

REPORT: Regulatory Committee

DATE: 27 February 2014

REPORTING OFFICER: Chief Executive

PORTFOLIO: Resources

SUBJECT: Application to vary a Premises Licence –
Birchfield Park Sports & Social Club Birchfield
Road Widnes

WARD: Birchfield

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application to vary a premises licence in respect of Birchfield Park Sports & Social Club Birchfield Road Widnes.

2. RECOMMENDATION: That the Committee considers the relevant representations and makes a determination on the application.

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 34 Licensing Act 2003 (“the 2003 Act”)
- 3.2** This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3** The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4** The hearing is solely concerned with those aspects of the application, which have been the subject of relevant representations as defined in the 2003 Act.

4 THE APPLICATION

- 4.1** Ronald George has applied to vary a premises licence in respect of Birchfield Park Sports & Social Club Birchfield Road Widnes
The proposed application requests:-
 - Live Music between the hours of 10.00 and 23.00 each day
 - Recorded Music, Performance of Dance and the Supply of Alcohol between the hours of 10.00 to 23.00 Sunday to Thursday and 10.00 to Midnight Friday and Saturday.

- Late Night Refreshment between the hours of 23.00 and Midnight Friday and Saturday.
- Any Sunday that precedes a bank holiday the operating hours will be 10.00 to midnight
- Hours the premises are open to the public between the hours of 10.00 to midnight Sunday to Thursday and 10.00 to 01.00 Friday and Saturday.

4.2 Current Premises Licence Hours

The sale of alcohol on and off the premises between the hours of:-

Weekdays 10.00 to 23.00

Sunday 10.00 to 22.30

Good Friday 08.00 to 22.30

Christmas Day Noon to 15.00

Christmas Day 19.00 to 22.30

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

Cheshire Constabulary - has requested the following conditions to be attached to the licence and the applicant has agreed.

1. The operating Schedule states that a CCTV system is to operate in the premises. To ensure that this system is fit for purpose:-

Condition:-

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. (provided)

2. To ensure that staff are aware of how to operate this system at all times and to ensure it complies with other legislation:-

Condition:

Premises Licence holders will need to demonstrate that their CCTV system complies with their Operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before hand over of the system. The commissioning test will need to demonstrate the following:-

- 1) recordings are fit for their intended purpose;
- 2) good quality images are presented to the officer in a format that can be replayed on a standard computer;
- 3) the supervisor has an understanding of the equipment/training;
- 4) management records are kept;
- 5) maintenance agreements and records are maintained; and
- 6) Data Protection principles and signage are in place.

Trading Standards - has requested the following conditions to be attached to the licence and the applicant has agreed.

- 1 A "Challenge 21" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or other responsible authority),. Publicity materials notifying customers of the operation of the "Challenge 21" scheme shall be displayed at the premises.

2. The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police. Alternatively an electronic point of sale refusals log shall be kept.
3. A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. The programme shall be made available for inspection at the request of Local Authority Officers and Police.
4. The DPS or Premises Licence Holder shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.

5.2 ANY OTHER PERSON

J L Armstrong – Smith and Dr J Thompson – Hehir 246 Birchfield Road
Widnes
J & D Whitty 244 Birchfield Road Widnes
E & H Phillips 248 Birchfield Road Widnes
Mr & Mrs Jones 7 Tuson Drive Widnes

The representations have been placed on the application file and copies have been forwarded to the applicant and to the members of the Committee.

Not all representations are relevant representations. Only relevant representations will be taken into account by the Committee. The

Committee will determine what constitutes a relevant representation from an interested party.

It is not practical to include the text of the relevant representations within this agenda but they constitute background documents for the purposes of the agenda. Copies will be forwarded to the applicant and to members of the Committee.

The main objections relate to:

- Noise nuisance from the premises particularly in the summer months is very disruptive despite the objector's properties having double glazing and keeping all windows closed when functions are taking place.
- The objectors feel this problem may be solved if the premises installed air conditioning, a double door system and windows and doors to remain closed on function nights when there are discos and live bands.
- Noise from customers and cars leaving the club in the early hours of the morning which would cause anguish to local residents – also security in the neighbourhood.

5.3 EVIDENCE

In accordance with normal procedure it is noted that the relevant representations do not amount to evidence. All persons who have made relevant representations have been requested to supply the evidence they intend to rely on not later than 5 working days prior to the hearing. When received this will be forwarded to the Applicant and members of the Committee.

6 OPTIONS

6.1 The Committee has the following options under section 34 of the 2003 Act:

7.1.1 It must Grant the application (where properly made) unless it considers that for the promotion of the licensing objectives it considers it necessary to take any of the following steps, namely –

7.1.2 Impose relevant conditions on the licence;

7.1.3 Reject the whole or part of the application.

6.2 The Committee must act with a view to promoting the licensing objectives, namely:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and

(d) the protection of children from harm.

The Committee must also have regard to-

- (a) the Council's Statement of Licensing Policy; and
- (b) the Statutory Guidance issued by the Secretary of State.

7 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary