

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 10 November 2016

Present:

Councillors D Burgess-Joyce
 G Davies
 P Stuart

18 **APPOINTMENT OF CHAIR**

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

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

Members of the Sub-Committee are 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.

Councillor G Davies declared a non pecuniary interest in the matter by virtue of being acquainted with a local resident who was objecting to the application and also with the Licensing Consultant who was presenting the application.

20 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - TRANMERE ROVERS FOOTBALL CLUB LIMITED**

The Managing Director for Delivery reported upon an application that had been received from Tranmere Rovers Football Club Limited for a Premises Licence in respect of Tranmere Rovers Football Club, Prenton Road West, Prenton, under the provisions of the Licensing Act 2003.

The premises already had a Premises Licence, however due to significant changes to the area to be included in the licence, the applicant had submitted a new Premises Licence application. 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. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

A representation had been received from a local resident. A petition had also been received signed by 38 local residents who were against the application. The representation and petition related to concerns that crime and disorder would increase should the application be granted. The concerns also related

to noise nuisance being caused from the use of the marquee which was erected at the front of the stadium and noise which was caused during the Wirral Rocks event within the stadium earlier this year.

A representation had also been received from Merseyside Police who had concerns regarding the lack of clarity around the provision of CCTV cameras set out in the application and the use of glassware in the public concourse and during events at the stadium. Copies of the representation and petition were available.

Mr Morris, Licensing Consultant, Mr Kruger, Operations Manager, Mr Bailey, Safety Officer and Mr Connah, Trainee Solicitor, attended the meeting.

Mrs Adams and Mr Edwards, local residents and Councillor A Davies, Ward Councillor were also in attendance, together with Licensing Officers S Cushion and G Lee, Merseyside Police.

The Licensing Manager confirmed that all documentation had been sent and received and that permission had been given for Councillor A Davies to speak on behalf of residents.

Mr Morris reported that the premises had been in existence for a number of years and was a well established Football Club with a stadium providing facilities for league and cup football matches. He advised that the application had been made in order to update the current licence in order that all areas where a Premises Licence would be required could be encompassed. He reported that the purpose of the application was to reflect alterations that had taken place within the fabric of the stadium and to extend the permitted area to include areas beyond the fabric of the stadium as specified in the plan submitted with the application.

Members heard details of the type of events that would take place at the premises in addition to the usual sale of alcohol at football matches and were advised that the premises included a number of function rooms within the fabric of the stadium to provide hospitality on match days and facilitate functions including and outside of match days. Members were advised that the main purpose of using the area outside the fabric of the stadium was to provide a facility for a Fan Zone to encourage good relations between football fans. Members were made aware that there was a marquee in the outside area that in addition to being used for Fan Zone activities had hosted a number of events through the use of Temporary Event Notices. These events included the sale of alcohol as well as entertainment which included a Boxing Event.

He referred to complaints made in respect of noise resulting from car boot sales, however, he advised Members that this was not a licensable activity. He stated that the application had been advertised accordingly and that there was no requirement to notify local residents. He informed Members that the

conditions suggested by Merseyside Police had been agreed to and that none of the other Responsible Authorities had made any representations, also they would be content to negotiate with Merseyside Police in respect of CCTV.

The Licensing Act 2003 Sub Committee heard from the applicant in respect of the measures that would be put in place to address the concerns raised by Merseyside Police in respect of CCTV coverage at the premises and the use of Polycarbonate vessels as well as the use of SIA registered door supervisors who would also prevent individuals taking drinks outside of the marquee. The applicant also set out measures they considered to be appropriate to prevent residents being disturbed by noise emanating from the premises, in particular from the marquee. Members were informed that there was a Planning restriction attached to the marquee which limited its use until August 2017. Members were also advised that the marquee had sound insulation boards and that regular monitoring of noise emanating from the marquee would take place to prevent noise nuisance being caused to local residents. Members were further advised that the applicant would seek advice from an independent noise consultant and Environmental Health regarding any other measures that could be put into place to prevent public nuisance.

Mr Morris advised that the marquee was to be included within the licensed area, he informed Members that there was no intention to extend the hours but to ensure that the marquee was included within the Premises Licence.

The applicant responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

In response to questions, the applicant apologised for any noise nuisance that had occurred and advised that he would ensure that any conditions would be complied with. He also advised residents that they could consult Environmental Health Officers in respect of noise nuisance, however, he believed a lot of improvements had been made since Mr Kruger had been employed by the premises a number of weeks ago.

Mr Kruger confirmed that the concerns of local residents had been considered and that insulation was now in place and also speakers would be faced away from the houses in Prenton Road West. Also bar staff had been instructed to carry out checks at the perimeters of the ground.

Councillor A Davies explained that the bass and the music both caused a disturbance.

Mr Morris confirmed that he considered measures could be put in place in respect of reducing the bass noise and this could be controlled through conditions attached to the Premises Licence. It was pointed out to the Sub-Committee that conditions relating to live or recorded music would only be effective after 11.00 pm.

Mr Edwards, a resident who was in attendance addressed the Sub-Committee and provided examples of the noise disturbance he had experienced from functions that had been held at the premises.

Local residents expressed their concerns in respect of the noise emanating from the marquee and considered that the premises could utilise the rooms within the premises for functions.

A short adjournment took place at 3.45 pm.

The meeting reconvened at 3.55 pm.

Merseyside Police informed the Licensing Act 2003 Sub Committee that following discussions with the applicant they were satisfied that the conditions put forward by them addressed the concerns they had expressed regarding the CCTV provision and the use of Polycarbonate Vessels. It was accepted at the Hearing that should the application be granted that the wording of the proposed conditions could be amended in order that they would be clear and enforceable.

Mrs Adams informed Members that she was representing herself and other local residents. She confirmed that local residents objected on the grounds of public nuisance and crime and disorder, however, she advised that their main concern was in respect of the marquee and car park. She referred to the noise nuisance residents had already experienced from the marquee as well as disturbances caused by individuals leaving the premises late at night and questioned whether sufficient measures could be put in place to prevent this. Mrs Adams reported that despite having triple glazed windows, she could hear sound emanating from the marquee above the sound of her television. Mrs Adams believed that the public nuisance both herself and other residents were currently experiencing when the marquee was used for events would be exacerbated should the licence be granted as applied for. Mrs Adams advised Members that the use of the marquee as a Fan Zone on match days was more acceptable but that it was not acceptable to be used late at night for the additional variety of activities that had taken place or that were being proposed. Mrs Adams urged that the application be rejected.

Councillor A Davies, Ward Councillor, confirmed that the main concern of local residents was the use of the marquee for events due to the noise disturbance caused by music and amplified announcements emanating from the marquee, as well as people causing a noise nuisance when leaving the marquee, drinking outside of the marquee or congregating on the car park. She referred to the petition signed by thirty eight residents who were all aware of the concerns raised and requested that the application be rejected.

Mrs Adams and Councillor A Davies responded to questions from the applicant and Members of the Sub-Committee.

In determining the application the Licensing Act 2003 Sub-Committee 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.

Members considered what steps could be taken to prevent public nuisance should the application be granted, noted the steps proposed by the applicant and balanced these proposals against the location of the premises in respect of residential properties in accordance with paragraph 4.35 of the Council's Statement of Licensing Policy.

The Licensing Act 2003 Sub Committee gave consideration to the fact that the premises currently has a Premises Licence that has allowed licensable activities to take place within the fabric of the stadium for many years and that the main concern raised by residents related to additional activities taking place outside the fabric of the stadium in particular in the marquee.

Members gave consideration to the conditions proposed by the applicant that were accepted as appropriate by Merseyside Police and in doing so had regard to paragraphs 2.3 and 5.6 of the Statutory Guidance. Members also gave consideration to the measures proposed by the applicant to address the concerns of local residents. Members accepted the evidence from local residents that despite these measures having been in place during the use of Temporary Event Notices residents had suffered public nuisance.

In determining the application Members considered the fact that residents had a tolerance of the use of the marquee on match days as a Fan Zone. Members subsequently determined it appropriate to restrict the licensable activities to the fabric of the stadium except on occasions when Tranmere Rovers first team were playing at home when the sale of alcohol and the provision of Late Night Refreshment were also permitted to take place in the marquee providing they are specifically linked to the provision of a Fan Zone on match days.

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 Tranmere Rovers Football Club, Prenton Road West, Prenton, be granted as follows:

The fabric of the stadium:

Sale by Retail of Alcohol

**Sunday to Thursday 11.00 to 00.00
Friday and Saturday 11.00 to 01.00**

Regulated Entertainment

**Sunday to Thursday 11.00 to 00.00
Friday and Saturday 11.00 to 01.00**

Hours Open to the Public

**Sunday to Thursday 11.00 to 00.30
Friday and Saturday 11.00 to 01.30**

Late Night Refreshment

**Sunday to Thursday 23.00 to 00.30
Friday and Saturday 23.00 to 01.30**

Non –Standard Timings

On any day when Tranmere Rovers Football Club first team are playing at home the above licensable activities (except for Late Night Refreshment) is extended until 01.00.

On any day when Tranmere Rovers Football Club first team are playing at home, Late Night Refreshment and Hours Open to the Public is extended until 01.30.

New Year's Eve

**Sale by Retail of Alcohol, Live Music, Recorded Music, Performance of Dance and anything of a similar description 01.30
Hours Open to the Public until 02.00**

The marquee located outside the fabric of the stadium:

The following hours to apply to days when Tranmere Rovers first team are playing at home:

Sale by Retail of Alcohol

Sunday to Saturday 11.00 to 23.00

Late Night Refreshment

Sunday to Saturday 23.00 to 23.30

Hours Open to the Public

Sunday to Saturday 11.00 to 23.30

(3) That the following conditions be placed on the Premises Licence in addition to the conditions proposed in the Operating Schedule and those agreed with Merseyside Police:

- **The use of the marquee is limited to days when Tranmere Rovers first team are playing at home providing that the use is specifically linked to the provision of Fan Zone activities on such days.**
- **A minimum of one SIA Registered Door Steward must be on duty at each entrance/exit to the marquee when used for Licensable Activities.**
- **No drinks may be taken outside of the marquee.**