

Subject:	Determination Hearing – Application for Premises Licence for Haslingden Football Club (Stand Athletic)	Status:	For Publication
Report to:	Licensing Committee	Date:	Thursday 28 th June 2012 at 6pm
Report of:	Director of Business	Portfolio Holder:	Environmental Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required: No	Attached:	No
Biodiversity Impact Assessment	Required: No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	<ol style="list-style-type: none"> 1. To advise members of an application for a premises licence under section 17 of the Licensing Act 2003, to which representations have been received. 2. To request that members determine the application in accordance with the provisions of the Licensing Act 2003.

2. LICENSING OBJECTIVES

2.1. Members are reminded of the licensing objectives as follows:

- a. The prevention of crime and disorder
- b. Public Safety
- c. The prevention of public nuisance
- d. The protection of children from harm

3. THE APPLICATION

3.1. A valid application for a premises licence under the Licensing Act 2003 was received on the 4th May 2012 from the applicants Mathew Heys and Stephen Sourbutts. The application is attached as **Appendix A.**

The applicants seek a premises licence to enable them to conduct the following licensable activities outdoors:

- Boxing and wrestling entertainment on Saturdays only between the hours of 1400 and 2300.
- Live music on Fridays, Saturdays and Sundays between the hours of 1000 and 2300.
- Recorded music on Fridays, Saturdays and Sundays between the hours on 1000 and 2300.
- The supply of alcohol for consumption on the premises on Fridays, Saturdays and Sundays between the hours of 1200 and 2300.
- The opening hours of the premises will be on Fridays, Saturdays and Sundays between the hours of 1200 and 2330.
- The applications states that the Designated Premises Supervisor will be Stephen Sourbutts, who is a personal licence holder.

- The application also describes a number of steps that they intend to take to promote the four licensing objectives and which would form part of the premises licence if it were granted.

4. REPRESENTATIONS.

- 4.1 A representation was received from H.J. and J.M. Cottrell on the 15th May 2012. That representation and supporting documents is appended at **Appendix C.**
- A representation, in the form of a petition with 21 signatures, was received on the 17th May, 2012. That representation and supporting documents is appended at **Appendix D.**
- A representation was received from T Swain on the 23rd May 2012. That representation and supporting documents is appended at **Appendix E.**
- A representation was received from D.Lee, A. Lee, E.E. Lee and R. Lee on the 23rd May 2012. That representation and supporting documents is appended at **Appendix F.**
- A representation was received from Councillor G. Sandiford on the 24th May 2012. That representation and supporting documents is appended at **Appendix G.**
- A representation was received from Mrs. and Mrs. J.A. Willan on the 25th May 2012. That representation and supporting documents is appended at **Appendix H.**
- A representation was received from Councillor G. Morris on the 25th May 2012. That representation and supporting documents is appended at **Appendix I.**
- A representation was received from L. Murray on the 28th May 2012. That representation and supporting documents is appended at **Appendix J.**
- A representation was received from Lancashire Constabulary on the 30th May 2012. That representation and supporting documents is appended at **Appendix K.**
- A representation was received from Rossendale Borough Council Environmental Health department 30th May 2012. That representation and supporting documents is appended at **Appendix L.**
- A representation was received from A. and T. Whaley 1st June 2012. That representation and supporting documents is appended at **Appendix M.**

5. BACKGROUND

- 5.1 The 'premises' to which the applications refers is an area of open land in the shape of a large triangle. The boundaries are a river one side, a railway line on another side and a main road on the third side. The centre of the area comprises of a rough grass football pitch, hard standing and an area that is a well worn 'all weather' football pitch. The land is not owned by the applicants but they state that they have permission from the owner to use the land in the manner applied for. Plans submitted with the application are attached at **Appendix B.**
- 5.2 In discussions with the applicants they say that their intention is to have a 'one off' event in August that, if successful, may be repeated. The event will be all ticket and they hope to sell 1000 tickets. The event will commence with some bands playing on stage and then, around 4pm until 10pm, there will be a number of boxing matches taking place. There will be a number of bars situated around the area and food will be served by outside caterers to VIP guests.
- 5.3 The applicants have had discussions prior to the submission of this application with the Licensing Officer and the Police Licensing Officer. During those meetings, a number of issues were discussed and the applicants were given 6 pages of specific conditions that it was felt they should consider incorporating in their application. None of those conditions in the detail suggested have been offered in the application.

- 5.4 However, the application for a premises licence, as it stands, would allow the sale of alcohol and live and recorded music to be provided on Fridays, Saturdays and Sundays between the stated times, without restriction on the number of occasions throughout the year when events could take place. Boxing could only take place on Saturdays between the stated times.

6. POLICY CONSIDERATIONS.

The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council, which is appended at **Appendix N** and any relevant provisions of national guidance. Reasons should be given from any departure.

In particular, the following extracts from the Policy are pertinent in regards to this application:

4.8 *We will endeavour to carry out our licensing functions in such a way as to:*

- *Ensure public safety*
- *Support well managed premises where licence holders actively promote the licensing objectives and display sensitivity to the potential impact of licensable activities on local residents and other businesses*
- *Protect the quality of life of residents*

4.9 *We will have regard to how littering and fouling, noise, street crime and the capacity of the Council's infrastructure, resources and police resources impact on the licensing objectives.*

4.12 *We will seek to give protection to local residents, whose lives can be blighted by disturbance and antisocial activity associated with the behaviour of some people visiting places of entertainment.*

5.8 *We consider that a well drafted and specific operating schedule indicates the applicant's understanding and willingness to meet the responsibilities of a licence holder under the Act.*

5.9 *We consider that a blank or sparsely completed operating schedule gives the impression that the applicant has not given sufficient thought to the responsibilities of a licence holder.*

5.10 *The applicant for a premises licence will be required to demonstrate on the application and accompanying operating schedule, an active role in promoting and supporting the licensing objectives.*

7. CONCLUSION

7.1 | The decision should be based on the individual merits of the application.

: In accordance with Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.

In accordance with Section 18(3) the authority must, having regard to the representations made, take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are :

- To grant the licence subject to the conditions mentioned in subsection 2(a) modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under sections 19,20 or 21 of the Act be included in the licence:
- To exclude from the scope of the licence any of the licensable activities to which the application refers;
- To refuse to specify a person in the licence as the premises supervisor;
- To reject an application.

If any of the above steps are not considered appropriate, you should grant the licence.

D.G.Dobson
Licensing and Enforcement Officer.

Appendices

Document	Appendix Number
Application Forms	Appendix A
Plans	Appendix B
Representations Cottrell	Appendix C
Representations Petition	Appendix D
Representation Swain	Appendix E
Representations Lee	Appendix F
Representation Sandiford	Appendix G
Representations Willan	Appendix H
Representation Morris	Appendix I
Representation Murray	Appendix J
Representation Lancashire Constabulary	Appendix K
Representation Environmental Health Department	Appendix L
Representations Whaley	Appendix M