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LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 6 September 2018

Present:

Councillors L Rowlands
 P Stuart
 I Williams

13 **APPOINTMENT OF CHAIR**

Resolved – That Councillor P Stuart be appointed Chair for this meeting.

14 **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.

15 **APPLICATION TO VARY A CLUB PREMISES CERTIFICATE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WALLASEY CRICKET CLUB, ROSCLARE DRIVE LISCARD.**

The Corporate Director for Business Management reported upon an application that had been received from Colin Rivett to vary a Club Premises Certificate in respect of Wallasey Cricket Club, Rosclare Drive, Liscard, under the provisions of the Licensing Act 2003.

The premises currently have a Club Premises Certificate with the hours outlined within the report.

The applicant submitted an operating schedule setting out how the business would be conducted/ managed in accordance with the four licensing objectives. Members were advised that the proposals set out in the operating schedule may become conditions of the certificate should the application be granted. A copy of the full application was available.

Six representations had been received from local residents. A petition had also been received signed by 24 local residents who were against the application. The representations and petition related to concerns regarding the close proximity of the outside area to residential properties and that nuisance would be caused by members and guests using the outside area which was currently a problem to local residents. Copies of the representations were available.

Mr Elliott, General Manager and Mr Dobby, Club Member, attended on behalf of the applicant.

A local resident was in attendance to make representations on behalf of herself and also on behalf of other local residents.

The Licensing Manager confirmed that all documentation had been sent and received and that the Club Secretary had given notice for Mr Elliott and Mr Dobby to represent the Club at the hearing.

Mr Elliott advised that he wished to provide a petition in support of the application and a letter that had been circulated to local residents. The local resident had no objections to these documents being considered and they were therefore distributed to all parties.

The Licensing Manager outlined the report.

Mr Elliott reported that the application had been made subsequent to the Club having advertised an event and having been advised that this was not permitted under the current Club Premises Certificate. Mr Elliott advised that he believed the intention was to include the whole area when the original application had been made in 2005 and not just the building and car park. He informed Members that the Club had operated since 1935 and that it was normal practice for spectators to consume alcohol in the perimeter of the grounds and that the purpose of the application was to allow people to be able to do this which would enable spectators to sit around the ground and watch the cricket whilst enjoying a drink.

Mr Elliott also advised that the application was not to vary the hours at the premises, but to include the grounds of the premises to enable the cricket club to sell alcohol from a marquee/tent on occasions in the outside area of the cricket ground. He explained that the Club was seeking to hold social events in the outside area for a few occasions during the year and not on a regular basis nor were they attempting to change the current practices of the Club. Members were advised that the Club holds an annual festival during August as well as an annual firework event and that in addition to these events there would be a limited number of other events.

Members heard that should the application be granted the Club would be content for a condition to be placed on the Club Premises Certificate to restrict the consumption of alcohol in the outside area of the premises to 10.30 pm and that any sale of alcohol that would take place within a marquee/tent would cease at 10.00 pm and that this would be monitored and enforced by staff and Members of the Committee.

Mr Elliott responded to questions from Members of the Sub Committee, the local resident and Miss V Silvester, Legal Advisor to the Sub Committee.

In response to questions, Mr Elliott acknowledged that the Club had caused public nuisance to local residents when they hosted a 50th birthday party on 20 July this year, however, he advised that the Club would not intend to cause such a nuisance and would not allow this to occur again.

The local resident informed Members that she had lived in the area for 17 years and was in attendance to make representations for herself and also on behalf of local residents. She advised Members that the building was small with an upstairs bar area and that outside drinking during cricket matches had taken place which had not raised any complaints. Members were advised that the surrounding houses were in

close proximity to the premises and that some local residents were Members of the Club. Members heard that since the increase in activity at the Club residents had become less tolerant of noise emanating from the premises due to doors and windows being left open. Particular concern was raised relating to an event held on 20 July when the noise from a live band playing outdoors had resulted in the community Police being called out and ward Councillors being advised further to residents being met with hostility after having complained to the Club. Members were advised that residents' complaints were normally resolved, however, there was a fear that should the application be granted local residents would experience an increase in disturbance from events being held outside.

The local resident also referred to the event held during the August Bank Holiday which had resulted in numerous complaints in respect of noise nuisance over the last few years. She believed the Club had been acting in an unprofessional manner and requested that Members consider in particular the close proximity of residential properties and have regard to their Policy and Statutory Guidance when determining the application.

The local resident responded to questions from Members of the Sub-Committee and Miss V Silvester, Legal Advisor to the Sub Committee.

In response to concerns regarding children being on the premises late at night which it was said not only caused disturbance to local residents but gave concern in respect of the welfare of the children themselves, the applicant disputed that children remained on the premises late at night and stated they were actively encouraged from remaining on the premises beyond practice sessions.

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 took into account the fact that the main purpose of the Club was to function as a cricket club with a limited number of events taking place to sustain the viability of the Club. Members also took into consideration that the purpose of the application was not to change the way in which the Club operated but to allow spectators to consume alcohol while watching cricket. It had been noted that the residents did not object to this activity. Consideration was also given to the applicant's willingness to have a condition placed on the Club Premises Certificate that restricts the use of the outside area of the premises as well as the fact that the number of events taking place in the outside area would be limited.

Members also took into consideration the fact that there were no representations from any of the Responsible Authorities in respect of the application, in particular from Environmental Health or the Licensing Authority.

Members had particular regard to the provision within the Licensing Act 2003 for the Club Premises Certificate to be reviewed where problems associated with the Licensing Objectives occur after the grant or variation of a 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 to vary the Club Premises Certificate in respect of Wallasey Cricket Club, Rosclare Drive, Liscard, be granted with the following conditions:**
 - The sale of alcohol outside the fabric of the building must not take place beyond 10.00 pm.**
 - The consumption of alcohol outside the fabric of the building must not take place beyond 10.30 pm.**