0020-007846 until such time as a scheme of appropriate sound attenuation measures has been submitted to and agreed in writing with the Licensing Authority, and implemented to the satisfaction of the Licensing Authority. The scheme shall include (although not exclusively) proposals for: insulating the structure of the ground floor to secure an acceptable level of noise emanating from the building; a system to terminate amplified music whenever the first floor fire door is opened; and monitoring of all forms of noise outside the premises, which shall include the use of a suitable sound level meter.

APPENDIX C

REPRESENTATIONS – NORTHCROFT SOCIAL CLUB (section 84 variation of club premises certificate) Application ref: BCP0022-010187

SENIOR ENVIRONMENTAL PROTECTION OFFICER

From: Hart, Joanna

Sent: 16 April 2014 14:23

Subject: RE: Club premises certificate (variation) BCP0022-010187 - Northcroft Social Club, Sudbury

Importance: High

Club Premises Certificate (variation) BCP0022-010187 - Northcroft Social Club, Sudbury

Reference/type: Section 84 (Variation) Club Premises Certificate

Club: Northcroft Social Club, 1 The Croft, SUDBURY, Suffolk CO10 1HN

Summary: *Application seeks to extend live and recorded music, supply of alcohol and opening times (members and bona fide guests only). Seeking recorded music extensions until midnight Mon-Sat and live music extensions until 23:30hrs Mon-Wed, midnight Friday/Saturday and 23:00hrs Sunday. Seeking alcohol supply until midnight Mon-Thurs, 01:00hrs Fri/Sat and 23:30hrs Sunday. Opening hours 30 minutes after the last supply of alcohol.*

I wish to submit a representation on this application on the grounds that it is likely to give rise to public nuisance due to noise from both music and from ASB/customers at the premises.

The premises is in close proximity to residential properties, including a residential home for the elderly. The Environmental Protection team has a history of complaints in 2001 and 2012 concerning disturbance from live and recorded music events at the premises as well as noise from ASB outside the premises.

Music

As a result of ongoing noise complaints about music, Environmental Protection Officers confirmed that a Statutory Nuisance existed in April 2012, and an Abatement Notice was served on the Club under the provisions of the Environmental Protection Act 1990 (served on the club in April 2012). The Notice remains in force which requires amplified music (either live or recorded) to be restricted so that it does not cause a nuisance to other properties. My understanding is that, in order to comply with this Notice, the club ceased holding music events pending undertaking noise attenuation work.

As you are aware, in 2012 a new Club Premises Certificate was granted for the club. Annex 3, Condition 2 of the Club Premises Certificate states that:

(b) There shall be no licensable music activities authorised by Club Premises Certificate BCP0020-007846 until such time as a scheme of appropriate sound attenuation measures has been submitted to and agreed in writing with the Licensing Authority, and implemented to the satisfaction of the

Licensing Authority. The scheme shall include (although not exclusively) proposals for: insulating the structure of the ground floor to secure an acceptable level of noise emanating from the building; a system to terminate amplified music whenever the first floor fire door is opened; and monitoring of all forms of noise outside the premises, which shall include the use of a suitable sound level meter.

As far as I am aware, no such scheme has been agreed to date. Following the grant of the certificate, James Buckingham (Corporate Manager – Environmental Protection) met with Club Chairman Eddie Brown at the premises and it was agreed that:

- a) The two windows on the ground floor at the end (where live bands play) would be either bricked-up or be fitted with acoustically insulated boxes to give an equivalent effect.
- b) The old vents and air bricks facing Croft Road would be bricked up.
- c) An additional layer of glazing would be installed to the rest of the windows on the ground floor.
- d) A sound engineer would be contacted for advice on location and orientation of speakers to minimise noise break-out.

It was agreed that once these works had been completed the Club would contact Environmental Protection in order to arrange a noise trial to find an unofficial 'limit' which could be used by club staff to monitor the premises in future. The intention of having such a trial would be to establish whether the works were sufficient to secure an acceptable noise emanating from the building as required by annex 3, condition 2 of the Club premises Certificate.

Whilst we were made aware that works to complete a) and b) were completed in April 2013, we have no information as to whether c) and d) have been completed. Even if c) and d) have been completed, the Club has failed to contact the Environmental Protection team to enable it to monitor the residual noise during a trial event. I am therefore of the opinion that this application is premature as there is insufficient information included within the application to demonstrate that noise from recorded music will be adequately attenuated so as not to give rise to public nuisance.

Noise from customers

The application also seeks to increase the operating hours so that the premises is open to members until 00:30 hours Monday – Thursdays & Sundays and 01:30 Fridays and Saturdays. This is a significant increase on the existing hours. As stated above, the Environmental Protection team received complaints in 2011 and 2012 of noise disturbance from people congregating outside the premises. Whilst this could give rise to public nuisance, being as those involved would be Club members, I would hope that it would be possible for the club to regulate this through Club rules.

In 2012 when the latest premises certificate was granted, it was granted on the basis that the club would undertake to:

- a) Update the hiring agreement produced at the hearing to reflect the requirement that no glasses or bottles shall be taken outside of the club.
- b) Within seven days of the date of this decision notice provide the Licensing Authority with a copy of the Club's updated rules and constitution, as provided by the Club to the FSA. A copy of the FSA's approval, once forthcoming, shall also be provided to the Licensing Authority within seven days of its receipt.
- c) It should also be noted that the Club should further update, or ensure compatibility of, its club rules to account for the terms and conditions of the new granted club premises certificate – specifically those relating to members and guests. Section 82 of the Licensing Act 2003 also places specific

obligations on the Secretary of a club to promptly notify and provide updated club rules to the Licensing Authority.

I understand that no such updated club rules have been received and no details is given in the application as to any additional steps the club premises intend to take to promote the licensing objectives. As such I feel that again this application is premature as there is insufficient information to demonstrate how nuisance will be avoided. Based on the information given in the application I do not have confidence in the management of the premises to prevent public nuisance.

If the Licensing Sub-Committee is nevertheless minded to approve the application then, I would strongly recommend that conditions should be imposed requiring the following:

- That 'acoustic lobbies' should be formed at the front and rear entrances/exits to the premises by the fitting of self-closing devices to all external doors and all doors into rooms in which amplified music is played.
- All windows should be kept closed during the playing of amplified music.

These controls would be in addition to Annex 3, Condition 2 specified in the existing Club Premises Certificate, which should be complied with prior to the first authorised use.

Joanna Hart, MCIEH
Senior Environmental Protection Officer

OTHER PERSON – RESIDENT OBJECTOR (Richard MOWER)

From: Richard Mower
Sent: 01 April 2014 12:01
To: Licensing
Subject: Application to Vary a Club Premises Certificate - 010187

Sir

How time flies! It seems only a short time ago we were in regular contact regarding problems caused by the North Croft Social Club in Sudbury. Just as we were feeling secure in our new found freedom from noise, littering and urinating young people, it seems we were far too eager to celebrate and find ourselves, once again, threatened by the unwanted activities of this establishment. It is with a feeling of horror I note that the club has applied to vary its premises certificate so that it may stay open until 01:30 at weekends and until midnight during the week. It appears that membership has not increased as the committee wished and that this application is a ploy to attract larger numbers of younger clients to the premises - perhaps not unreasonable from a business perspective, but I have not forgotten the antics and the anti-social behaviour of previous young customers and I live in dread of a repeat performance. It may be that the club will more responsibly regulate its membership, but it will have little, if any, control of patrons leaving the premises in the early hours and I fear that, yet again, our lives will be blighted and the values of our properties significantly reduced. In order to improve the quality of my life, I decided to sell my property which, you may recall, is situated approx ten metres from North Croft. After six years of trying to find a buyer, I am still, reluctantly, in residence.

The North Croft Club does, indeed, provide an amenity which is needed and it seems to me that the present arrangement which sees the upper storey rented as offices and the first floor used as a regulated social club satisfies a need and, at the same time, does not cause a nuisance to residents. Past problems are well documented and I need not include details here. Suffice it to say that, as things stand, all the 'customers' are satisfied, but, if North Croft is allowed to remain open until the early hours, I fear that we shall enter into a new phase of nuisance. I urge you to refuse this application.

Regards

Richard Mower
5 Croft Road, Sudbury CO10 1JD

OTHER PERSON – RESIDENT OBJECTOR (Anthony GILHAM)

From: antony.gilham
Sent: 15 April 2014 13:46
To: Licensing
Subject: Ref 010187 Northcroft Social Club Sudbury

I would like to object to the changes that Northcroft Social Club are requesting in the variation of their premises licence. It felt that the past was coming back to haunt me, the area has been much better to live in since the licence was last reviewed in 2012.

I know the club has made many changes like noise reduction by bricking up the windows in the ground floor area where the live music was played, this was opposite my house, but I still feel even this will not keep out any noise especially if they have live bands performing, I still remember the times when I was unable to sleep in my bedroom and had to sleep in my bathroom on a portable bed, which I still have just in case.

Please I ask you not to grant the requested variation in the Club premises licence.

Mr A Gilham

8 Croft Road

Sudbury CO10 1JD

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Licensing Authority
Place Directorate
Babergh District Council
Corks Lane, Hadleigh, Ipswich IP7 6SJ
DX NO: 85055 Exchange: Babergh
Main Switchboard: **01473 822801**
website: www.babergh.gov.uk

IMMEDIATE ATTENTION REQUIRED
The Club Management Committee
Northcroft Social Club
1 The Croft
SUDBURY
Suffolk CO10 1HN

Your Ref:
My Ref: M13/BCP0020

Please ask for: **Licensing Team**
Phone Direct Line ☎: **01473 825719**
Fax 📠: **01473 825738**
e-mail 📧: licensingsection@babergh.gov.uk

07 May 2012

Dear Sirs,

RE: NOTICE OF WITHDRAWAL OF CLUB PREMISES CERTIFICATE BCP0020
LICENSING ACT 2003 (SECTION 90)
LICENSING AND APPEALS COMMITTEE DECISION NOTICE

Babergh District Council hereby confirms its decision in respect of the Licensing Sub-Committee hearing to consider the withdrawal of Club Premises Certificate BCP0020 held by Northcroft Social Club for the club premises at 1 The Croft, SUDBURY, Suffolk CO10 1HN.

Firstly the Authority wishes to thank Mr David Dreyer (Treasurer), Mr Stuart Hume (Membership Secretary) and Mr Eddie Cribb (Committee Member) for their attendance and submissions to the Panel on 03 May 2012 (Report M13 refers). The Authority notes that Mr Dreyer advised that the Club Chairman and Club Secretary were not able to attend the hearing due to work commitments.

Having carefully considered the issues necessitating the hearing, the submissions made, and the Authority's duties under section 90 of the Licensing Act 2003, the Sub-Committee has resolved to:

HEREBY GIVE NOTICE to the Northcroft Social Club WITHDRAWING Club Premises Certificate BCP0020 - for Northcroft Social Club, 1 The Croft, SUDBURY, Suffolk CO10 1HN - as far as it relates to the supply of alcohol and regulated entertainment activities as specified on the Club Premises Certificate and summary of it.

In reaching this unanimous decision, the Committee Chairman confirmed that the reasons for this decision are as follows:

- A: The Sub-Committee is satisfied that the Northcroft Social Club is not being conducted in good faith as a club and is therefore not meeting the qualifying conditions of Section 62 of the Licensing Act 2003.
- B: It is not a defence for the Club to say that it didn't know what was going on – it is the responsibility of the Club to know and to find out what the Club's facilities are being used for and how.
- C: As a general observation, there is no adequate control or supervision of the premises.
- D: In reaching this decision, the Sub-Committee has had due regard to the Statutory Guidance (April 2012 revision) issued under section 182 of the Licensing Act 2003, which (at paragraph 6.8) states that a point may be reached where a club is providing commercial services to the general public in a way that is contrary to its qualifying club status. It is at this point that the club would no longer be conducted in 'good faith' and would no longer meet 'general condition 3' for qualifying clubs in section 62 of the 2003 Act.

Continued overleaf ⇒

- E: The advertising, open access to club facilities, sale of alcohol without challenge, absence of signing-in procedure, and other evidence given by the Enforcement Officers at the hearing all point to commercial activity offered to the general public rather than activities exclusively for club members and bona fide guests.
- F: No regard appears to have been had by the Club to promotion of the four licensing objectives – the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.
- G In arriving at this decision the Sub-Committee has had due regard to human rights implications and the impact this decision may have on Club members, but has balanced this with the need to protect the public. It has also noted its duties under section 90 of the Licensing Act 2003 and to promotion of the licensing objectives. It has concluded that it is satisfied that the Northcroft Social Club is not being conducted in good faith and it is therefore a necessary and proportionate course of action to withdraw the Club Premises Certificate (number BCP0020).

RIGHT TO APPEAL THIS DECISION

Where the relevant licensing authority gives notice withdrawing a club premises certificate under section 90, the club which holds or held the certificate may appeal against the decision to withdraw it.

We hereby advise the Club of its right to appeal this decision, taken by Babergh District Council, to the magistrate's court within 21 days of the date of this Notice. You have also been advised of this decision verbally at the hearing. Contact West Suffolk Magistrates' Court (Tel: 01284 778000) should you wish to exercise this right.

For the avoidance of any doubt it should be noted that the determination of the Licensing Sub-Committee takes effect IMMEDIATELY from the service of this Notice confirming the withdrawal of the certificate.

This decision does also not override the Club's right to apply for any licence permission in the future - whether a premises licence, club premises certificate or temporary event notice - and have such application considered on its individual merits and in accordance with the requirements of the Licensing Act 2003.

We trust that this decision is clear.

Yours faithfully

Licensing Authority
Babergh District Council



Licensing Authority
Place Directorate
Babergh District Council
Corks Lane, Hadleigh, Ipswich IP7 6SJ
DX NO: 85055 Exchange: Babergh
Main Switchboard: **01473 822801**
website: www.babergh.gov.uk

The Club Management Committee
Northcroft Social Club
1 The Croft
SUDBURY
Suffolk CO10 1HN

Your Ref:
My Ref: M65/BCP0020-007846
Please ask for: **Licensing Team**
Phone Direct Line ☎: **01473 825719**
Fax 📠: **01473 825738**
e-mail ✉: licensingsection@babergh.gov.uk

09 October 2012

Dear Sirs,

RE: LICENSING ACT 2003 - DECISION NOTICE
APPLICATION MADE FOR GRANT OF NEW CLUB PREMISES CERTIFICATE
NORTHCROFT SOCIAL CLUB (REPORT M65)
LICENSING AND APPEALS COMMITTEE DECISION NOTICE

Babergh District Council hereby confirms its decision in respect of the Licensing Sub-Committee hearing held over two days, on 03 September 2012 and 04 October 2012, to consider an application made for the GRANT of a NEW Club Premises Certificate (Application reference: 007846). The application was made by Northcroft Social Club on 14 July 2012 for the club premises at 1 The Croft, SUDBURY, Suffolk CO10 1HN.

Firstly the Authority wishes to thank Mr Eddie Brown (Chairman) and Mr John Parr (Committee Member) from the Club, and also local residents raising representations, for their attendance and submissions to the Sub-Committee during the course of the hearing (Report M65 refers).

In reaching its decision the Sub-Committee has considered what is appropriate, in view of the information before it, to promote the four licensing objectives which are:

1. Prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

The Sub-Committee has considered relevant guidance and local policy when reaching its decision and also the submissions made by the relevant parties. The Sub-Committee has determined to:

GRANT application number 007846 for a NEW Club Premises Certificate for Northcroft Social Club at 1 The Croft, SUDBURY, Suffolk CO10 1HN, on the following basis:

1. Undertakings made by the Club to the Licensing Authority to:

- (a) Update the hiring agreement produced at the hearing to reflect the requirement that no glasses or bottles shall be taken outside of the club.
- (b) Within seven days of the date of this decision notice provide the Licensing Authority with a copy of the Club's updated rules and constitution, as provided by the Club to the FSA. A copy of the FSA's approval, once forthcoming, shall also be provided to the Licensing Authority within seven days of its receipt.

Continued overleaf ⇨

Chief Executive: Charlie Adan

Place Director: Lindsay Barker



Minicom: 01473 825878 (Minicom is a text phone service for the deaf and hard of hearing)

(c) It should also be noted that the Club should further update, or ensure compatibility of, its club rules to account for the terms and conditions of the new granted club premises certificate – specifically those relating to members and guests. Section 82 of the Licensing Act 2003 also places specific obligations on the Secretary of a club to promptly notify and provide updated club rules to the Licensing Authority.

2. Mandatory conditions which apply and conditions consistent with the operating schedule submitted within application 007846 as modified during the hearing process (and interim adjournment). See new club premises certificate BCP0020-007846 enclosed. A summary will be provided to other parties to the hearing.

3. Conditions and restrictions imposed on the granted club premises certificate by the Sub-Committee:

(a) The authorised timings proposed by application 007846 shall be reduced to those now shown on Club Premises Certificate BCP0020 and summary of it.

(b) There shall be no licensable music activities authorised by Club Premises Certificate BCP0020-007846 until such time as a scheme of appropriate sound attenuation measures has been submitted to and agreed in writing with the Licensing Authority, and implemented to the satisfaction of the Licensing Authority. The scheme shall include (although not exclusively) proposals for: insulating the structure of the ground floor to secure an acceptable level of noise emanating from the building; a system to terminate amplified music whenever the first floor fire door is opened; and monitoring of all forms of noise outside the premises, which shall include the use of a suitable sound level meter.

In reaching this unanimous decision, the Sub-Committee Chairman confirmed that the reasons for this decision are as follows:

(a) The steps identified from the operating schedule and those imposed are appropriate and proportionate controls for promotion of the licensing objectives, so as to allow the GRANT of the new club premises certificate.

(b) That the review mechanism and provisions of the Licensing Act 2003, and other regulation, should afford adequate safeguard to promotion of the licensing objectives in the event of any future negative impacts reasonably linked to the operation of the Club.

RIGHT TO APPEAL THIS DECISION

We hereby advise you of your right to appeal this decision, taken by Babergh District Council, to the magistrate's court within 21 days of the date of this Notice. You have also been advised of this decision verbally at the hearing. Contact West Suffolk Magistrates' Court (Tel: 01284 352300) should you wish to exercise this right.

Entitlement for any party to appeal against any decision of the Licensing Authority is primarily set out in Schedule 5 of the Licensing Act 2003. Part 2 of Schedule 5 refers to appeals in respect of club premises certificates, and paragraphs 10 and 11 of Part 2 specifically to new club premises certificates.

The Authority trusts that all parties found they were given equal and fair opportunity to raise any relevant issues in support of their own submissions/representations. If anything contained within this Notice is unclear then please contact a member of the Licensing Team in the first instance on 01473 825719 or licensingsection@babergh.gov.uk

Yours faithfully



For the Licensing Authority
Babergh District Council

Enc.





Licensing Team
Babergh District Council
 Corks Lane, Hadleigh, IPSWICH IP7 6SJ
 DX NO: 85055 Exchange: Babergh
 Main Switchboard: **01473 822801**
 Website: www.babergh.gov.uk

ATTENDANCE AT HEARING NOTICE
 (Section 84 CLUB VARIATION application)

For completion by Licensing Authority:

Application type:	Section 84 VARIATION (Club)	Application no:	010187 BCP0020
Club:	Northcroft Social Club		
Address:	Northcroft Social Club, 1 The Croft, SUDBURY CO10 1HN		

For completion by YOU:

Please tick box to indicate whether you are:

Applicant (Club):	
Objector:	
Other (please state):	

		YES	NO
Q1.	Do you intend to attend the hearing? (Note: If you wish to withdraw your representation, you should notify the Licensing Authority as soon as possible)		
Q2.	Will you be bringing someone to speak on your behalf? (If YES to above please specify name and occupation of speaker):		
Q3.	Do you consider the hearing to be necessary? (Note: The Licensing Authority may dispense with the hearing if all parties agree)		
Q4.	Please give an estimate (in minutes) of how long you believe you will need to make your points concerning this application?	minutes

If you want any other person to attend as a witness to support you (other than the person whom you intend to represent you), complete the box below in order to comply with the hearings procedure:

Describe in the space below the matter(s) on which this person be giving evidence on in relation to this application, representation or notice. Please use continuation sheet/reverse if necessary:	
YOUR NAME:	
SIGNATURE:	Date:

Please complete and return this form not later than
FIVE WORKING DAYS before **09 MAY 2014**



PROCEDURE FOR HEARING OF APPLICATION UNDER THE LICENSING ACT 2003 WHERE A REPRESENTATION/OBJECTION IS RECEIVED

NOTE: References to the 'Applicant' may also apply to an existing licence/certificate holder if the hearing consideration relates to a licence or certificate already on issue (for example a variation)

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| 1. The Council's Licensing Officer will present a report to the Sub-Committee outlining details of the application and reasons for the hearing including representations/objections made. The Licensing Officer may then, through the Chair, be questioned on his report by any party to the hearing. |
| 2. The Applicant (and/or his advocate/representative) will then present their case in support of the application they have made. The Applicant calls any witnesses (if applicable). The Applicant and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing. |
| 3. Responsible Authorities (and/or his advocate/representative) will then present their case in support of their representations. The Responsible Authorities call any witnesses (if applicable). The Responsible Authorities and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing. |
| 4. REPEAT STEP 3 FOR EACH RESPONSIBLE AUTHORITY. |
| 5. Other Persons objecting (and/or his advocate/representative) will then present their case in support of their representations. Other Persons call any witnesses (if applicable). Other Persons and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing. |
| 6. REPEAT STEP 5 FOR EACH OTHER PERSON OBJECTING. |
| 7. The Chairman may then allow additional questioning/ clarification of any of the parties in the order indicated by him. |
| 8. Other Persons give any closing comments to the Sub-Committee. |
| 9. Responsible Authorities give any closing comments to the Sub-Committee. |
| 10. The Council's Licensing Officer gives any closing comments to the Sub-Committee. |
| 11. The Applicant (and/or their advocate) gives any closing address to the Sub-Committee. |
| 12. The Sub-Committee retires to deliberate in private session. All parties will then be called back into the meeting for the announcement of the decision and reasons for the decision will be given by the Chairman or Legal Advisor to the Sub-Committee. The full written notification of the decision and rights of appeal will follow forthwith. |

NOTES:

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Sub-Committee Chairman and, with his consent, any Member of the Sub-Committee may at any time question the Applicant, Responsible Authorities, Other Persons, Licensing Officer or any witnesses. The Sub-Committee Chairman may deviate from this procedure as he considers necessary or appropriate, to allow a discussion to flow and to allow all parties fair and equal opportunity to raise all points they may wish to make.
- (c) At all times during proceedings due regard shall be had to The Licensing Act 2003 (Hearings) Regulations 2005.