

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: LICENSING COMMITTEE

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**APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003
– COLNE CRICKET & BOWLING CLUB, THE HORSFIELD, BYRON ROAD,
COLNE**

PURPOSE OF REPORT

To consider an application for a Premises Licence following receipt of representations from local residents.

RECOMMENDATIONS

- (1) The application must be determined with a view to promoting the four licensing objectives, namely – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- (2) The Committee must have regard to the application and any relevant representations received.
- (3) The Committee must have regard to the Guidance issued by the Government.
- (4) The Committee must have regard to its own Statement of Licensing Policy.

Having taken all of the above into consideration, the Committee must give reasons for its decision.

REASONS FOR RECOMMENDATIONS

The Licensing Committee may –

- (a) grant the Premises Licence, subject to –
 - (i) conditions which are consistent with the Operating Schedule, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the licensing objectives and;
 - (ii) any mandatory 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 premises supervisor;
 - (d) reject the application.

For the purposes of section (a), the conditions mentioned in (a)(i) are modified if any of them are altered or omitted or any new condition is added.

ISSUE

A. The Application

1. The application (originally received 7th June 2019) is from Colne Cricket & Bowling Club of The Horsfield, Byron Road, Colne. The contact for the application is Mr. Paul White. The application and consent form are attached as Appendices 1A and 1B. The plans are attached as Appendices 1C to 1H.
 - a. A location of the premises within Colne is attached as Appendix 1I.
2. The proposed designated premises supervisor (DPS) for the licence is Mr. Geoff Marsden of 39 Hall Street, Colne. Mr. Marsden has held Personal Licence number PENDLE0504 since May 2009. Mr. Marsden is currently the DPS at Colne Cricket & Bowling Club, under their current premises licence (No.: PEN(A)0120) (attached as Appendix 2).

B. Application Details

3. The application is to provide the following licensable activities -

Supply of alcohol (on and off the premises)*

Sunday to Thursday 09:00 to 23:00; Friday and Saturday 09:00 to 01:00.

Late night refreshment (indoors and outdoors)

Sunday to Thursday 23:00 to 23:30; Friday and Saturday 23:00 to 01:00.

Similar entertainment (indoors and outdoors)

Sunday to Thursday 09:00 to 23:00; Friday and Saturday 09:00 to 01:00.

Performances of dance (indoors and outdoors)

Sunday to Thursday 09:00 to 23:00; Friday and Saturday 09:00 to 01:00.

Recorded music (indoors and outdoors)

Sunday to Thursday 09:00 to 23:00; Friday and Saturday 09:00 to 01:00.

Live music (indoors and outdoors)

Sunday to Thursday 09:00 to 23:00; Friday and Saturday 09:00 to 01:00.

Films (indoors and outdoors)**

Sunday to Thursday 09:00 to 23:00; Friday and Saturday 09:00 to 01:00.

Plays (indoors and outdoors)

Sunday to Thursday 09:00 to 23:00; Friday and Saturday 09:00 to 01:00.

Premises opening hours

Sunday to Thursday 09:00 to 23:30; Friday and Saturday 09:00 to 01:30.

* Inclusion of supply of alcohol has the effect of adding the standard mandatory conditions.

Non – standard timings

- An additional 2 hours on each Thursday and Sunday of the following Bank Holiday weekends – Easter Bank Holiday, May Day Bank Holiday, Spring Bank Holiday, August Bank Holiday.
- An additional 3.5 hours on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, where those days are not a Friday or Saturday. Where those days are a Friday or Saturday, an additional 1.5 hours.
- Additional hours shall mean the specified number of extra hours at the end of the usual permitted hours for the activity.

** Inclusion of this has the effect of adding the following mandatory condition -

- The premises licence holder shall ensure that the admission of children to the exhibition of any film shall be restricted in accordance with section 20 of the Licensing Act 2003 (the Act).
- Unless section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification board specified in this licence.
- Where section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the licensing authority.
- Where no film classification board is specified in this licence admission of children to the exhibition of any film shall be restricted in accordance with any recommendation made by the licensing authority.
- For the purposes of this condition;-
 - children means persons aged under 18; and
 - film classification board means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

4. The applicant has indicated they will take the following steps to promote the licensing objectives -

The Prevention of Crime and Disorder

- The number of door supervisors*** shall be sufficient to properly control entry to the premises:
 - (i) at any large scale outdoor events;
 - (ii) on occasions where necessary after consultation with the Police and management.
 - Operation times for (i) and (ii) to be agreed with Police and management.

- A closed-circuit television (CCTV) system in the function room will display the time and date of the recording and the system will be operated during all permitted hours.
- The cameras shall be sufficient in number to view any area of licensable activity and any exit/entry and the area immediately outside the main entrance.
- Signs will be displayed in the premises to indicate that CCTV is in use and when dealing with incidents or unruly behaviour, staff shall indicate that CCTV is recording the incident.
- The CCTV system is kept in a working order, is checked regularly and any faults are rectified promptly.
- CCTV images and recordings are being kept for 28 days and will be available to Police or other Authorised Authority promptly upon request and there are staff trained who are able to access and operate the system and provide downloads.
- The CCTV recordings can be accessed and downloaded to another format (e.g. a USB stick or DVD or other recognised format).
- All CCTV will cover necessary areas, have correct resolution and have a large retention capacity so that data can be recorded with ease. All recording will be kept in a secure environment to prevent tampering.
- Where large scale events are planned outside a sufficient number of door supervisors displaying required ID will operate from prior to admittance of the public until 30 minutes after the terminal hour. Security with a radio or communications device will be placed on the pavilion balcony making sure any development of crime or disorder is prevented before it escalates.

Public Safety

- Before opening to the public, checks will be undertaken to ensure all access to the premises are clear for emergency vehicles. Regular checks will be undertaken when the premises is open.
- All gas appliances on the premises shall be serviced every year by a registered engineer.
- All the electrical appliances and electrical wiring at the premises shall be tested every year by a qualified electrical engineer.
- The fire alarm at the premises shall be tested and inspected annually by a qualified engineer.
- A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken.
- Empty bottles and glasses will be collected regularly paying particular attention to balcony areas and raised levels.

- CCTV cameras will be in operation at the premises 24 hours and be maintained properly along with gas and electrical appliances. All CCTV will cover the pavilion, have correct resolution and have a large retention capacity so that data can be recorded with ease. All recordings will be kept in a secure environment to prevent tampering.

The Prevention of Public Nuisance

- A sign shall be displayed in a prominent position where it can be readily seen by people leaving the premises and with lettering of such size that it can be easily read saying the following or something of a similar nature:

"Please leave quietly without causing any noise or disturbance".

- Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
- Bottles will not be placed in any external receptacle after 23.00 and before 07.00 to minimise noise disturbance to neighbouring properties.
- Noise from plant or machinery will be inaudible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery will be regularly serviced and maintained to meet this level.
- The Premises Licence Holder / DPS will ensure patrons use outdoor areas in a manner which does not cause disturbance to nearby residents and business in the vicinity.
- Any large scale outdoor event will be referred by The Club to the Event Safety Advisory Group for consultation.
- The activities of persons using the external areas for smoking will be monitored after 21.00 and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour etc. when necessary.
- There will be a maximum of 6 events per annum where licensable activities will be conducted outdoors until 23.00 and will include for example a bonfire, big screen events, music concerts and weddings. These will be notified to the Licensing Department. All other outdoor licensable activities outside of these times will cease by 21.00, and these will typically be evening cricket games.
- There will be sufficient signage to be accessible to those leaving the venue to minimise prevention of public nuisance.
- There will be a sufficient number of bins so that litter is not left in or around the premises.

The Protection of Children from Harm

- All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- A recognised proof of age card accredited under the British Retail Consortiums proof of age standards scheme (PASS);
- Photocard driving licence;
- Passport;
- Citizen card supported by the Home Office;
- Official ID card issued by HM Forces or European Union Member state bearing a photograph and birth date of the holder.

- A refusals log will be kept on the premises to record any refused sales of alcohol to anyone who cannot comply with the Challenge 25 policy.

- In the event of a missing child at an event being held at the club, the megaphone will be used. A missing child policy will be developed and implemented.

*** Reference to this has the effect of adding the following mandatory condition -

- The premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.

5. In addition, following consultation with Lancashire Constabulary, the applicant has agreed to the inclusion of the following additional conditions (Appendix 3) –

The Protection of Children from Harm

- A Challenge 25 Policy shall be adopted and enforced at all bar areas whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
 - A Passport;
 - A UK Photocard Driving Licence;
 - Official ID card issued by HM Forces or EU Member State bearing a photograph and the date of birth of the holder;
 - Any other form of identification agreed with a representative of the Police Licensing Unit.
 - Challenge 25 posters to be displayed in prominent positions at all bar areas.
- *This will supersede the condition proposed at 4, above.*

6. Following consultation with Lancashire County Council Public Health, the applicant has agreed to the inclusion of the following additional condition (Appendix 4) –

The Protection of Children from Harm

- Persons under 18 years shall not be permitted to remain in the premises unless accompanied by an adult after 20:30.

7. Following consultation with Pendle Borough Council as the Licensing Authority, the applicant has agreed to the inclusion of the following conditions (Appendix 5) –

Prevention of Crime & Disorder

- 1. The number of door supervisors shall be sufficient to properly control entry to the premises:
 - (i) at any large scale outdoor events;
 - (ii) on occasions where necessary after consultation with the Police Licensing, Pendle Borough Council Licensing and Club management.
 - Operation times for (i) and (ii) to be agreed with Police Licensing, Pendle Borough Council Licensing and the Club management.
- *This will supersede the condition proposed at 4, above.*
- 2. All door supervisors will enter, in a book provided, their names and SIA registration numbers before the start of any event.
- 3. At all outdoor events permitted under the premises licence, a minimum of two door supervisors shall be present at each point of entry and exit.
- 4. At all outdoor events permitted under the premises licence, alcoholic or soft drinks will not be allowed to be taken onto or from the licensed area. Door supervisors will undertake discretionary customer and bag searches to ensure compliance. A sufficient number of female door supervisors will be employed to perform this task where female customers are to be searched.
- 5. A suitable drugs policy will be provided to both the Police and PBC Licensing prior to outdoor events taking place.
- 6. At all outdoor events permitted under the premises licence, door supervisors, at their discretion, will conduct drug searches on customers at each point of entry.
- 7. Prior to any outdoor event, arrangements will be made, with the Police, in relation to the storing and disposal of any illegal substances i.e. drugs.
- 8. At all outdoor events permitted under the premises licence, all staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
- 9. At all outdoor events permitted under the premises licence, the premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door supervisors so as to ensure that there is no public nuisance or obstruction to the public highway.
- 10. CCTV will monitor all licensable areas, have correct resolution and have a large retention capacity so that data can be recorded with ease. All recording will be kept in a secure environment to prevent tampering.
- *This will supersede the conditions proposed at 4, above.*
 - Conditions 1 to 9 will not apply where a game of cricket is classed as the main outdoor event.

Public Safety

- Plastic drinking vessels, or suitable non-glass alternatives, will be used for all outdoor events permitted under the premises licence.

- All drinks will be decanted into plastic drinking vessels, or suitable non-glass alternatives, at all outdoor events permitted under the premises licence.
- At all outdoor events permitted under the premises licence, a first aid post, manned by an adequate number of suitably qualified staff, will be utilised. Signage, placed at strategic points around the premises, will display the location of the first aid provision.

The Prevention of Public Nuisance

- Any large scale outdoor event will be referred by The Club to the Event Safety Advisory Group for consultation at least two months before the event takes place.
- *This will supersede the condition proposed at 4, above.*

The Protection of Children from Harm

- 1. At all six outdoor events permitted under the premises licence, no persons under the age of eighteen will be allowed to enter events unless accompanied by a responsible adult.
 - 2. Age verification checks will be carried out, at all points of sale of tickets, including on-line sales, to ensure that no one under the age of eighteen purchases tickets.
 - Conditions 1 and 2 will not apply where a game of cricket is classed as the main outdoor event.
8. Following consultation with Pendle Borough Council's Environmental Health Department, the applicant has agreed to the inclusion of the following conditions (Appendix 6) –

Public Safety

- For each of the 6 outdoor events, and Event Safety Management Plan must be submitted and approved by the Licensing Authority 1 month prior to the event taking place.

The Prevention of Public Nuisance

- A sign shall be displayed in a prominent position where it can easily be seen by people leaving the premises and with lettering of such size that it can be easily read saying the following or something of a similar event;
 - 'Please leave quietly without causing any noise or disturbance'.
- Bottles will not be placed in any external receptacle between the hours of 23:00 and 07:00 to minimise noise and disturbance to neighbouring properties.
- Noise from plant and machinery will be inaudible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery will be regularly serviced and maintained.

- The Premises Licence Holder / Designated Premises Supervisor will ensure that patrons use the outdoor areas in a manner which does not cause disturbance to nearby residents and businesses in the vicinity.
 - *These will supersede the conditions proposed at 4, above.*
- In all circumstances noise from regulated entertainment at the licensed premises must be inaudible in nearby noise sensitive premises between the hours of 23:00 and 09:00.
- Outdoor licensable activities are only permitted on the 6 notified days, or until 21:00 on the days where there is a cricket match.
- There will be a maximum of 6 days in one calendar year, where licensable activities will be conducted outdoors until 23:00 and the following additional conditions apply:-
 - The Club must contact Environmental Health and make them aware of the event taking place at least 2 months in advance. Depending on the nature of the event Environmental Health will decide if it is necessary for the club to produce a Noise Management Plan. If deemed necessary, this must be submitted and approved at least 1 month in advance of the event taking place. The Noise Management Plan will include but is not limited to:
 - Details of an appointed competent person who will deal with all matters related to noise during the event. The competent person shall liaise between all parties including the Premises Licence Holder, Sound Engineer, local residents and the Licensing Authority on all matters relating to noise control prior to and during the event.
 - The competent person shall liaise with Environmental Health to agree appropriate noise monitoring locations no less than 3 days prior to any event.
 - In advance of any event, if not already carried out, the competent person shall carry out a noise survey to determine background noise levels (as defined by the Code of Practice on Environmental Noise at Concerts) at locations around the venue representative of the noise sensitive premises likely to experience the highest noise level as a result of the event. The information should form part of the Noise Management Plan.
 - Details of a sound check which shall be carried out prior to any event to set appropriate noise levels. This should be used to determine the maximum sound level measured at the mixer which is required to meet the maximum music noise level at the boundary of the noise sensitive premises.
 - Details of a hotline number for residents to ring during the 6 outdoor events. This should be manned during the event by operatives who have direct contact with the competent person.
 - Between 09:00 and 23:00 the music noise level as measured 1m from the façade of noise sensitive premises shall not exceed the background noise level (LA90, 1 hour) by more than 15dB(A) when measured over any 15 minute period during both the sound checks and the event.

- *This will supersede the condition proposed at 4, above.*

9. Sixteen relevant representations have been received from persons residing in the vicinity of the premises (attached as Appendices 7 to 22). The persons have been informed that only concerns that relate to the four licensing objectives can be considered by the Licensing Committee in relation to this application.

C. Background Information

10. Under the Licensing Act 2003 in England and Wales the determination of an application for a premises licence where representations have been made can be made by a sub-committee as arranged by the licensing committee (sections 10 (4) (a) Licensing Act 2003).

11. A party who wishes to withdraw any representations they have made, may do so, by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or orally at the hearing (section 10 (a) and (b) Licensing Act 2003 (Hearings) Regulations 2005).

12. Time limits for hearings may be extended where it is in the public interest, and hearings can be adjourned where the Authority considers it necessary for further consideration of representations (sections 11 and 12 Licensing Act 2003 (Hearings) Regulations 2005).

13. Except where an Authority considers that the public interest in doing so outweighs the public interest in the hearing, the public shall not be excluded from a hearing (section 14 Licensing Act 2003 (Hearings) Regulations 2005).

14. At the beginning of the hearing, the Authority shall to explain to the parties the procedure it proposes to follow (section 22 Licensing Act 2003 (Hearings) Regulations 2005).

D. Considerations

15. At a hearing the Licensing Authority may:

- a. Grant the application subject to modifying conditions that are consistent with the operating schedule in a way it considers appropriate for the promotion of the licensing objectives.
- b. Reject one or more requested licensable activities.
- c. Refuse to specify a person as a designated premises supervisor (DPS).
- d. Reject the application.

16. The Licensing Committee must have regard to both the Guidance issued by the Government and its own Statement of Licensing Policy.

17. All decisions of the Licensing Authority, and any conditions imposed, must be appropriate for the promotion of the licensing objectives.

IMPLICATIONS

Policy: There have been no changes to policy.

Financial: None arising directly from the report.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES

1. Copy of:
 - a. Application Form;
 - b. Consent Form;
 - c. Plan – First Floor;
 - d. Plan – Ground Floor;
 - e. Plan – Licensable area;
 - f. Plan – Tearoom;
 - g. Plan – Licensable area - aerial;
 - h. Plan – Perimeter;
 - i. Location.
2. Copy of Premises Licence PEN(A)0120.
3. Police – conditions previously agreed.
4. Public Health – condition previously agreed.
5. Licensing – conditions previously agreed.
6. Environmental Health – conditions previously agreed.
7. Representation 1.
8. Representation 2.
9. Representation 3.
10. Representation 4.
11. Representation 5.
12. Representation 6.
13. Representation 7.
14. Representation 8.
15. Representation 9.
16. Representation 10.
17. Representation 11.
18. Representation 12.
19. Representation 13.
20. Representation 14.
21. Representation 15.
22. Representation 16.

LIST OF BACKGROUND PAPERS

None