

# LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 22 July 2020

Present:

Councillors    A Hodson  
                      L Rowlands  
                      K Greaney

21    **APPOINTMENT OF CHAIR**

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

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

Members of the Sub-Committee 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.

23    **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ANSELMIANS RUGBY UNION FOOTBALL CLUB, EASTHAM VILLAGE ROAD, EASTHAM**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Anselmians Rugby Union Football Club Limited for a Premises Licence in respect of Anselmians Rugby Union Football Club, Eastham Village Road, Eastham

It was reported that the premises previously held a Club Premises Certificate with the hours permitted as set out within the report and that due to the relocation of the Club to a newly constructed building within the same site, the Club had submitted an application for a Premises Licence.

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.

Following discussions with Merseyside Police, the applicant had agreed for conditions to be placed on the Premises Licence should the application be granted which included staff training and a zero drugs policy.

In respect of the application two representations had been received from local residents. A representation had also been submitted on behalf of the Eastham

Village Preservation Association. The representations related to concerns that noise nuisance would be caused by entertainment from the premises as well as from customers leaving the premises at a late hour. Copies of the representations were available.

The Director of Anselmians Rugby Union Football Club Limited attended the meeting by way of video conference together with another Director of the Club.

A local resident who was also the Chair of Eastham Village Preservation Association also attended the meeting by way of video conference.

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

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee. He advised that the rugby club had been located on the site since 1953. He reported that the club had provided sporting and social activities at that site since that time. He informed Members of the Sub-Committee that he was not seeking any extension of hours from those that had previously been operated under the previous Club Premises Certificate. He explained that the site has been redeveloped and the club house was now situated in a new building in a different part of the site which was surrounded by pitches on three sides. He informed Members of the Sub-Committee that there are community facilities on site which are separate and distinct from the club house. He reported that the club house was now situated 100 metres from its original location which meant that it was further away from established residential properties with increased car parking facilities for people attending the club. He reported that the club house had been well managed so as not to cause a public nuisance to local residents and that no complaints had been received during the operation of the previous premises. He also advised that the licensing objectives had always been upheld by the club and believed that the new facilities would make compliance even stronger.

The applicant responded to questions from Members of the Sub-Committee and Mr A Bayatti, legal advisor to the Sub-Committee.

The Licensing Manager displayed a map of the area which clarified where the premises had been relocated to.

The local resident in attendance at the hearing informed the Sub-Committee of his concern that the development had taken place within the greenbelt and within a conservation area and that the new club house was considerably larger than the previous one allowing for more events to take place which he believed would cause more noise and nuisance to local residents. He felt the new premises would be a lot nearer to old houses in Eastham Village Road and the car park was immediately adjacent to those old properties. He advised the Sub-Committee that he considered a club house providing a bar facility to be incompatible with the operation of a youth club as he believed this would result in young persons under the age of 18 years being able to access alcohol. He informed Members of the Sub-Committee that he would be content for a Premises Licence to be granted up until 8.00 pm and for the club to apply separately for permissions that would allow functions to take place at the premises.

The local resident responded to questions from the applicant and Members of the Sub-Committee and advised that the previous club house had been well managed and he had had not had any reason to complain in respect of the operation of the club. He did reiterate that his concern was that the new development with enhanced facilities included a youth club.

In response to the representations made by the local resident the applicant reported that there would be measures in place to prevent the sale of alcohol to persons under the age of 18 years, that the location of the new club house would not cause a nuisance to local residents and that the club intended to operate as it had done previously with no extended hours. He also advised that he would be willing to meet regularly with local residents.

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 of the Sub-Committee gave consideration to the fact that there had been no reported complaints regarding the operation of the previous club house, the submissions made by both the applicant and local resident that the premises had been well managed and that the concerns regarding youths being able to access alcohol had been addressed by the fact that the entrance to the youth club facilities would be separate and distinct from the entrance to the club house. Members also noted the willingness of the applicant to meet regularly with local residents.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities and had particular regard to the fact that no evidence had been submitted to support the contention that the licensing objectives would be undermined should the application be granted.

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 Anselmians Rugby Union Football Club, Eastham Village Road, Eastham, be granted with the following hours:**

#### **Sale by Retail of Alcohol**

<b>Sunday to Thursday</b>	<b>11:00 to 23:00</b>
<b>Friday and Saturday</b>	<b>11:00 to 00:00</b>
<b>New Years Eve</b>	<b>11:00 to 01:00</b>

#### **Hours Open to the Public**

<b>Sunday to Thursday</b>	<b>09:00 to 23:30</b>
<b>Friday and Saturday</b>	<b>09:00 to 00:30</b>
<b>New Years Eve</b>	<b>09:00 to 01:30</b>

**Live Music and Recorded Music**

<b>Sunday to Thursday</b>	<b>11:00 to 23:00</b>
<b>Friday and Saturday</b>	<b>11:00 to 00:00</b>
<b>New Years Eve</b>	<b>11:00 to 01:00</b>

**Late Night Refreshment**

<b>Friday and Saturday</b>	<b>23:00 to 00:00</b>
<b>New Years Eve</b>	<b>23:00 to 01:00</b>