

Report of:	Meeting	Date
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	21 May 2019

<p align="center"><b>Application for a Premises Licence in respect of The Park Club, West Drive, Thornton Cleveleys, Lancashire, FY5 2BL</b></p>
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## **1. Purpose of report**

- 1.1** To provide members with information to assist them at a hearing to determine an application for a new premises licence under the provisions of the Licensing Act 2003.

## **2. Outcomes**

- 2.1** Determination of the application submitted under section 17 of the Licensing Act 2003 by The Park Club, Cleveleys.

## **3. Recommendation**

- 3.1** That members determine the application for a new premises licence, in respect of The Park Club, West Drive, Thornton Cleveleys, Lancashire, FY5 2BL.

## **4. Background**

- 4.1** The Park Club is a two storey building with a bowling green, occupying a large corner plot on the corner of West Drive and Rossall Road in Cleveleys.
- 4.2** It has operated under a Club Premises Certificate since 2005, but wishes to have the flexibility to be able to hire its facilities to non-members without the need to use Temporary Event Notices, to ensure alcohol sales are lawful.
- 4.3** If the application is granted, the Club will continue to operate on a daily basis as a members club, rather than a full on-licensed venue, but with the ability to generate additional revenue from private hire bookings.

- 4.4** The Club Premises Certificate currently authorises the following:

**Live Music, recorded music, performance of dance and anything of a similar description and the supply of alcohol for consumption on the premises.**

Sunday to Thursday 11:00 to 00:00

Friday and Saturday 11:00 to 01:00

**Non-standard timings, licensable activities are permitted:**

Until 02:00 on 25 and 27 December and between normal closing on 31<sup>st</sup> December and normal opening on 1 January.

**Opening hours of the Club**

Sunday to Thursday 09:00 to 01:00

Friday and Saturday 09:00 to 02:00

**Non-standard timings, for opening hours**

Until 03:00 on 25 and 27 December and between normal closing on 31<sup>st</sup> December and normal opening on 1 January.

## **5. Key issues and proposals**

- 5.1** An application was received on 13 March 2019 for a new premises licence which seeks authorisation to provide regulated entertainment and the sale and supply of alcohol between 09:00 and 01:00 Monday to Sunday, with an hour drinking up time, and to supply late night refreshment from 23:00 to 02:00 (**Appendix 1**).
- 5.2** A copy of the existing club premises certificate including all the conditions that the club must currently observe is attached at **Appendix 2**.
- 5.3** A location plan is attached at **Appendix 3**.
- 5.4** The application was advertised, in accordance with the requirements of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. During the statutory 28 day consultation period, seven representations from local residents against the application have been received (**Appendix 4**).
- 5.5** Residents are concerned about the potential for noise nuisance and disturbance from patrons using the venue, particularly late at night.
- 5.6** A number have made reference to existing problems, but unfortunately these problems have not been reported to either licensing or environmental health prior to the representations being submitted.
- 5.7** All of the Responsible Authorities have been consulted and whilst none have objected to the proposed hours, the Police and Environmental Health have agreed new conditions with the applicant to mitigate their

potential concerns about crime, disorder and nuisance.

**5.8** A list of all the agreed conditions that the licence will be subject to, if granted are reproduced at **Appendix 5**.

**5.9** This application has therefore been brought before members to determine in the light of the outstanding representations.

**5.10** Whilst all of the Council's Statement of Licensing Policy should be taken into account when determining this application, the Committee's attention is particularly drawn to the following paragraphs:-

7.0 General Approach to Licensing

14.0 The Licensing Objectives

14.3 Prevention of Public Nuisance

14.3.1 Disturbance by patrons leaving the premises

**5.11** The Licensing Committee must consider the application in accordance with Section 35 of the Licensing Act 2003.

Section 35 (2) provides that subject to subsection (3) and section 36(6), the authority must grant the application.

(3) Where relevant representations are made, the authority must—

(a) Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) Having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

(4) The steps are:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Financial and legal implications	
Finance	There are no financial implications directly associated with the review of this licence.
Legal	The hearing should be conducted following the principles of natural justice and in accordance with the council's hearing procedure.
Legal cont.	Any party to this application who is aggrieved by the decision of the licensing committee has the right of appeal within twenty one days to the magistrates' court.

### **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.

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

risks/implications	✓ / x
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 3rd 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.

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<b>List of background papers:</b>		
name of document	date	where available for inspection
Statement of Licensing Policy	2016 - 2021	Licensing section

### **List of appendices**

Appendix 1 – Application form  
Appendix 2 – Current licence CPC(A)0046  
Appendix 3 – Location plan  
Appendix 4 – Representations  
Appendix 5 – Agreed conditions