

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting **Friday 26th August 2011** **09:30 a.m.**

Report of: **Jane Cornes, Licensing Administration Officer**
Title: **Application for Premises Licence**
 Congleton Town Football Club, Booth Street, Congleton
 CW12 4DG

1.0 Report Summary

- 1.1 The purpose of the report is to provide details of an application for a Premises Licence under section 17 of the Licensing Act 2003 ('the 2003 Act'). It outlines the application and representations received in relation to the application from both interested parties and Responsible Authorities.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the application and 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 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the 2003 Act.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

Councillor Gordon Baxendale
Councillor Roland Domleo
Councillor David Topping

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the 2003 Act and Guidance issued under section 182 of the 2003 Act.

7.0 Financial Implications 2011/12 and beyond

- 7.1 None

8.0 Legal Implications

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such of the steps mentioned in sub-section 18(4) (if any) as it considers necessary for the promotion of the licensing objectives. Section 18 (4) provides that the authority may (a) grant the licence subject to conditions; (b) exclude from the scope of the licence any of the licensable activities to which the application relates; (c) refuse to specify a person in the licence as the premises supervisor; or (d) reject the application.

9.0 Risk Assessment

- 9.1 Section 181 and Schedule 5 of the 2003 Act make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

- 10.1 On 11th July 2011 Congleton Town Limited applied for a Premises Licence in relation to Congleton Town Football Club, Booth Street, Congleton CW12 4DG. A plan showing the location of the site is attached as **Appendix A**. Copies of the plan of the premises will be available to view at the hearing.
- 10.2 The application for a Premises Licence seeks authorisation for the following licensable activities:

Live music (indoors only);

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities – require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

The application states “Club house and VIP areas only. Such live performances as may be arranged.”

Recorded music (both indoors and outdoors);

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities –

require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

The application states: "Recorded music as required. Recorded Music in stands and external areas permitted on match days only from 1 hour pre match until 1 hour post match as required."

Performances of dance (indoors only);

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities – require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

The application states "Club house and VIP areas only. Such performances as may be arranged."

Anything of a similar description to live music, recorded music and performances of dance (indoors only).

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities – require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

The application states "Club house and VIP areas only".

Provision of facilities for making music (both indoors and outdoors)

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities – require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

The application states "Such performances and events as may be arranged. Stands and external areas restricted to amplification for recorded music (as above)."

Provision of facilities for dancing (indoors only)

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities – require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

The application states "Club house and VIP areas only. Such dancing as may be arranged/permitted."

Provision of facilities for entertainment of a similar description to that for making music and dancing (indoors only)

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities – require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

The application states “Club house and VIP areas only.”

Late night refreshment (indoors only)

Monday to Sunday 23.00 to 01.00

Seasonal variations: Annual New Year festivities – require 23.00 hrs 31st December to 05.00 hrs on 1st January.

The application states “Club house and VIP areas only.”

Supply of alcohol (for consumption both on and off the premises)

Monday to Sunday 10.00 to 01.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year. Annual New Year festivities – require flexibility of use between start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January.

Hours the premises are open to the public

Monday to Sunday 09.00 to 01.30

Seasonal variations: Annual New Year festivities – require start of permitted opening hours on 31st December to 30 minutes after the terminal hour for licensable activities on 1st January. On the night when the clocks go forward for British Summer Time every year require additional 1 hour.

10.3 The Designated Premises Supervisor named within the application form is Paula Louise Yates.

10.4 The operating schedule within the application provides the following steps to promote the licensing objectives:

(a) General – all four licensing objectives

There is a strong management structure (Club Directors) in place which serves to encompass the four licensing objectives within the operation of the site.

(b) The prevention of crime and disorder

Staff will be trained in-house (and undergo regular refresher training) in respect of the awareness/prevention of drunkenness, how to handle potential incidents and diffuse difficult situations;

Persons will not be allowed to enter the football club with alcohol in their possession.

(c) Public safety

A full fire risk assessment has been carried out in respect of the premises.

(d) The prevention of public nuisance

Noise from regulated entertainment will not constitute a nuisance at nearest noise sensitive properties.

Signs requesting that customers leave the premises quietly shall be displayed at the exits.

(e) The protection of children from harm

A Challenge 21 scheme will be operated at the premises – the only form of valid identification being passport, photo driving licence or PASS hologram id card.

Unaccompanied children will not be allowed to enter the premises.

- 10.5 The premises currently benefits from authorisations to carry out qualifying club activities by virtue of a Club Premises Certificate. A copy of the Club Premises Certificate Summary (setting out the relevant activities and hours) is attached as **Appendix B** for information.
- 10.6 During the consultation period representations were made by persons living in the vicinity of the premises. Copies of the representations are attached at **Appendix C**.
- 10.7 The Licensing Authority has been advised that Mr Smethurst, (Cheshire Police Licensing Officer) met with the applicant to discuss the application. It was agreed by both parties to attach the following condition to the licence to promote the licensing objectives:

- *The proof of age scheme Challenge 25 will be operated for all sales of alcohol.*

The Licensing Authority was also advised that Margaret Hopley (Environmental Health Officer) of Cheshire East Council has met with the applicant and agreed the following conditions to the licence to promote the licensing objectives:

1. *Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.*
2. *Refuse such as bottles shall be disposed of from the premises at a time (i.e between 08:00 to 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.*
3. *There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.*
4. *Whilst regulated entertainment is taking place, all windows and doors shall remain closed.*

The Trading Standards Department have responded advising that they have no representations in relation to the application. No response has been received from any of the other Responsible Authorities.

10.8 In determining the application, the Licensing Act Sub-Committee must have regard to representations made by the applicant and any representations received from responsible authorities or interested parties. The Sub-Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Access to Information

Appendix A – Location plan

Appendix B - Summary of Club Premises Certificate

Appendix C – Copy representations from interested parties

For further information:

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