

LICENSING HEARING PANEL

13 JANUARY 2017

LICENSING ACT 2003 APPLICATION FOR A VARIATION TO THE EXISTING PREMISES LICENCE

**THE SPORTSMAN, 56 BROMPTON LANE, STROOD,
ROCHESTER, KENT, ME2 3BJ**

Report from:

Perry Holmes, Chief Legal Officer

Author:

Mandy Francis, Principal Licensing and
Enforcement Officer

Summary

The applicant has applied for a variation to the existing premises licence for the Sportsman, 56 Brompton Lane, Strood, Rochester, Kent ME2 3BJ.

The application is to request an amendment to condition 8, which currently restricts the use of the outside area until 22:30hrs. The applicant wishes to extend this by an additional hour one day per week during the Bat and Trap Season

All responsible authorities have been consulted in line with the Licensing Act.

A representation has been received from Environmental Health.

1. The application

1.1 In accordance with the Licensing Act 2003, the Council has received an application for a variation to the premises licence in respect of the Sportsman, 56 Brompton Lane, Strood, Rochester, Kent ME2 3BJ.

1.2 The application is seeking to amend condition 8 as follows:

Outdoor areas will not be used after 22:30hrs except on Wednesdays when bat and trap teams play until 23:30hrs.

1.3 A copy of the application as submitted is at Appendix A.

- 1.4 The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
- 1.5 All responsible authorities have been consulted in line with the Licensing Act.
- 1.6 A copy of the representation made by Environmental Health is attached at Appendix B
- 1.7 A copy of the floor plan is attached at Appendix C.
- 1.8 A copy of a map showing the location of the premises is at Appendix D

2. Background

- 2.1 A variation to the premises licence has been received in respect of the Sportsman, 56 Brompton Lane, Strood, Rochester, Kent ME2 3BJ, a copy of which is attached at Appendix A.
- 2.2 As stated at paragraph 1.2 this is an application for a variation to the existing premises licence; seeking amendment of condition 8. Currently, condition 8 states “outdoor areas will not be used after 22:30 (10:30pm) on all days”.
- 2.3 During the Bat and Trap season the applicant wants to extend the hours for the use of the outside area for an additional hour one day per week as the games do not always finish on time.

3. Promotion of Licensing Objectives

- 3.1 The applicant is expected to demonstrate that they have dealt with the promotion of the four licensing objectives, where appropriate. Members are referred to Paragraph M of the application at Appendix A where the applicant has referred to this issue.
- 3.2 The four licensing objectives are:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.

4. Relevant Representations

- 4.1 This matter has been put to the Licensing Hearing Panel because the Council has received a representation from one of the responsible authorities, Environmental Health. A copy of this representation is attached at Appendix B.

5. Policy Considerations

- 5.1 Medway Council has published its Statement of Licensing Policy, which it will consider alongside the amended Guidance issued by the Home Office under section 182 of the Licensing Act 2003 in all applications.
- 5.2 In determining this application, Members may wish to consider information contained in Appendix 4 to the Statement of Licensing Policy that lists examples of good practice against the four licensing objectives.
- 5.3 The objection raised in the relevant representation received relates to the prevention of public nuisance licensing objective.

6. Risk Management

- 6.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003. Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

7. Financial and legal implications

- 7.1 There are no direct financial or legal implications at this time.
- 7.2 This hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 7.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objectors, should either have the requisite grounds to do so. Legal advice will be given to members as appropriate at the meeting. However, whatever the decision of the committee, this must be based on the evidence placed before it and the committee must decide what weight to attribute to this information.

8. Recommendation

- 8.1 That the Panel considers and determines this application.

Appendices

Appendix A – Copy of the application as submitted

Appendix B – Copy of the relevant representation received from Environmental Health

Appendix C – A copy of the floor plan

Appendix D – A copy of a map showing the location of the premises

Background Papers

None

Lead officer contact: Mandy Francis – Principal Licensing and Enforcement Officer
Telephone: 01634 306000
Email: mandy.francis@medway.gov.uk

APPENDIX A

Medway
COUNCIL
Serving You

Medway
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@medway.gov.uk
Telephone: 01634 337107

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

ronald

* Family name

hall

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	sportsman
* Street	brompton lane
District	
* City or town	rochester
County or administrative area	kent
* Postcode	me23bj
* Country	United Kingdom

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	56
Street	brompton lane
District	strood
City or town	rochester
County or administrative area	kent
Postcode	me23bj
Country	United Kingdom

Premises Contact Details

Telephone number	01364710910
Non-domestic rateable value of premises (£)	11,000

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VARIATION

Continued from previous page...

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

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

20

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

public house with garden to the rear with bar and trap pitch

Amend condition 8 Outdoor areas will not be used after 22:30 except on Wednesdays when bar & trap teams play until 23:30

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PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Continued from previous page...

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes ☒ No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

we wish to extend one of the clauses to stop all outside activities on wednesday nights from 10.30 until closing time of the public house, only on bat and trap nights, as this pub has held bat and trap for over 60 years but the license is hindering this, and causing us problems and threatens to lose this tradition

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

wednesdays only

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

wednesday

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

to stop all outside activities before 1030

- ☒ I have enclosed the premises licence
☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

as always run the pub with due diligence and follow the licensing law
strong management controls effective training of all staff so they are aware of the premises license and the requirements to meet the four objectives.
no selling to underage people.
no drunk disorderly behaviour.
vigilance in preventing the use and sale of illegal drugs at the retail area .
no any harm to children

b) The prevention of crime and disorder

cctv system. clear and legible notices outside stating times the license is effective .

Continued from previous page...

not selling to drunk intoxicated customers

c) Public safety

well trained staff. training and id checks.a log book recording system

d) The prevention of public nuisance

noise reduction measures to address public nuisance, prominent and clear notices.

e) The protection of children from harm

challenge 25 sign well trained staff. cctv. staff training

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

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Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/medway/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

The Sportsman, 56 Brompton Lane, Strood, Rochester, ME2 3BJ

Dear licensing,

With regards to the above licensing application which is to extend use of the outdoor areas I consulted with my colleagues in the Noise and Nuisance Team who have informed me that they have previously received noise complaints over the years, and some recent complaints have been with respect to the playing of ball games on the premises.

I am of the understanding that bat and trap games are not regulated entertainment for the purposes of the licensing act, however I am concerned that to allow bat and trap games in the outdoor area up until 23:30, even one day per week, will seriously affect the amenity and quality of life of those living nearby by, due to noise from the bat and trap games, and from people/patron noise.

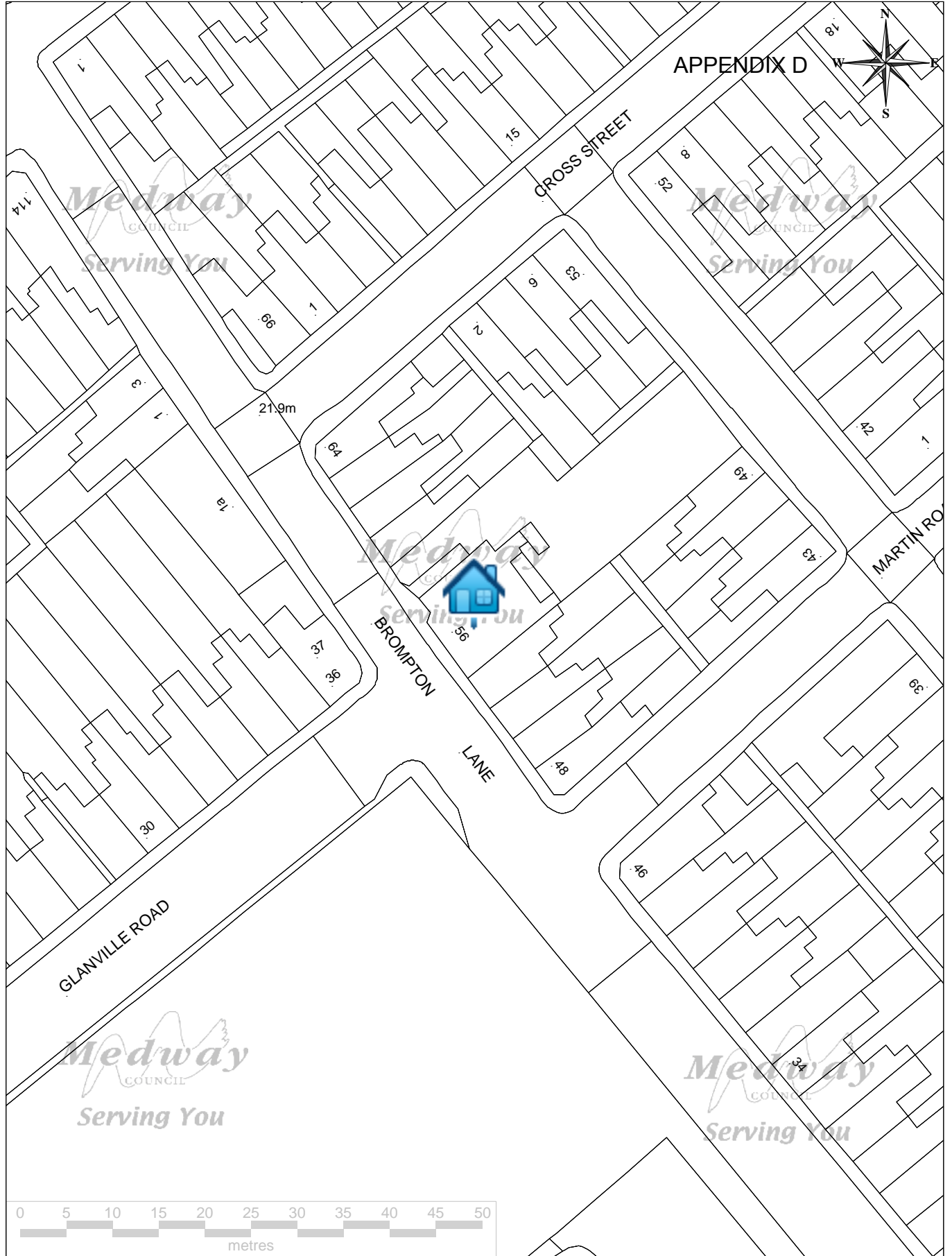
The rear garden of the premises runs all the way to Wykeham Street, and is bordered on two of its sides by residential properties who directly overlook the area to be used. Any noise associated with use of the garden later at night has significant potential to prevent local residents from getting to sleep and/or wake them up. I must make the point that the proposed variation is for extended hours on a weekday, and therefore any noise impacts created by that proposed will be more significant, especially for working people and children.

For this reason I wish to register an objection to the proposed variation to allow the use of the outdoor area until 23:30 under the Prevention of Public Nuisance Objective, and request that the application is refused to secure residential amenity and protect local residents from nuisance.

Regards,

Stuart.

Stuart Steed
Environmental Protection Officer
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
Tel: 01634 331105
email: stuart.steed@medway.gov.uk



The Sportsman Public House