

WILTSHIRE COUNCIL

SOUTHERN AREA LICENSING SUB COMMITTEE

2 March 2016

Application for a Variation to a Club Certificate; Salisbury Lawn Tennis Club, Old Blandford Road, Harnham, SP2 8DG

1. Purpose of Report

- 1.1 To determine an application for a variation to a Club Certificate at Salisbury Lawn Tennis Club, Old Blandford Road, Harnham, SP2 8DG made by Salisbury Lawn Tennis Club.

2. Background Information

- 2.1 This is an application for a variation to a Club Certificate at Salisbury Lawn Tennis Club, Old Blandford Road, Harnham, SP2 8DG made by Salisbury Lawn Tennis Club for which five relevant representations have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 8 January 2016 an application for a variation to a Club Certificate was received and accepted as a valid application.

2.6 The application as applied for is as follows:

Licensable Activity	Timings	Days
Change the licensed area internally and include the external area as a licensed area.	No change	No Change

A copy of the Club certificate is attached as **Appendix 1**, and the application from Salisbury Lawn Tennis Club, Old Blandford Road, Harnham, SP2 8DG is attached as **Appendix 2**.

2.7 The other premises which are licensed for off-sales of alcohol within the vicinity of the application address are detailed as follows:

Premises	Licensed Hours for On-sales of Alcohol	Days	No. On Plan
Grassmere House Hotel	1200 – 2330 1000 - 0000	Sunday Monday - Saturday	1
Greyfisher PH	1100 -2300 1100 – 0000 Drinking ceases externally 2300	Sunday – Thursday Friday – Saturday	2
Harnham Social Club	1200 – 2300 1000 - 0000	Sunday Monday - Saturday	3
Rose and Crown Hotel	1000 – 0000 1000 – 0100 1000 - 0200	Sunday – Wednesday Thursday Friday - Saturday	4

2.8 A map showing the locations of the above premises is attached as **Appendix 3**.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period five relevant representations have been accepted from interested parties. As a result of the Application a flier was circulated locally, see **Appendix 4**. Representations received referred to details in the flier that are not a consideration under the Licensing Act 2003

3.3 Representations Received

- Mr Mike Fiddy
- Mr S.J. Hodder
- Mr Steve & Mrs Sarah Harris
- Mr John & Mrs Ann Leggett
- Dr. Paul & Mrs P.W. Lord

A further 10 representations have been either rejected or withdrawn by interested parties, following clarification as to the scope of the application and the extent of activities allowed under the existing licence.

At the time of this report the Licensing Authority received 2 further representations that were received outside the consultation period and subsequently refused.

- 3.4 A number of objectors have referred to the fact that, if the area covered by the premises licence were to be extended, the Club would be entitled to have live and recorded music in the outside area, even though this had not specifically been applied for. This is because of changes to the Licensing Act in April 2015, which provide that live and recorded music is permitted between 08:00 and 23:00 on premises that are licensed for the supply of alcohol, provided the audience does not exceed 500 persons.

However, live music is already permitted between 08:00 and 23:00 on unlicensed premises which are deemed to be workplaces, provided the audience does not exceed 500 persons. The definition of a 'workplace' is found in the Workplace (Health, Safety and Welfare) Regulations 1992. This provides that a workplace is any premises or part of premises which are not domestic premises and are made available to any person as a place of work. Some objectors have questioned whether the tennis courts, which are used for coaching, should be treated as a workplace. Legal advice has been sought on this point which concluded that tennis courts could be treated as a workplace, if they are used as a place of work by any person. It does not matter that they are outside areas, nor that the tennis coaches may be self-employed.

If it is accepted that the tennis courts are a workplace, then they could already be used for the performance of live music.

- 3.5 Concerns were also raised with regards to recorded music. At the moment the Club already has Recorded music playing outside during the cardio tennis sessions this is covered under the 182 guidance of the Licensing Act 2003 as incidental to another activity, this is not regulated entertainment and any complaints about it would be dealt with as a statutory nuisance.

3.6 Responsible Authorities

No Responsible Authority has made a representation in connection with this application.

3.7 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Noise disruption due to sale of alcohol	Prevention of Public Nuisance	Yes	All representations

3.8 The relevant representations are attached as **Appendix 5**.

3.9 **Appendix 6** shows a detailed plan of the area.

3.10 The Applicant has made following comments in response as a result of objections and amended Licensable area outside **Appendix 7** and submitted a Noise plan **Appendix 8**. To allay residents' concerns they have agreed to the following, however suggestions one to three could not form enforceable conditions on the licence as the music aspect is not licensable.

1) Cardio tennis accompanied by Music between 1500 & 1800 and will only be played on the Courts nearest Harnham Road and the level of Music will be monitored.

2) Apart from cardio tennis recorded music will not be played outside unless at a Specified outside Event.

3) Club Finals day and Lawn Tennis Open day Live and/or recorded music outside must only be played until 2300

4) A further 2 Social outside events may be held per year with no more than 150 attendees. These events will finish no later than 2300 the only exception is for New Year's Eve. All local neighbours will be informed 28 days beforehand and any noise will be kept to a minimum.

5) If the New Year's Eve Event takes place no alcohol will be consumed outside after 0000 Midnight during the Event.

Having been made aware of the Applicants actions a further objector withdrew.

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

- 5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Applicant and those persons who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.
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Date of report: 23 February 2016

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Club Certificate**
- 2 Variation of Club Certificate Application form and Plan**
- 3 Map showing locations of other On Sale Premises**
- 4 Flier**
- 5 Relevant representations**
- 6 Detailed plan of the area**
- 7 Revised Plan after objections**
- 8 Club Noise Management Plan**