

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	24 <sup>th</sup> May 2022

**Application for a new Premises Licence -  
Thornton Cleveleys Football Club, Gamble Road, Thornton Cleveleys, FY5 4JH.**

**1. Purpose of report**

- 1.1 To assist Members in their decision making process in respect of the application for a new premises licence, submitted by Thornton Cleveleys Football Club, under section 17 of the Licensing Act 2003.

**2. Outcomes**

- 2.1 Members determine whether or not to grant the application for a premises licence having taken into account the relevant representations submitted by interested parties.

**3. Recommendation**

- 3.1 Members consider the application and representations before determining whether granting a licence, in the terms applied for, would adversely impact on one or more of the Licensing Objectives.
- 3.2 Members should note subsection 1.17 of guidance issued under section 182 of the Licensing Act 2003 which states *“each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case”*.

**4. Background**

- 4.1 On 31<sup>st</sup> March 2022, an application was submitted by Thornton Cleveleys Football Club for a new premises licence in respect of Thornton

Cleveleys Football Club, Gamble Road, Thornton Cleveleys, FY5 4JH (**Appendix 1**). The premises is situated in close proximity to a number of residential properties (**Appendix 2**).

**4.2** The application seeks authorisation for the following activities –

- Live music (inside and outside) all days between 23:00 and Midnight. Further details list that live music *for functions or fun days / tournaments at the premises may be amplified. Music will not be amplified outside past 22:00.*
- Recorded music (inside and outside) Sunday to Thursday 23:00 hours to midnight and Friday to Saturday 23:00 hours to 01:00 hours (on the following day). Further details list that *There may be times for events where music is required outdoors, ie, during tournaments or fun days. No music to be played outside past 22:00.*
- Sale of alcohol for consumption on and off the premises Sunday to Thursday 10:00 hours to 23.30 hours and Friday and Saturday 10:00 hours to 00:30 hours (on the following day). Non-standard timings outline *We intend to mostly be opening at 09:00 closing by 00:00, however, where the premises are booked for private functions or bank holidays there would be a requirement for an extension until 01:00.*

**4.3** The opening hours specified on the application are 09:00 hours to midnight from Sunday to Thursday and from 09:00 hours to 01:00 hours (on the following day) on Friday and Saturday. Non-standard timings explain *Bank holidays and private functions there may be a need to extend opening until 01:30.*

**4.4** The applicant has applied for live or recorded music as part of this application in the manner previously outlined. However, deregulation amended the 2003 Act so that no licence is required for the following activities in the following instances:

**Live music:**

No licence permission is required for: – a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

**Recorded Music:** no licence permission is required for: – any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Should this licence be granted then the activities Live and Recorded music would be permitted to take place at the premises between 08:00 hours and 23:00 hours on any day, as long as the audience is below 500.

- 4.5 A copy of the application has been served on all responsible authorities. None of the responsible authorities have submitted a relevant representation.
- 4.6 The applicant advertised the application in a local newspaper within the first 10 working days of consultation as is required by legislation. They also displayed a 'blue notice' at the premises from the first day of the consultation period and until its conclusion on 28<sup>th</sup> April 2022.
- 4.7 27 representations have been received from interested parties and have subsequently been brought to the attention of the applicant. The representations are concerned that the possible effect of granting the licence would undermine the licensing objectives of 'Prevention of crime and disorder' & 'Prevention of public nuisance'. A copy of representations is contained at **Appendix 3** of this report.
- 4.8 Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 28<sup>th</sup> April 2022.

## 5. Key issues and proposals

- 5.1 This premises is currently under construction. However, when completed it will abut residential property as indicated by the attached location of premises document contained at **Appendix 2**.
- 5.2 As stated at part 4.7 of this report 27 representations have been received from interested parties and have been brought to the attention of the applicant. The representations are concerned that the possible effect of granting the licence would undermine the licensing objectives 'Prevention of crime and disorder' & 'Prevention of public nuisance'. A copy of the representations is contained at **Appendix 3** of this report.

This appendix also includes an email from the applicants in relation to a mediation meeting that they organised for residents concerned by the proposed application.

- 5.3 Lancashire Police have not objected to this application. However, they have mediated with the applicant and subsequently agreed a number of additional conditions to further promote the prevention of crime and disorder objective (**Appendix 4**).
- 5.4 Environmental Health have not objected to this application. However, they have mediated with the applicant and subsequently agreed a number of

conditions to address their concerns about the potential for public nuisance arising from licensable activities at the venue. (**Appendix 5**).

- 5.5** Objectors have been advised of the changes that had been agreed with the Police and Environmental Health as part of the response to their representations. The relevant correspondence is contained at **Appendix 3**.
- 5.6** There have been no other relevant representations submitted by Responsible Authorities.
- 5.7** A list of all of the conditions offered in the application, or subsequently agreed with the Responsible Authorities, which would form Annex 2 to any licence granted, is included for reference at **Appendix 6**.
- 5.8** When considering the application Members should take into account the Council's own Statement of Licensing Policy. The following sections are relevant to this application.

9.3 Conditions imposed at a hearing

13. The Licensing Objectives

13.1 – 13.1.8 Prevention of crime and disorder (including Key messages)

13.3 – 13.3.4 all in relation to Prevention of public nuisance and including associated key messages.

### **Appendix 8.**

- 5.10** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 1.16, 9.3, 9.4, 9.37 - 9.40, 9.42 - 9.44, 10.8-10.10, 16.36 - 16.41 which are reproduced at **Appendix 7**.
- 5.11** After having regard to all the representations, the council's Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.
- 5.12** If members are satisfied that the licensing objectives would not be undermined, they should grant the licence in the terms applied for.
- 5.13** If, however members are concerned that granting the application would have the potential to undermine one or more of the licensing objectives, they must consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.

It may take any of the following steps:

- Grant a licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives.

- Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities).
- Reject the whole or part of the application.

**5.14** All parties to the application have been invited to attend the hearing and have been sent a copy of this report and notice of the hearing procedure.

<b>Financial and legal implications</b>	
Finance	There are no financial implications directly associated with this application.
Legal	Any party to the hearing has the right of appeal to the Magistrates Court within 21 days if they are aggrieved by the decision. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
ICT	x
data protection	x

#### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
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<b>List of background papers:</b>		
name of document	date	where available for inspection
Licensing Act 2003	6 <sup>th</sup> May 2022	<a href="https://www.legislation.gov.uk">Licensing Act 2003 (legislation.gov.uk)</a>
S.182 Guidance	6 <sup>th</sup> May 2022	<a href="https://publishing.service.gov.uk">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a>
Wyre Council – Statement of licensing policy 2021 - 2026	6 <sup>th</sup> May 2022	<a href="https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026">https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026</a>

### **List of appendices**

- Appendix 1 – Copy of application
- Appendix 2 – Location of premises
- Appendix 3 – Relevant representations and email relating to mediation meeting
- Appendix 4 – Lancashire Constabulary consultation response and mediation
- Appendix 5 – Environmental Health consultation response and mediation
- Appendix 6 – Offered and mediated conditions for annex 2
- Appendix 7 – Extract from S.182 Guidance
- Appendix 8 – Extract from Statement of Licensing Policy 2021 - 2026