

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 26 April 2012

Present:

Councillors A Hodson
 S Niblock
 H Smith

135 **APPOINTMENT OF CHAIR**

Resolved - That Councillor A Hodson be appointed Chair for this meeting.

136 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to consider whether they had personal or prejudicial interests in connection with the item on the agenda, and, if so, to declare them and state what they were.

No such declarations were made.

137 **APPLICATION TO VARY A CLUB PREMISES CERTIFICATE - GLADSTONE SPORTS AND SOCIAL CLUB, 90 CHURCH ROAD, TRANMERE**

The Director of Law, HR and Asset Management reported upon an application that had been received from Anna McCallow, Club Secretary, to vary a Club Premises Certificate in respect of the Gladstone Sports and Social Club, under the provisions of the Licensing Act 2003.

The hours requested in the application were set out within the report and the Club Secretary had also requested to increase the licensed area inside the premises and requested that the external areas be covered under the Club Premises Certificate.

The applicant was required to submit an operating schedule setting out how they would conduct/manage their business in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

Three representations from local residents had been received in respect of the application. The representations related to anti-social behaviour and noise nuisance caused by members and guests of the club whilst leaving the premises. Copies of the representations were available.

Mr Whalley, Treasurer of the Club, attended the meeting together with Mr Doyle, Acting General Manager, to outline the application.

Local residents, Mr Marl and Ms Armstrong, Sarah Cooper and Cy Cooper, were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and advised that the current hours as stated within paragraph 2.1 of the report contained a typographical error and that the paragraph related to Regulated Entertainment (Live Music) should be deleted.

Mr Whalley informed Members that a new committee had been established and admitted that the Club had not been run as it should have been over a number of years. He stated that it was important to attract the community into the Club and advised Members that residents had been invited to a meeting in order to try and address their concerns. He believed that the concerns of local residents should be heard and addressed and that the Club could move forward should the application be granted.

Mr Doyle reported that regular meetings would take place once a quarter in order to work with residents and referred to a plan over the next five years during which alterations would be undertaken including providing a designated smoking area at the rear of the premises.

Mr Whalley and Mr Doyle responded to questions from Members of the Sub-Committee, local residents and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Mr Marl addressed the Sub-Committee and reported upon the problems he experienced regarding the Club including music emanating from the premises, excessive noise from smokers at the front of the premises, frequent violations of the existing Club Premises Certificate, noise during the early hours emanating from people congregating at the front of the premises, noise from car doors slamming and horns from taxis and cars, shouting and screaming from the bowling green during the summer months, anti-social behaviour within the vicinity of the premises and brewery deliveries taking place from 7am. He advised Members that if the Club was open at a later hour these problems would be experienced for a longer period of time.

Sarah Cooper believed that many excuses had been made in the past for breaches of the Club Premises Certificate. She reported upon people making noise when leaving the premises, anti-social behaviour that had taken place outside the front of the premises, noise emanating from music from inside the premises and noise from taxis and cars outside the premises.

Cy Cooper referred to the structure and build of residents' houses and the premises itself and the demographics of the buildings which he believed contributed to the problems experienced by local residents from music emanating from the premises. He was concerned about the health and wellbeing of local residents should the later hours be granted and reported that residents could not sleep due to the noise emanating from the premises.

J Armstrong raised concerns regarding parking issues outside properties of local residents, people swearing and fighting outside the premises and informed Members that life had been made unbearable for local residents.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the four Licensing Objectives, the Council's Statement of Licensing Policy, and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members heard representations in support of the application from Mr Whalley, the Treasurer of the Club and Mr Doyle, the Acting General Manager of the Club.

Members also heard evidence from local residents, Mr Marl, Ms Armstrong, Sarah Cooper and Cy Cooper.

Whilst Members had regard to the fact that there were no representations from any of the Responsible Authorities, they also had regard to the location of these particular premises and that it was situated in close proximity to residential properties.

Members had regard to the representations and direct evidence given by residents that should the application be granted in respect of extending the later hours, this would create additional disturbance than was already being experienced by residents in the vicinity of the premises.

Members also heard direct evidence from the residents that they were currently being disturbed by customers leaving the premises following the closure of the premises and by noise emanating from the premises and noted that there had been breaches of the licence in the past which had been accepted by the Club.

Members were concerned that the applicant had made no comments regarding a dispersal policy and in light of this, considered that the Licensing Objective in respect of the Prevention of Public Nuisance would be undermined should the application be granted in its entirety. Members were content for the premises to open at an earlier hour, however, they believed that it was appropriate that conditions be imposed on the Club Premises Certificate.

Resolved -

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application to vary a Club Premises Certificate in respect of the Gladstone Sports and Social Club be granted as follows:

- **The Hours Open to Members and Guests be varied as follows:**

Sunday to Thursday 09:00 to 23:30

Friday and Saturday 09:00 to 00:00

(3) That the licensed area inside the premises be extended as detailed on the plans.

(4) That the licensed area outside the premises be extended as detailed on the plans, however, that this area must be cleared of all glasses, bottles and drinking vessels by 9.00 pm.

(5) That the following additional conditions be attached to the Club Premises Certificate:

- **No drinking vessels must be taken outside the front of the premises.**
- **Brewery deliveries to the premises must take place after 9.00 am.**

Members reminded the Club that it was their responsibility to control the behaviour of members and guests who smoked outside the building in order that they must not cause a public nuisance.