

# Public Document Pack

## LICENSING PANEL

Thursday, 7 April 2022

Present:

Councillors D Burgess-Joyce  
M Collins  
C O'Hagan

40 **APPOINTMENT OF CHAIR**

**Resolved – That Councillor D Burgess-Joyce be appointed Chair for this meeting.**

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

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

42 **10:00 AM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WALLASEY CRICKET CLUB, ROSCLARE DRIVE, WALLASEY**

The Director of Law and Governance reported upon an application that had been received from Wallasey Cricket Club for a Premises Licence in respect of Wallasey Cricket Club, Rosclare Drive, Wallasey.

It was reported that the premises currently have a Club Premises Certificate with the permitted hours as set out within the report. The hours applied for the Premises Licence were also set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed 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 application be granted.

In respect of the application a representation had been received from a local resident. The representation related to noise nuisance caused to local residents when outdoor music is played during events at the Cricket Club. A copy of the representation was available.

The applicant attended the meeting together with the Club Treasurer.

The Licensing Manager confirmed that all documentation had been sent and received and that the local resident who had made a representation was unable to attend the meeting and had requested that their written representation be taken into consideration.

The Licensing Manager outlined the report.

The applicant informed Members of the Panel that the premises currently have a Club Premises Certificate which limits the use of the club to members and their guests. The Panel were informed that should a Premises Licence be granted it would be intended for access to the club to continue to be restricted for the use of members and their guests but that non-members would be allowed access during cricket activity and the premises would also have occasional events which would be open to the public, for example during the August Bank Holiday weekend.

The Panel were made aware that the club do provide outdoor live music events on a limited number of occasions during the year. It was accepted by the applicant that an event which took place during the August Bank Holiday in 2021 did cause a disturbance to local residents and they acknowledged that the provision of continuous music was inappropriate and they would not allow this to happen in the future. The applicant advised the Panel that they communicate via email to local residents regarding such events and would continue to do so in the future. The Panel were further informed that the playing of live music outdoors would cease at 10.00pm

The applicant was challenged in respect of their policy to ensure that no excessive noise from music could be heard outside of the perimeter of the premises. It was acknowledged that further work was required to produce a written policy following advice from Environmental Health. It was highlighted to the Licensing Panel that the applicant had agreed with Merseyside Police that should the Premises Licence be granted there would also be a condition on the Premises Licence requiring the applicant to submit an Event Notification to the council in advance of any outdoor event. This notification would be shared with Environmental Health who could have additional input at that stage should it be required.

The Licensing Panel were made aware of proposed conditions set out in the operating schedule which included: staff training, an incident book, CCTV, a functions book, alcohol for consumption outside to be dispensed into plastic drinking vessels, a Challenge 25 Policy and measures to limit noise nuisance.

The applicant responded to questions from the Legal Advisor to the Panel and Members of the Licensing Panel.

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

In determining the application the Licensing Panel considered the written representation from the local resident who had expressed concern in respect of noise nuisance caused to local residents when outdoor music is played during events at the Cricket Club. Members of the Licensing Panel noted that the applicant was willing to work with Environmental Health and produce a written policy to address the concerns expressed.

In coming to their decision the Licensing Panel gave consideration to the fact that the applicant had liaised with Merseyside Police and had agreed to accept a number of conditions should the application be granted. The Panel also took into consideration the submission made by the applicant that the club would primarily continue to operate as a club facility for members and their guests.

In determining the application the Licensing Panel had regard to the fact that there were no representations from any of the relevant Responsible Authorities, in particular Environmental Health. The Panel took into account the willingness of the applicant to accept conditions to prevent public nuisance and concluded that there was no evidence that the granting of the licence would directly undermine the licensing objectives.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

**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 for a Premises Licence in respect of Wallasey Cricket Club, Rosclare Drive, Wallasey, be granted with the following hours:**

**Sale by Retail of Alcohol**

<b>Monday to Wednesday</b>	<b>11:00 to 23:00</b>
<b>Thursday to Saturday</b>	<b>11:00 to 00:00</b>
<b>Sunday</b>	<b>11:30 to 23:00</b>

**Hours Open to the Public**

<b>Monday to Wednesday</b>	<b>11:00 to 23:30</b>
<b>Thursday to Saturday</b>	<b>11:00 to 00:30</b>
<b>Sunday</b>	<b>11:00 to 23:30</b>
<b>Christmas Eve and New Years Eve</b>	<b>11:00 to 01:00</b>

#### **Indoor Sporting Events**

<b>Monday to Wednesday</b>	<b>20:00 to 23:30</b>
<b>Thursday to Saturday</b>	<b>20:00 to 00:00</b>
<b>Sunday</b>	<b>20:00 to 23:30</b>

#### **Recorded Music and Live Music**

<b>Sunday to Thursday</b>	<b>12:00 to 23:00</b>
<b>Friday and Saturday</b>	<b>12:00 to 23:30</b>

**(3) That the following additional conditions be placed on the Premises Licence:**

- **The playing of music outside the fabric of the building must cease at 22:00**
- **The Premises Licence Holder must liaise with Environmental Health and produce a written noise policy to minimise the impact of noise from the premises having particular regard to outdoor events when there is music.**
- **Local residents must be informed in advance of outdoor events taking place at the premises.**

#### **43 1:00 PM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - POULTON VICTORIA SPORTS AND SOCIAL CLUB SPORTS GROUND, OFF CLAYTON LANE, WALLASEY**

The Director of Law and Governance reported upon an application that had been received from Poulton Victoria Sports and Social Club for a Premises Licence in respect of Poulton Victoria Sports and Social Club Sports Ground, Off Clayton Lane, Wallasey.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed 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 application be granted.

In respect of the application, a petition signed by 102 local residents had been received. The concerns of local residents related to anti-social behaviour occurring within the vicinity of the premises and public nuisance being caused to local residents. It was submitted that this was currently a problem that would be exacerbated should the application be granted.

The applicant attended the meeting together with the Club Treasurer and their Licensing Consultant. Local residents were also in attendance together with Councillor Daisy Kenny.

The Licensing Manager confirmed that all documentation had been sent and received and that there were a number of local residents in attendance who had signed the petition and had agreed that Councillor Kenny would speak on their behalf.

The Licensing Manager outlined the report.

The applicant and their representative informed Members of the Panel that the premises is an established football club with a small clubhouse situated in an enclosed area with high metal railings. The clubhouse has a ground floor with a small bar and a first floor viewing balcony as well as outdoor seating.

The Licensing Panel were informed that the facilities of the clubhouse are intended to be used on match days, practice matches, training and similar events for football players, their families and friends. However, it was submitted by the applicant's representative that the applicant was content to accept a condition limiting the use of the clubhouse to football matches.

The Licensing Panel were made aware of the measures that would be in place to promote the licensing objectives which included CCTV, staff training, an incident log, a refusals register, a Challenge 25 Policy, and signage requesting the public to respect local residents. It was submitted to the Licensing Panel that there were no concerns from any of the Responsible Authorities regarding the application.

The Licensing Panel were advised that the clubhouse would be for the use of individuals watching matches or those wishing to have a drink after a match. In response to concerns that alcohol may be taken off site, the applicant stated that individuals would not be allowed to take alcohol off site and that the provision for off sales was to allow people to drink alcohol at the edge of the pitch and that they would be content for a condition that these drinks must be served in polycarbonate vessels.

The applicant responded to questions from the local resident in attendance, Councillor Kenny, the Legal Advisor to the Panel and Members of the Licensing Panel.

The Licensing Panel heard from Councillor Kenny and a local resident on behalf of residents in attendance, who outlined their concerns in respect of anti-social behaviour occurring within the vicinity of the premises which they advised was currently a problem and which they believed would be exacerbated should the application be granted. Members of the Licensing Panel were provided with statistics in respect of criminal activity in the area, however it was acknowledged that there was no evidence to link these premises to the statistics and that there was no reference as to whether these incidents were associated with alcohol. It was submitted that there were already 5 premises within the vicinity of the clubhouse selling alcohol and that allowing a further premises to sell alcohol would add to the problems experienced in the area. Residents had concerns regarding the staffing of the premises, the number of hours it would operate and the impact it would have upon the families living within the vicinity of the premises.

In response to the representations made by local residents the Licensing Panel heard from the applicant that they were prepared to add a number of additional conditions to the Premises Licence to uphold the licensing objectives. It was emphasised to the Licensing Panel that the use of the clubhouse would be limited to football matches and that no alcohol would be taken beyond the perimeter of the site.

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

In coming to their decision the Licensing Panel considered the operating schedule which forms part of the application and took into account the willingness of the applicant to have additional conditions placed on the Premises Licence in order to uphold the licensing objectives. Members had regard to the proposal for the Premises Licence Holder to undertake risk assessments for 'big matches' and considered that it was appropriate for such risk assessments to be carried out in advance of every match to determine any relevant control measures.

In determining the application the Licensing Panel gave consideration to the representations made by the local residents and also had regard to the fact that there was no evidence that the antisocial behaviour in this area was linked to these premises. The Licensing Panel had particular regard to the statutory guidance issued under the Licensing Act 2003 that their decision should be evidenced based and appropriate for the promotion of the licensing objectives. In this regard, the Licensing Panel took into consideration that there were no representations from Merseyside Police or any of the relevant

Responsible Authorities. The Licensing Panel concluded that they had not been provided with evidence that the granting of the licence would directly undermine the licensing objectives.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

**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 for a Premises Licence in respect of Poulton Victoria Sports and Social Club Sports Ground, Off Clayton Lane, Wallasey, be granted with the following hours:**

## Sale by Retail of Alcohol

**Sunday to Saturday** **11:00 to 23:00**

### Hours Open to the Public

**Sunday to Saturday** **09:00 to 00:00**

**(3) That the following additional conditions be placed on the Premises Licence:**

- **The sale of alcohol must only take place at times prior to, during and after organised football matches taking place.**
- **Alcohol must not be taken beyond the perimeter of the grounds.**
- **Drinks for consumption off the premises but within the perimeter of the grounds must be served in polycarbonate vessels.**
- **A risk assessment must be completed prior to each match to identify relevant control measures to be put in place.**

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