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LICENSING ACT 2003 SUB-COMMITTEE (A) - THURSDAY, 17 MARCH 2016

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 17 MARCH 2016 AT 10.00 AM

Present

Councillor R Williams – Chairperson

JE Lewis

HE Morgan

Officers:

Katia Daw

Lawyer

Yvonne Witchell

Team Manager Licensing

Sarah Daniel

Democratic Services Officer - Committees

13. APOLOGIES FOR ABSENCE

14.

None

14. DECLARATIONS OF INTEREST

None

15. APPLICATION FOR CLUB PREMISES CERTIFICATE - PORTHCAWL ATHLETIC ASSOCIATION, PORTHCAWL

The Chairperson welcomed all to the meeting, and introduced the two other members of the Panel to the applicants and objectors. He then explained the procedures that would take place for the hearing.

The Team Manager, Licensing informed the Panel that there had been a request for an adjournment from an objector to the application as he wished to attend the meeting but was away on holiday at the time. The Applicant was asked whether they would agree to adjournment or whether they wished to proceed and they confirmed they would like to proceed today.

The Team Manager, Licensing further informed Members that she had received an enlarged photograph of the area from an objector which was already contained as a small image within the reports and also an email from Mr and Mrs Jones who were in attendance at the hearing. She requested permission from the Chairperson for these to be considered at the hearing. The Applicant was asked whether they objected and they confirmed they did not. The additional document expanded upon representations already made.

The Panel briefly adjourned to consider the requests

The Panel considered the two preliminary points which were raised, the first being should they proceed today or adjourn:

The Panel noted there were six objectors. Of those six, two were in attendance, two had said they did not wish to attend and two had not attended.

Of the two that did not attend, one had not made any direct contact, however, the Panel heard through another that he is on holiday. The Other had contacted the Authority to say that he is on holiday and that he would like an adjournment. The Panel considered whether to adjourn and considered the detailed written reps which the objector had already submitted and what expansion was likely had he been able to attend. The Panel considered the desire of the applicants to proceed as planned. The Panel weighed up any prejudice likely to be caused by adjourning compared to proceeding and were happy on this occasion to proceed.

The Panel further noted the additional evidence:

A photo from Mr Thomas and an email from Mrs Jones

The Panel noted that these expanded on representations already made and noted the Applicant had no objections to these being admitted. The Panel therefore agreed for these to be admitted as evidence.

and upon their return the Chairperson announced that the Panel had considered the request for an adjournment. They noted that of the six objections received, two objectors did not wish to attend, two were in attendance at the hearing, one was away on holiday and one had not made any direct contact. The Panel further considered the expansion that was likely from the objector who could not attend as he had already submitted detailed written representations which would be considered by the Panel. Therefore, it was confirmed that the hearing would go ahead as planned. Further, the Chairperson accepted the additional documents and copies of which were distributed to all in attendance at the hearing

The Team Manager, Licensing informed Members that an application had been submitted by the Porthcawl Athletic Association for the grant of a Club Premises Certificate at the Club House. The person proposed to act as Secretary for the purposes of the Act was Mr Peter Downes who was present at the hearing with Chairman Mr John Edwards.

The premises was described as a Club House room with a corner section to serve as a kitchen/bar area. The premises also included changing rooms and toilets.

The Team Manager, Licensing stated that the application was for a Club Premises Certificate to authorise the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club and the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises only, as follows:

Mondays to Thursdays 1900 to 2200 hours
Fridays 1900 to 2300 hours
Saturdays 1200 to 2300 hours
Sundays 1200 to 1800 hours

The Team Manager, Licensing explained to Members that these were standard hours and no seasonal variations had been applied for.

Other licensable activities included indoor sporting events and recorded music within the above times, and live music on Friday and Saturdays only between 1900 and 2300 hours. All activities to take place indoors.

The operating schedule included the hours the club premises were to be open to the members and guests which was as follows:

Mondays to Thursdays 1000 to 2230 hours

Fridays 1000 to 2330 hours
Saturdays 1000 to 2330 hours
Sundays 1000 to 1830 hours

The Team Manager, Licensing explained that the authority may only grant a Club Premises Certificate to a qualifying club which meant meeting certain conditions. Section 62 of the 2003 Act set out five general conditions which a relevant club must meet to be a qualifying club.

The Team Manager, Licensing explained that Porthcawl Athletic Association had submitted a declaration under Section 61 of the Act which set out how it proposed to meet the five general conditions. One of the conditions was that the authority must be satisfied that the club was established and conducted in good faith and Section 63 of the Act set out how the authority assesses whether this was the case. Having considered the declaration, officers were satisfied that the Porthcawl Athletic Association met the qualifying club conditions.

The Team Manager, Licensing explained that the Panel must have regard to the Council's Statement of Licensing Policy and the Home Office guidance, however, the Panel must consider each application on its own merit and have regard to the application and the representations made. She added that Home Office Guidance Section 6 applies to this application, together with Sections 9 and 10. There was no specific policy for the grant of Club Premises Certificates within the Bridgend County Borough Council Statement of Licensing Policy.

Members were advised that following initial representations, the applicant had been in discussion with the South Wales Police and Council licensing authority officer and had agreed to a number of additional conditions forming part of the operating schedule to the certificate, if granted. The additional matters were shown in Appendix G to the report. As a result, there were no responsible authority representations to be considered at the hearing.

Members were also advised that all matters contained in the operating schedule in Section L (a) to (e) of the application would be translated into conditions on the certificate, if granted.

The Chairperson invited the applicant to explain their application to the Panel. The Secretary of the Club gave their submissions as follows:

The applicant advised Members that Porthcawl Athletic Club was a registered charity which was an umbrella organisation for Porthcawl Football Club, Porthcawl Cricket Club, the Sea Horse Club and the Boys and Girls Club. He stated that they were established to improve sporting facilities for Porthcawl and the considerable success had resulted in the new Club House. He stated to the Panel that they were a charity and not for profit organisation and provided much needed facilities for community groups.

He added that they were mindful of the concerns of nearby residents and felt they would also take a guarded view if they were in a similar position. However, he stated that their application was not as it seemed, he advised that the Club needed an income as currently subscriptions were their only source of income which did not cover their overheads. He advised Members that their application covered a broad remit as the Club had sought advice from other clubs who advised that this would be the most cost efficient way to proceed as if they needed to open for a function or special event they would need to apply for an extension to their licence which would cost £21 each time. He advised that the Club House would not be in use every day and that most Sundays, Mondays and Tuesdays it would not be open at all. He advised that the Football Club

would meet once a week and would normally have left the premises by 7pm; and the Cricket Club who meet once a week would also normally have left by around 8.30pm.

The applicant advised that in addition to the usual clubs meeting it was anticipated there would be an occasional birthday party or fundraising event where it was unlikely that alcohol would even be required. He wished to reassure the residents and members of the Panel that the Club would not be run as a public house, they had no brewery associated with the club and it was run by volunteers. The applicant advised that the club wanted to be good neighbours and like most other club houses there were properties in close proximity. He reassured the Panel that they would clamp down on any anti-social behaviour and there would be no alcohol served to anyone that was underage and only to members of the club with verified membership cards. He added that he believed the issues raised by residents were historical ones that related to raucous behaviour and illegal parking when previous tenants were at the club. He added that they had no desire to antagonise their neighbours and intended to manage illegal parking by placing bollards out on the road to prevent visitors parking where they shouldn't be. The applicant stated that the club would not be run as a public house and that they had a responsibility to the charity, the residents and the licensing authority.

At the conclusion of the Applicant's case, questions were asked from the Committee and the Objectors.

A Member asked how the applicants planned to manage anti-social behaviour. The applicant stated that they had not previously been faced with any issues, however, staff would be trained on how to deal with such situations and only members of the club and their guests that had signed in would be served alcohol.

A Member asked how the applicant would ensure the Licensing objectives relating to the prevention of Crime and public safety would be promoted. The applicant stated that trustees of the club would be present when the club was open to ensure that any anti-social behaviour is dealt with appropriately including involving the police if necessary. He added that they planned to also limit the number of people allowed into the venue at any one time to a safe number. The only people allowed entry to the club would be Members and any guests they brought would need to be signed in by them. The applicant stated that they had already sought advice from the fire service on what the safe number of people would be for the club

A Member asked as there was no brewery partnership at the club what alcohol was going to be served. The applicant stated that the trustees of the club would be overseeing the refreshments for the club and it was planned to restrict the sale to cans of beer, lager and cider and the only bottles that would be served would be wine.

A Member asked how many people the applicant thought would be a safe number for the club. The Applicant responded that he thought 60-80 people would be an acceptable safe number of people for the club.

The Chairperson asked if the staff knew how to operate the fire extinguishers at the club. The applicant stated that comprehensive training would be given to all staff on how to use the safety equipment and also their duty in selling alcohol to Members and how to deal with any anti-social behaviour that may arise at the club.

A Member asked if there would be staff outside the club to make sure that patrons did not take bottles/ glasses outside the club. The applicant responded that there would always be trustees at the club when it was in use to ensure all rules of the club were adhered to.

An objector asked why the club wished to have such a broad licence if it was their intention was for the club not to be in use for the extensive hours listed. The applicant responded that they had sought advice from other charitable organisations and they were advised to apply for as broad a licence as possible so they would not incur extra costs should they wish to open for a special event. He added that whilst they did not plan to be open regularly during certain days of the week it was inevitable that they would get requests to open for events and as a charity they could not afford the application fee each time.

An objector asked the applicant if they would comply with an additional voluntary condition to keep all windows and doors closed during the playing of any recorded or live music being played at the venue as noise could be heard from inside one of the neighbouring properties. The applicant stated that it would be difficult to keep doors closed for the entire time as people enter and exit through the doors throughout the opening times. He added that as a men's club the use of recorded music would be very minimal if any at all. The Team Manager, Licensing stated that Environmental Health had recently conducted a visit to the club and did not wish to make any objections to the application.

The Chairperson invited the objectors to present their case to the Panel. Mr Jones gave his submission as follows:

Mr Jones stated that it would not be appropriate for the members to grant a full licence. He added that he did not doubt the applicant's sincerity to try and be good neighbours but felt they would be unable to adequately supervise everyone to ensure appropriate behaviour at the club. He added that the bollards that the applicant referred to were stacked up in the club grounds and were not put on to Locks Lane when the club was in use. Mr Jones stated that if the licence was granted, the club would be open long hours and so urged the Panel to grant a restricted licence so that Members of the public were protected.

Mr Jones stated that the public would be drinking in the car park and whilst he heard that they planned to sell cans only, they would still need glasses for wine. He concluded by asking the Panel to consider the residential surroundings in a very quiet OAP area.

At the conclusion of the Applicant's case, questions were invited from the Committee and the Applicant however there were none.

The Chairperson invited the objectors to sum up their closing statements to the Panel.

Mr Jones urged the Panel to consider the broad terms of the licence and stated that a grant of the licence would increase problems for local residents. He asked if the application was granted to make it a condition that the gates to the entrance of the club were closed when the club was not open.

The Chairperson thanked Mr Jones for his submissions to the Panel and invited the applicants to give their closing statement.

The applicant stated that he understood the concerns of residents and it was no wish of theirs to affect their lives. He added that parking was not relevant to the sale of alcohol as people wishing to drink at the venue would need to get to the venue by other means of transport and that most of the parking issues occurred on a Saturday morning when there was junior's football matches. The applicant added that the application for the licence was predominately so their members could socialise together after games. He added that they could not have total control over every situation but would do their utmost to support by reporting any anti-social or suspicious behaviour at the club. He

concluded that the club had worked hard to get where they were today and did not wish to jeopardise their future. The Chairperson thanked the applicants for their statements and thanked both parties for attending the hearing. He advised all present that the Panel would now retire to determine the application and would reconvene at 1.00pm.
RESOLVED:

The panel reconvened at 1.10pm

In dealing with the application itself the Panel noted the application, the condition suggested on page 19 to promote the licensing objectives and the additional conditions at Appendix G. The Panel also noted that there were no representations received from the Police, Public Protection or Licensing. The Panel noted that there were six representations and dealt with each in turn.

The Panel considered each of the licensing objectives as follows:

1. The Prevention of Crime and Disorder

The Panel noted the concerns that inebriated individuals would cause crime when leaving the premises, however they noted that the police were happy with the conditions put forward and that the applicants confirmed they would put in place systems and training not to serve drunken persons and would contact the police when necessary. Para 2.1 of the guidance states: *Licensing authorities should look to the police as the main source of advice on crime and disorder.* Further, para 9.15 of the guidance states: *It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.* The guidance, especially these paragraphs, were carefully considered.

2. Public Safety

The Panel noted the concerns around public safety arising from the highways issues and from broken bottles outside. The Panel noted the conditions being offered with respect of restricting drinks being taken outside and the restrictions on the number of persons permitted. The Panel stressed that a lot of the concerns raised regarding vehicles and parking are not necessarily matters for this committee. Highways matters (such as vision splays) are properly considered as part of the planning procedure which is a separate and distinct forum and not one the Panel can become involved with.

3. The prevention of Public Nuisance

The Panel considered the issue of noise and the assurances made by the applicant to limit this. They noted the conditions offered as acceptable and that there were no objections by Public Protection. The Panel noted again Para 9.15 of the guidance as previously noted.

4. The protection from Children from Harm

The Panel noted that Children were already in attendance at the premises for sporting activities on a regular basis. They noted the concerns raised about their safety which included direct contact with alcohol and from the indirect contact with drunken persons. The Panel were content that the police have not raised any representations in that regard and that the applicant suggested conditions to protect Children. The Panel considered the comments that the club had not properly complied with its promises to deal with parking in the past and the inferences that the objectors would like

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the Panel to draw from that, being that the applicant would not abide by the conditions attached to the license if granted, however there was no evidence before the Panel that this would be the case, it was only the opinion of the objectors. The Panel stressed to the Applicant that if the license was granted they must comply with the conditions of the licence and that failure to do so may result in action being taken against them. Given the above, and considering each of the licensing objectives and the representations made, the Panel were happy to grant the licence.

The meeting closed at 1.10 pm

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