

**DEPARTMENT OF ENVIRONMENT AND OPERATIONS**

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO: LICENSING ACT 2003 PANEL Date: 01/08/2019**

**TITLE : APPLICATION FOR A VARIATION TO A CLUB PREMISES CERTIFICATE -  
Edgworth Cricket Club, Bolton Road Turton Bolton BL7 0DL**

1.	<b><u>PURPOSE OF REPORT</u></b>
1.1	For members to consider an application for a variation to a club premises certificate in respect of <b>Edgworth Cricket Club, Bolton Road Turton Bolton BL7 0DL.</b>
2.	<b><u>BACKGROUND</u></b>
2.1	The Licensing Act 2003 provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by the Licensing Committee. The Licensing Committee may delegate these functions to sub-committees. The Council's constitution has been amended to incorporate this.
2.2	The Statement of Licensing Policy indicates how the licensing authority approaches its various functions.
2.3	Where under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers.
2.4	The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation.
2.5	Each application that comes before this committee will be treated on its own merits, and this licensing authority will take its decision based upon: <ul style="list-style-type: none"><li>● The merits of the application</li><li>● The promotion of the four licensing objectives</li><li>● The policy of the licensing authority, a copy of which can be obtained from the Public Protection Service, White Dove offices, Davyfield Road Depot, Davyfield Road Blackburn BB1 2LX.</li><li>● The guidance issued by the Secretary of State on April 2018 under section 182 of the Licensing Act 2003</li></ul>

<p><b>3</b></p> <p>3.1</p> <p>3.2</p>	<p><b><u>DETAIL</u></b></p> <p>An application has been made by Edgworth Cricket and Recreational Club in respect of the <b>Edgworth Cricket Club, Bolton Road Turton Bolton BL7 0DL</b> for a variation to the club premises certificate under the Licensing Act 2003 (Appendix 1).</p> <p>The variation sought is or a change to the plan of the premises to include an extension to the club house. The application also includes an extension to the sale of alcohol until 2a.m. Friday and Saturday.</p>
<p><b>4</b></p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p> <p>4.5</p> <p>4.6</p>	<p><b><u>CONSULTATION</u></b></p> <p>All responsible authorities have been consulted, advertisements have been displayed in accordance with the Act,</p> <p>There have been five objections received (Appendix 2 ,3, 4, 5 and 6). The objections have been raised under the prevention of crime and disorder and public nuisance objectives.</p> <p>No objections have been received from any of the other relevant authorities.</p> <p>Further conditions have been agreed with responsible authorities (Appendix 7 and 8). It has been determined that all objections from the public and relevant comply with Section 35(6) Licensing Act 2003</p> <p>The applicant was given notice under Regulation 7(1)(d) Licensing Act 2003 (Hearings Regulations) 2005.</p> <p>The required documents in accordance with Column 3, Schedule 3 have accompanied the Notice of Hearing in accordance with Regulation 7 Licensing Act 2003 (Hearings Regulations) 2005.</p>
<p><b>5</b></p> <p>5.1</p>	<p><b><u>POLICY CONSIDERATIONS</u></b></p> <p><b><u>TRADING HOURS</u></b></p> <p>This Policy recognises that longer and more flexible licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks and private hire offices, fast food outlets etc.</p> <p>The Policy will not set fixed trading hours within any designated area though the Policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas. Additional security measures may need to be considered on premises which remain open to the public after 3:00am. Each application will be judged on its merits with the discharging of the licensing objectives being paramount in every case.</p> <p>As a general presumption, applications for licences to sell alcohol for consumption on the premises (including club premises) who wish to open between 10 am and midnight Sunday to Thursday and 10 am to 1 am Friday and Saturday will have their licence granted - subject to the rights of other persons to object and thereby require a</p>

	<p>hearing.</p> <p>Any premises wishing to open for longer hours, or where amplified music is to be a feature of the entertainment which is provided, will need to demonstrate specifically within their operating schedule, how they will discharge the Licensing Objectives.</p> <p>Applicants should be aware that there is no automatic presumption In favour of longer hours and all cases which are referred to the Licensing Committee the Committee will consider if the hours requested by the applicant undermine the licensing objective. Where the Committee concludes that they do, the Committee may reject the application, or impose conditions and/or grant the licence with permitted hours which are different to those requested.</p> <p>In the interests of reducing crime, disorder and anti-social behaviour, the Council will prefer applications for public houses, nightclubs and registered clubs that demonstrate in their operating schedules a responsible approach to alcohol sales by ending such sales some time before the premises themselves are closed ('drinking-up time'). There is no obligation on the holder of a premises licence or club premises certificate to remain open for the entire period permitted by his licence or certificate.</p>
<p><b>6</b></p> <p>6.1</p> <p>6.2</p> <p>6.3</p> <p>6.4</p>	<p><b><u>THE THE LICENSING ACT 2003</u></b></p> <p>The Licensing Act 2003 requires you to have regard to the representations, and take such of the steps as you consider necessary for the promotion of the licensing objectives.</p> <p>The steps you take are (a) to modify the conditions of the licence and/or to reject the whole or part of the application to vary the licence.</p> <p>The conditions of the licence are modified if any of them are altered or omitted or any new condition is added.</p> <p>You cannot however restrict the hours of the sale of alcohol to less than those authorised under the current Justice's Licence by virtue of Paragraph 11 Schedule 8 Licensing Act 2003.</p>
<p><b>7</b></p> <p>7.1</p> <p>7.2</p> <p>7.3</p>	<p><b><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></b></p> <p>Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.</p> <p>Members are reminded that they should have read or should hear all the facts prior to making a determination</p> <p>Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.</p>

<b>8</b>	<b><u>BACKGROUND PAPERS</u></b>
8.1	Appendices
8.2	Statement of Licensing Policy
8.3	The guidance issued by the Secretary of State on March 2015 under section 182 of the Licensing act 2003
8.4	The Licensing Act 2003.
<b>9</b>	<b><u>RECOMMENDATION</u></b>
9.1	That members consider the application for the variation of the Club Premises Certificate.
<b>10</b>	<b><u>WARDS AFFECTED</u></b>
10.1	The premises are situated in the Edgworth Ward. None of the ward councillors are members of this sub committee.
<b>11</b>	<b><u>CONTACT OFFICER</u></b>
11.1	Janet White
<b>12</b>	<b><u>DATE PREPARED</u></b>
12.1	23 July 2019