



F. McArdle
Chief Executive

Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

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Please ask for: Democratic Services
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Minicom: (01283) 595849
DX 23912 Swadlincote
Email :
democraticservices@south-derbys.gov.uk

Date: 3rd March 2015

Dear Councillor,

Licensing and Appeals Sub-Committee

Further to recent correspondence, please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

The **Licensing and Appeals Sub-Committee** will meet on **Wednesday, 11 March 2015**, in the **Council Chamber** at the Civic Offices, Civic Way, Swadlincote. The meeting will commence at **14:30**.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,

F.B. McArdle
Chief Executive

To:- **Conservative Group**
Councillors Stanton (Chairman) and Watson.

Labour Group
Councillor Bell.



AGENDA

Open to Public and Press

- 1 Apologies
- 2 To note any declarations of interest arising from any items on the Agenda
- 3 DETERMINATION OF AN APPLICATION TO VARY A PREMISES LICENCE -'BURTON WATERSPORTS', STAPENHILL **3 - 30**

Exclusion of the Public and Press:

- 4 The Chairman may therefore move:-
That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

Hearing Date: 11th March 2015

Contact Officer: Lisa Kinsey – 01283 595890

DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A CLUB PREMISES CERTIFICATE

Applicant's Name	Burton Watersports Club
Premises Name	Burton Watersports Club
Address	Waterside Road, Stapenhill, Burton upon Trent, Staffordshire, DE15 9JL

1. PURPOSE

To determine an application for the variation of a club premises certificate received by the Licensing Authority on the 3rd February 2015. A copy of the application is attached as **Appendix 1**.

2. BACKGROUND

- 2.1 The applicant is seeking a variation to the club premises certificate to extend the hours for 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 where the sale takes place.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Authority to permit the following:

Activity	Days	Times
Supply/sale by retail of alcohol & recorded music	Sunday - Thursday Friday & Saturday Christmas Eve & New Year's Eve	12.00 – 23.00 12.00 – 02.00 12.00 – 02.00
Opening hours to the public	Monday – Sunday	00.00 – 00.00

4. CONSULTATION RESPONSES

Derbyshire Constabulary Representation received during the 28 day consultation period. Full details can be found in **Appendix 2**.

5. AGREEMENT BETWEEN PARTIES

5.1 The applicant has agreed to have the conditions requested by Derbyshire Constabulary as shown at **Appendix 3** added to their application.

5.2 Derbyshire Constabulary have subsequently withdrawn their representations shown at **Appendix 4**.

5.3 All parties have agreed to dispense with the need to hold a hearing.

6. DETERMINATION

6.1 The power to grant licences in these circumstances remains with the Licensing and Appeals Sub-Committee.

6.2 As all parties have agreed to dispense with a hearing, there is no requirement to hear evidence, and Members are asked to grant the licence subject to such conditions contained in the operating schedule, together with proposed conditions from Derbyshire Constabulary and any mandatory conditions required under the Licensing Act 2003.

7. RIGHT OF APPEAL

7.1 The applicant or persons making representations have a right of appeal against the decision of the Licensing Authority.

APPENDICES

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Representation from Derbyshire Constabulary
3. Agreed conditions to be added to the Operating Schedule
4. Withdrawal of representations from Derbyshire Constabulary

03/03/15

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a club premises certificate to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

BURTON WATERSPORTS CLUB

(Insert name of club)

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

Club premises certificate number	LACPC / 0006
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Part 1 - Club premises details

Name of club			
BURTON WATERSPORTS CLUB			
Postal address of premises, if any, or if none ordnance survey map reference or description			
WATERSIDE ROAD STAPENHILL BURTON-ON-TRENT DE15 9JL			
Post town	BURTON-ON-TRENT	Postcode	DE15 9JL
Telephone number (if any)	NONE		
E-mail address (optional)			

Name of person performing duties of a secretary to the club			
ROBERT W. TRUSWELL			
Address of person performing duties of a secretary to the club			
24, HUNTINGDOGS ROAD, STAPENHILL BURTON UPON TRENT STAFFORDSHIRE			
Post town	BURTON UPON TRENT	Postcode	DE15 9JL
Daytime contact telephone number (if any)	07551854061		
E-mail address (optional)			

Part 2 – Applicant details

Daytime contact telephone number (if any)	01283 534299 or 07890760087		
E-mail address (optional)			
Current postal address if different from premises address	188A ROSLISTON ROAD STAPENHILL BURTON-ON-TRENT. DE15 9RE		
Post town	BURTON-ON-TRENT	Postcode	DE15 9RE

Part 3 - Variation

Please tick

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not when do you want the variation to take effect from?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

EXTENTION OF HOURS FOR SUPPLY OF
ALCOHOL, AND RECORDED MUSIC

If the club's proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

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Part 4 – Club Operating Schedule

Please complete those parts of the Club Operating Schedule which would be subject to change if this application to vary is successful.

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

Provision of regulated entertainment:

Please tick as appropriate

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainments (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box I)

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 where the sale takes place (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of film</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Tue					
			<u>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
			State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed				
Thur				
			Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)	
Fri				
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12-00	23-00			
Tue	12-00	23-00			
Wed	12-00	23-00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	12-00	23-00	CHRISTMAS EAV. 12-00 to 02-00		
			NEW YEARS EAV 12-00 to 02-00		
Fri	12-00	02-00	Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5)		
Sat	12-00	02-00			
Sun	12-00	23-00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment that the club will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for this entertainment</u> (please read guidance note 4)		
Fri					
Sat			<u>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	12-00	23-00	<u>State any seasonal variations</u> (please read guidance note 4) CHRISTMAS EAV 12-00 - 02-00 NEW YEARS EAV. 12-00 - 02-00	Both	<input type="checkbox"/>
Tue	12-00	23-00			
Wed	12-00	23-00			
Thur	12-00	23-00		<u>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri	12-00	02-00			
Sat	12-00	02-00			
Sun	12-00	23-00			

J

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	CLUB MAY BE OPEN 24 HRS A DAY AS MEMBERS HAVE KEYS, AND MAY REQUIRE TOILETS, SHOWERS ETC IF USING CARAVANS OR CAMPING.
Mon	00-00	00-00	
Tue	00-00	00-00	
Wed	00-00	00-00	
Thur	00-00	00-00	
Fri	00-00	00-00	
Sat	00-00	00-00	
Sun	00-00	00-00	
			Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list (please read guidance note 5)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

Please identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking.

NONE

Please tick as appropriate

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate



If you have not ticked one of these boxes, please fill in reasons for not including the certificate or part of it below

Reasons why the club has not enclosed the club premises certificate or relevant part of it:

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities.
- I understand that I must now advertise my application.
- I have enclosed the club premises certificate or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

I DAVID ROY BRACE
 (Insert full name)
 make this application on behalf of the club and have authority to bind the club

Signature	<u>D. R. Brace</u>
Date	<u>02/02/2015.</u>
Capacity	<u>TRUSTEE + TREASURER.</u>

Address for correspondence associated with this application (please read guidance note 11)

188A ROSLISTON ROAD
STAPENHILL

Post town	<u>BURTON-ON-TRENT</u>	Postcode	<u>DE15 9RE</u>
Telephone number (if any)	<u>01283 534299 OR 07890760087</u>		
If you would prefer us to correspond with you by e mail, your e mail address (optional)			

Notes for Guidance

1. Describe the premises, For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

3. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively) where the activity will go on for an extra hour during summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00).
7. If the club wishes members and their guests to be able to consume alcohol on the premises, please tick 'on the premises'. If the club wishes people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If the club wishes people to be able to do both, please tick 'both'.
8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling machines etc.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed by someone with the authority to bind the club.
11. This is the address which we will use to correspond with the club about this application.

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police / Fire / Environmental Protection / Health and Safety / Child Protection / Trading Standards/ Planning Authority / Licensing Authority / Health Authority

Name	Kelvin Hannah
Job Title	Police Officer
Postal and email address	St Mary's Wharf Police Station, Wyatts Way, Chester Green, Derby.
Contact telephone number	0300 122 5643

Name of the premises you are making a representation about	Burton Watersports Club
Address of the premises you are making a representation about	Waterside Road, Stapenhill

<i>Which of the four licensing objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	x	
Public safety	x	
To prevent public nuisance	x	
To protect children from harm	x	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	I have agreed conditions with the applicant which are attached. He has signed these and dated them. These are conditions in relation to upholding the Licensing objectives.
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Signed:  Date: 16/2/15

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

Proposed Conditions: Burton Watersports Club, Waterside Road, Stapenhill

- 1) Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods.
- 2) Refresher training shall be provided at regular intervals – at least every 12 months.
- 3) Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 Of the Licensing Act 2003.
- 4) All records must be written and shall be retained on the premise for a minimum of 12 months.
- 5) A challenge 25 or similar Proof of age scheme shall be operated at all times.
- 6) Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age
- 7) The only acceptable forms of identification shall be
 - PASS – accreditation proof of age card.
 - Photo Driving Licence
 - Current British/UK Passport.
 - UK Military ID Card
- 8) Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, along with the age restrictions on products shall be displayed at
 - Points of sale
- 9) A system of recording sales refused under the proof of age scheme shall be operated at all times.
- 10) The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 Of the Licensing Act 2003.
- 11) The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.
- 12) The responsible person(s) shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person as detailed within Section 13 Of the Licensing Act 2003.
- 13) Suitable and sufficient written risk assessments and operating policies shall be kept up to date and shall be made available for inspection upon request of a Police Officer or other authorised as detailed within Section 13 Of the Licensing Act 2003.

P.T.O

Hours the Club can be open for Licensable activities:

Mon – Thurs 12:00 hours to 23:00 Hours

Friday and Saturday 12:00 hours to 02:00 hours

Sunday 12:00 hours to 23:00 hours

Christmas Eve and New Years Eve 12:00 hours to 02:00 Hours

Proposed Conditions: Burton Watersports Club, Waterside Road, Stapenhill

- 1) Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods
- 2) Refresher training shall be provided at regular intervals – at least every 12 months.
- 3) Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 Of the Licensing Act 2003.
- 4) All records must be written and shall be retained on the premise for a minimum of 12 months.
- 5) A challenge 25 or similar Proof of age scheme shall be operated at all times.
- 6) Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age
- 7) The only acceptable forms of identification shall be
 - PASS – accreditation proof of age card.
 - Photo Driving Licence
 - Current British/UK Passport.
 - UK Military ID Card
- 8) Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, along with the age restrictions on products shall be displayed at.
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- 13) Suitable and sufficient written risk assessments and operating policies shall be kept up to date and shall be made available for inspection upon request of a Police Officer or other authorised as detailed within Section 13 Of the Licensing Act 2003.

P-T-O

**Licensing Act 2003
Premises Licence Application – #
Notification to Local Authority of agreement regarding
Representations**

To: Licensing Authority Office

Date: 23/2/15

Dear Sir/Madam

I write in my capacity as the Police Licensing Officer for the area of South Derbyshire.

Discussions have taken place with the application in relation to the promotion of the licensing objectives.

I understand that the applicant has formally amended their application to include the following conditions:

Agreed conditions with the Police for the Premises at Burton Watersports Centre. This are in line with what the Police required therefore there is no objection.

On this basis, please accept this notice as formal notification to withdraw my representation to the above premises licence application. Furthermore, I confirm that I do not consider a hearing to be necessary.

Signed.....Name in block
Hannah.....

Date.....23/2/15.....

