

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 8 August 2013

Present:

Councillors S Niblock J Salter
T Norbury

4 **APPOINTMENT OF CHAIR**

Resolved – That Councillor S Niblock be appointed Chair for this meeting

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

Councillor John Salter declared a prejudicial interest in respect of the application regarding Pebbles upon recognising an individual who had attended the Hearing to speak against the application.

6 **APPLICATION FOR A PREMISES LICENCE - BIRKENHEAD PARK FOOTBALL CLUB (RUGBY), 141 PARK ROAD NORTH, BIRKENHEAD**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Samantha Hiillas for a Premises Licence in respect of Birkenhead Football Club (Rugby), Park Road North, Birkenhead, under the provisions of the Licensing Act 2003.

The hours requested were outlined 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.

Nine representations had been received from local residents relating to noise nuisance from entertainment coming from the premises and nuisance caused by persons leaving the premises. Copies of the representations were available.

The applicant attended the meeting together with Phil Saunders (Manager) and Pat Landsborough (Club Secretary).

Paul Thompson, a local resident attended along with Ward Councillor Harry Smith.

Members were made aware of additional evidence in the form of a CCTV recording that Paul Thompson, local resident, wished to present. An adjournment was sought so that the applicant could consider whether they would allow for the material to be shown and considered by Members.

After an adjournment of 15 minutes it was resolved that the CCTV recording would not be considered by Members.

The Licensing Manager confirmed that all documentation had been sent and received.

Mrs Hillas addressed the Sub Committee and informed Members that the club had a Club Premises Certificate and were seeking a Premises Licence with the main change being the extension of hours on Friday and Saturday to 02:00 am. Members were made aware that currently the club had applied for Temporary Events Notices fairly routinely and had never had any representations in respect of these notices. Mrs Hillas acknowledged the concerns of the local residents and explained that she had written to occupants of neighbouring properties on two occasions to outline the proposed application and urged residents to contact her should they have any concerns. The applicant informed the Committee that the main source of revenue from the Rugby Club is through sales at the bar and hiring of the function room and that the Club wish to increase their income through extending hours. The applicant addressed a recent complaint whereby the Club had breached one of its licensing conditions where a window was left open after 09:00 pm. It was explained that on this occasion the premises had become overheated and the Manager was concerned for the welfare of some of the Members. Fans have now been purchased in a way to rectify this problem and to prevent the need for windows to be left open.

The applicant responded to questions from the Members of the Sub – Committee, Mr Paul Thompson, Councillor Harry Smith and Mr D K Abraham, Legal Advisor to the Sub- Committee.

Mr Thompson raised objections to the grant of a premises licence on the grounds that there would be the potential for further noise disruption to the surrounding area. Members were made aware of a series of incidents whereby Mr Thompson had been disturbed as a consequence of activities in and outside of the club. Mr Thompson spoke of his concerns relating to the protection of children from harm with reference to the request for the clubs application for the bar to open at 10:00 am.

Councillor Harry Smith addressed the Committee in objection to the application. He explained that there had been a series of disturbances to residents over the years largely relating to noise and disruption and on a number of occasions conditions of the Club Premises Certificate had been breached. Councillor Smith advised Members that there was a problem with people waiting for taxis outside of the club premises which led to frequent noise disturbance in the early hours of the morning.

Mr Thompson and Councillor Smith responded to questions from Members of the Sub-Committee.

Members gave careful consideration to the application made by Mrs Hillas for a Premises Licence at Birkenhead Football Club (Rugby) and the representations made in writing and orally at the hearing by Mr Thompson and Harry Smith, Ward Councillor.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy, in particular paragraph 4.20 and 8.3, and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members gave careful consideration to the representations made by the applicant. Members also had regard to the representations made by local residents and Ward Councillor, Harry Smith.

Members were advised by the applicant that their application for a Premises Licence is to enable the Club to provide their Function Room to persons who are not Members of the Club which is currently permitted through the use of Temporary Event Notices and to enable them to compete with other licensed premises in the area.

Members accepted the direct evidence provided by residents that they were disturbed by customers leaving the premises at a late hour on a regular basis. Evidence was also provided by residents and accepted by the Club, that the Club had recently been in breach of the conditions of their Club Premises Certificate which had led to a disturbance to local neighbours and had also resulted in a written warning from the Licensing Authority.

In determining the matter Members recognised the function of the Club and the contribution it wants to make to the community but had to balance this with the fact that the Club is located close to residential properties. Members had particular regard to the fact that residents are currently being disturbed by customers of the Club leaving at a late hour and by music from the premises when doors and windows have been left open in contravention of the conditions attached to 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 in respect of Birkenhead Park (Rugby) be granted, with the following hours:**

Sale by Retail of Alcohol

Monday to Thursday	10:00 to 23:00
Friday and Saturday	10:00 to 00:00
Sunday	10:00 to 22:30

Hours Open to the Public

Monday to Thursday	09:00 to 23:30
Friday and Saturday	09:00 to 00:30
Sunday	09:00 to 23:00

Live Music and Recorded Music

Monday to Thursday	19:00 to 23:00
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Friday and Saturday **19:00 to 00:00**
Sunday **19:00 to 22:30**

Late Night Refreshment

Friday and Saturday **23:00 to 00:00**

Non standard timings:

Christmas Eve

Licensable Activities **10:00 to 00:30**
Hours Open to the Public **09:00 to 01:00**

New Years Eve

Licensable Activities **10:00 to 03:00**
Hours Open to the Public **09:00 to 04:00**

(3) That the following conditions be attached to the Premises Licence:

- **The premises must adopt a Challenge 25 policy in relation to the sale of alcohol and display appropriate signage.**
- **The premises must only accept a photographic driving licence, passport or PASS accredited proof of age card as a means of proof of age (PASS = Proof of Age Standards Scheme).**
- **The premises must use a refusals log in conjunction with the Challenge 25 policy. This log must record all instances of challenges made under the policy. The refusals log must be made available on request to an Authorised Officer.**
- **All employees involved in the sale of alcohol must be trained on their responsibilities relating to age restricted sales, including the Challenge 25 policy. This training must take place before an employee is permitted to serve alcohol at the premises, and refresher training should take place at regular intervals, in all cases at least once every 6 months. Written records of training must be made available to an Authorised Officer on request.**
- **There must be CCTV in operation covering the gates of the premises on Park Road North and the exit points to the buildings.**

- **A 'Dispersal Policy' must be in place which includes an outline of the role and responsibilities of the Exit Marshall. This policy must include the following requirements:**
 - **An Exit Marshall, who is easily identifiable must be on duty at the premises when the premises are open beyond 23:00**
 - **There must be an Exit Marshall register which must be signed by the Exit Marshall at the beginning and end of their shift. This must be made available to an Authorised Officer on request**
 - **The Exit Marshall must monitor people leaving the premises to ensure that noise is kept to a minimum**
 - **Notices must be placed in a prominent position at the exit to the premises and the gates leading to Park Road North reminding people to leave the premises in a quiet and orderly manner. This notice must also contain the following wording: "When ordering taxis please ask to be picked up from the clubhouse, not Park Road North"**
 - **A notice must be displayed providing details of taxi companies who provide a customer call-back service**

- **An incident report book obtained from the Licensing Authority must be used to record all incidents in and around the premises. The incident report book must be made available to an Authorised Officer on request.**

- **The Premises Licence Holder or representative must conduct regular assessments of noise coming from the premises when entertainment is provided. The assessments must be conducted throughout the evening. Steps must be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record must be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results, including any remedial action taken. This must be made available to an Authorised Officer on request.**

- **All external doors and windows must be kept closed from 21.00, except in the event of an emergency or to permit access to or egress from the premises.**

- **Bottles or glass must not be disposed of from the premises between the hours of 21:00 and 09:00 so as not to cause a disturbance to residents in the vicinity of the premises.**

- There must be no 18th Birthday Parties held at the premises.

7 **APPLICATION FOR A PREMISES LICENCE - PEBBLES, NORTH PARADE, HOYLAKE**

Resolved – That the application be deferred to a future date due to a Member of the Sub Committee having declared a prejudicial interest.