

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 23rd June 2009
Report of: Vilma Robson Licensing Officer
Title: Review of Club Premise Certificate
Alsager Cricket Club Fairview Avenue Alsager ST7 2NW.

1.0 Purpose of Report

- 1.1 The purpose of the report is to provide details of an application for the review of a Club Premise Certificate under section 87 of the Licensing Act 2003 (**appendix b**). It outlines the current licence authorisations together with the evidence presented by the parties in relation to the review.

2.0 Decision Required

- 2.1 The Licensing Committee is requested to:
- 2.1.1 consider the review application and any relevant representations received; and
- 2.1.2 determine what steps, if any it considers are necessary for the promotion of the licensing objectives.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 Where application for a review under section 87 is made, the Licensing Authority must hold a hearing within 20 working days to consider the application and any relevant representations received.
- 5.2 Section 88 of the Licensing Act 2003 provides that at the hearing the licensing authority must: (i) take such steps, as set out below, (if any) as it considers necessary for the promotion of the licensing objectives and (ii) secure that, from the coming into effect of the determination of the review, any interim steps effect pending that determination, cease to have effect (except so far as they are comprised in steps taken under (i)). The steps the local authority may take

if it considers it necessary to do so to promote the licensing objectives include the following:

- a) to exclude a qualifying club activity from the scope of the certificate;
- b) to suspend the certificate for a period not exceeding three months;
- c) to withdraw the certificate;

6.0 Risk Assessment

- 6.1 The Environmental Health made an application for review under section 87 of the Licensing Act 2003 on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The Committee is requested to consider what steps (if any) are required to prevent future harm to the licensing objectives.

7.0 Background and Options

Background

- 7.1 The Licensing Act 2003 recognises that premises, where access by the public is restricted and where alcohol is supplied other than for profit, should be treated differently to those commercial enterprises selling direct to the public and for profit.
- 7.2 The Alsager Cricket Club applied in 2005 to convert their existing club certificate to a club premises certificate under the Licensing Act 2003.
- 7.3 The certificate authorises the following club activities:

- Supply of Alcohol
- Exhibition of a film
- Performance of a play
- Indoor sporting events
- Performance of live music
- Performance of recorded music
- Dancing
- Similar Regulated Entertainment
- Making music
- Provision of facilities for dancing
- Provision of similar entertainment facilities

The times the certificate authorises the carrying out of those activities are:

Monday to Saturday	11:00 – 23:00
Sunday, Christmas day and Good Friday	12:00 – 22:30

A copy of the license is attached to the report (**appendix c**)

7.2 During April 2007 Mr Smethurst the police-licensing officer wrote to all club premise certificate holders to clarify the rules in relation to events at which members of the public can be allowed to attend (**appendix d**).

7.3 The club was first brought to the attention of the Environmental Health team on 8th January 2007. An informal approach was taken and it was felt at this time that a suitable conclusion had been reached through a joint visit to the premise. During June 2007 Environmental Health and Licensing met with the club representative Diane White. The Club Premise Certificate was discussed and advice given in relation to:

- Making application for Temporary Event Notices for those events requiring licensable activities outside those authorised by the club certificate
- Making application for a Premise License for the club to replace the certificate.
- Complaints received in relation to noise nuisance
- Smoking ban and the provision of a shelter

Diane White contacted the licensing department during August of 2007 to say that the committee had decided that, because of the complaints received it was inappropriate to make application for a premise licence at this stage. Measures to address the noise disturbance would be initiated and members would be made aware of licence conditions.

7.4 As part of the Environmental Health procedure in dealing with noise nuisance, diary sheets recording evidence of an alleged nuisance led to noise monitoring equipment being installed at a residential property near to the club.(**appendix e**).

As a result of the monitoring, an Abatement Notice in respect of noise nuisance was served on the club on 27th February 2009 (**appendix f**)

Environmental Health and Licensing officers made a further joint visit to the club on 11th March 2009 to formerly discuss concerns around the abatement notice and breaches of current licence conditions.

A complaint was received through the out of hour's service at 01:03 on Sunday 19th April 2009. An on call officer responded to the complaint and made a written statement in relation to his visit (**appendix g**)

Information received in relation to this visit instigated the review application.

Within the prescribed consultation period in relation to the review, the council received 12 letters of support from people living within the vicinity of the cricket club (**appendix h**)

7.4 In reviewing the Premises licence and making its decision, the Licensing Committee must have regard to the evidence of the Police in relation to the disorder, representations made by the Premises Licence holder and any representations received from responsible authorities or interested parties. The

Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives, including a decision as to whether any such steps incorporate the interim measure imposed on the Premises Licence..

8.0 Overview of Day One, Year One and Term One Issues

8.1 Not Applicable

9.0 Reasons for Recommendation

9.1 The Committee is required, by virtue of section 88 of the Licensing Act 2003, to determine the review application made under section 87.

For further information:

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Background Documents:

None