

LICENSING PANEL

Friday, 6 January 2023

Present:

Councillors M Booth
D Burgess-Joyce
K Greaney

25 **APPOINTMENT OF CHAIR**

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

26 **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.

27 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CALDY SPORTS CLUB, PATON FIELD, TELEGRAPH ROAD, CALDY CH48 1 NX**

The Head of Legal Services reported upon an application that had been received from Caldys Sports Club Limited for a Premises Licence in respect of Caldys Sports Club, Paton Field, Telegraph Road, Caldys.

It was reported that the premises currently have a Club Premises Certificate with the permitted hours outlined within the report. 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, three representations had been received from local residents as well as a petition signed by 20 local residents which supported the representations made. The representations related to noise nuisance from entertainment coming from the premises and nuisance caused by customers consuming alcohol on the premises and leaving the premises at

a late hour which was currently a problem for residents. Copies of the representation and petition were available.

The Chair of Caldy Sports Club attended the meeting together with the prospective Designated Premises Supervisor and their legal representative. Local residents were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received. A local resident in attendance advised a video was available should Members wish to view it which would be shared with the applicant's solicitor should Members feel it necessary to be viewed.

The Licensing Manager outlined the report.

The legal representative for the applicant informed Members of the Panel that the application had been made to replace the existing Club Premises Certificate and that the premises is an established club which supports the playing of various sports such as rugby, cricket and hockey. It was explained that principally the sale of alcohol would take place in the clubhouse and within a marquee located next to the Clubhouse in which they would host occasional planned events.

The Licensing Panel were informed that there would be no intention to change the current operation of the premises and that operating under a Premises Licence would bring increased accountability in how the Club operate in respect of licensable activities.

The Licensing Panel were made aware that a number of measures would be in place to promote the licensing objectives which included CCTV, lighting from the clubhouse to the carpark, non-glass receptacles to be used when consuming alcohol away from the clubhouse or marquee and also when rugby First XV would be playing and a Challenge 21 policy.

The legal representative responded to questions from the local residents in attendance, the Legal Advisor to the Panel and Members of the Licensing Panel.

The Licensing Panel heard from the local residents in attendance who outlined their concerns in respect of the current problems they had been experiencing due to the way in which the Club were currently operating, in particular they were made aware of individuals leaving the premises intoxicated and engaging in anti social behaviour when they had left the premises.

The Members of the Licensing Panel also heard of how noise from music emanating from the premises had caused disturbance to local residents and that there had been incidents of drunkenness, public urination and individuals

leaving the premises with beer in glasses. The local residents also expressed concerns in respect of noise emanating from music being played in the premises.

In response to the representations made by local residents the Licensing Panel heard from the legal representative of the premises that they were prepared to add a number of additional conditions to the Premises Licence to uphold the licensing objectives.

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 and also that there had been no representations from Merseyside Police or any of the relevant Responsible Authorities.

In coming to their decision the Licensing Panel considered the willingness of the applicant to have additional conditions applied to a Premises Licence and also to meet with local residents should the application be granted.

Members of the Licensing Panel also had regard to the strong submission that the Club would remain primarily a sports club and would not operate as a public house.

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 (2:1 Councillor D Burgess-Joyce dissenting) –

(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 Caldys Sports Club, Paton Field, Telegraph Road, Caldys, be granted with the following hours:

Sale by Retail of Alcohol (For consumption 'On' and 'Off' the Premises)

Monday to Thursday 11:00 to 23:00

Friday and Saturday 11:00 to 00:00

Sunday 12:00 to 23:00

Exhibition of Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description

Monday to Thursday 11:00 to 23:00
Friday and Saturday 11:00 to 00:00
Sunday 12:00 to 23:00

Late Night Refreshment

Friday and Saturday 23:00 to 01:00

Hours Open to the Public

Monday to Thursday 08:00 to 00:00
Friday and Saturday 08:00 to 01:00
Sunday 08:00 to 00:00

(3) That in addition to the conditions submitted as part of the application, the following conditions be placed on the Premises Licence:

- **The telephone number of the Designated Premises Supervisor or a responsible person acting on behalf of the Licence Holder must be made available to local residents upon request.**
- **Assessments must be made of any noise levels that may be produced by live or recorded music being played in any marquee located within the outside area of the premises. These assessments must take place at least every 60 minutes. The premises must take steps to reduce the level of noise where it is found that it is likely to cause a public nuisance. A written record of all assessments must be maintained in a log book kept for that purpose and must include, the time and date of the checks, the person undertaking the checks, the results of the checks and any remedial action. These records must be made available for inspection upon request by an authorised officer.**
- **An incident log book must be kept and maintained at the premises which must be used to record any incidents of crime and disorder or anti social behaviour or complaints regarding the operation of the premises. The incident log book must be reviewed by an officer of the Club or member of the management team on a weekly basis with a record of the review recorded and signed. The book shall be available for inspection at all reasonable times to an Authorised Officer. The records must be retained for 12 months.**
- **The Club must invite residents living in close proximity to the premises in Telegraph Road and in Pikes Hey Road to a quarterly meeting. The first meeting to be arranged to take place before 31**

January 2023. The meeting must be attended by the Designated Premises Supervisor or a nominated member of the Club management team attending on behalf of the Premises Licence Holder. A record of the meetings must be kept by the Designated Premises Supervisor and these records be made available for inspection upon request by an authorised officer.

- **A minimum of 2 SIA registered door supervisors must be employed at the premises on occasions when the sale of alcohol will take place beyond 11.00pm. The door supervisors must be employed from 10.00pm until the premises is cleared of all customers.**
- **In addition to the above condition, the Premises Licence Holder must risk assess the need for door supervisors at functions and events held at the premises and implement an appropriate number of SIA registered door supervisors to be in place at an appropriate time as identified in the risk assessment.**