

Minutes of	Licensing Panel
Meeting date	Tuesday, 1 August 2023
Committee members present:	Councillors Paul Wharton-Hardman (Chair), Peter Gabbott and Emma Stevens
Officers present:	Dave Whelan (Head of Legal and Procurement), Ruth Rimmington (Democratic Services Team Leader) and Justin Abbotts (Licensing Officer)
Other attendees:	Lynn Lancaster – proposed Designated Premises Supervisor, Leyland Warriors Rugby Club Ian English / Craig Hogan-Farnworth-Leyland Warriors Rugby Club David Sutton – interested party Adriane Dockray - interested party Nigel Morrall – interested party
Public:	20

A video recording of the public session of this meeting is available to view on [YouTube here](#)

23 Apologies for absence

None.

24 Declarations of Interests

None.

25 New Premises Licence Application - Leyland Warriors Rugby Club, Moss Side Playing Fields

Presentation of Committee Report

Justin Abbotts, Licensing Officer took the panel through the contents of the committee report. He confirmed to the panel that all the notice and procedural requirements had been adhered to.

The applicant, Leyland Warriors Rugby Club, submitted new premises application on 6 June 2023 pursuant to Section 17 of the Licensing Act 2003. As relevant objections had been received from residents, it was necessary for a Licensing Panel hearing to be held.

The Licensing Officer explained that the applicant had applied for a licence for the following:

Opening hours

Wed – Fri 17:00 – 22:30

Saturday – Sunday 10:00 – 22:00

Supply of alcohol (on and off Sales)

Wed – Fri 17:00 – 22:00

Saturday – Sunday 10:00 – 22:00

The application and plan were attached to the report as background document 1.

The Licensing Officer stated that no representations had been received from responsible authorities, however three representations had been received from local residents which were detailed at Appendices 1 - 3 in the report. The representations raised issues in relation to the following licensing objectives:

- The prevention of crime and disorder.
- The prevention of public nuisance.

The Licensing Officer referred to the relevant policy and guidance which could be found at paragraphs 18 – 19 of the committee report. The report also outlined the options available to the Panel as stipulated by section 18 of the Act, these being;

- To grant the licence subject to any conditions the Licensing Authority considers appropriate for the promotion of the Licensing Objectives.
- To exclude from the scope of the licence any licensable activities to which the application relates
- To refuse to specify a person in the licence as the designated premises supervisor; or
- To reject the application.

Presentation of the Applicant's Case

As per the hearing procedure Craig Hogan-Farnworth presented the applicant's case.

Mr Hogan-Farnworth outlined the purpose of Leyland Warriors Rugby Club, as an inclusive club, coaching rugby league from aged four through to 67 years. The club had been through difficult times during Covid, and had lost a number of players. Rising energy costs were also an issue.

This caused funding issues as members paid a membership fee. The purpose of the licence was to sell alcohol as an income stream. Members, and their guests, would be eligible to use the bar and this would be open around training and match times - part of the social element of the club. It was not anticipated that the bar would be open until 10pm – this had been requested to enable flexibility.

The club had run a number of fundraising events with a Temporary Event Notice (TEN) without issue. The majority of the members drove to the club, so this provision was social, rather than any other.

Members queried the basis of membership of the club and noted that if guests were not able to use the facilities this would exclude away players and supporters.

Following a query from members Mr Hogan-Farnworth indicated the club would be willing to reduce the Saturday and Sunday closing time to 8pm from 10pm.

It was noted that the drinking of alcohol pitch side was not a licensable activity, and that any alcohol would be decanted into a plastic glass for consumption pitch side.

An objector noted a recent fundraising event which utilised a TEN had not been a member only event, but more of a family fun day. It was clarified that the purpose of this event was to attract new players.

It was clarified that playing music (regulated entertainment) was not a licensable activity unless commencing after 23.00, so there was no need for this to be licensed. Mr Hogan-Farnworth indicated a desire to work with the community with a common sense approach. Officers advised if this became an issue the council could assist via Environmental Health – officers were on call if assistance was required. In addition, if activity occurred outside the licensed hours enforcement action could be undertaken by Licensing officers.

It was acknowledged that members had had the opportunity to visit the site if they had needed further information on the site layout.

Presentation of the Objectors' Case

David Sutton, Adriane Dockray and Nigel Morrall, who had made written representations and were present at the hearing, made verbal submissions to the Panel.

Their main concerns, as outlined in the letters of representation, were:

- Anti-social behaviour in the area, including drug dealing, nuisance bikes and fighting
- Issues with parking on the road if the overflow car park is not in use, and access by emergency vehicles
- Noise nuisance arising from live music, and consumption of alcohol at the premises in close proximity to a quiet, residential area, and in particular disturbance to residents of dementia care home and children, also vulnerable people walking dogs and riding horses
- The housekeeping on the site, with items which could cause a danger to children, including discarded fridges and LPG tanks

The Legal Officer noted that issues relating to parking and speeding were essentially not licensing matters. Concerns about the effect of the grant of the licence on antisocial behaviour and drug dealing in the area were largely speculative. No objections had been received from anyone acting on behalf of vulnerable people. Environmental Health had not raised any objections relating to noise.

Mr Hogan-Farnworth noted the club was also subject to anti-social behaviour and the effects of this. He outlined the measures the club had taken to mitigate this and indicated his willingness to work with the community on this issue.

Mr English noted the potential benefit of the club being open more as a deterrent to antisocial behaviour. It was noted that the issues surrounding antisocial behaviour were general and not related to the club.

The Licensing Officer confirmed that all the notice requirements had been adhered to but noted these were different to those required for a planning application.

The Chair asked the applicant if they wished to amend the application.

Mr Hogan-Farnworth confirmed he was willing to reduce the Saturday and Sunday closing time to 8pm from 10pm.

The Chair invited the objectors and then the applicant to sum up.

The objectors summarised the main points raised in their written representations and at the hearing. This included noise issues, but objectors agreed to work with the club on this.

Mr Hogan-Farnworth summarised the applicant's case and reiterated the points he had made in the hearing. This included the desire to build the membership of the club and generate an income stream from the bar provision. There was a wish to work with the community on common issues, such as antisocial behaviour. Any noise from music would be resolved with common sense.

Lynn Lancaster noted that the relevant people had undertaken the challenge 25 course and would take the responsibility seriously.

The Licensing Officer confirmed the mandatory conditions which would be attached to the licence.

The Chair thanked everyone for attending and explained a decision notice would be issued to all the parties within 5 working days and advised of the right of appeal to the decision to the Magistrates' Court within 21 days.

The Panel then went into private deliberations to consider its decision.
Decision

In reaching its decision the Panel carefully considered the following:

1. Both Written and Oral Evidence presented in connection with the hearing from all parties
2. The Licensing Act 2003
3. S182 Revised Guidance of the Licensing Act 2003
4. South Ribble Borough Council – Licensing Policy

RESOLVED

1. It was noted that the Residents had raised concerns in relation to a number of issues including the prevention of crime and disorder and in relation to the prevention of public nuisance.
2. It was further noted that no Responsible Authorities had made any representations in respect of the application. The Panel were of the view that significant weight had to be apportioned to this. Responsible authorities were experts in their field.

3. In evidence the objectors accepted that the anti-social behaviour in the area was not the responsibility of the Rugby Club.

4. The Panel considered that the concerns about the granting of a premises licence leading to anti-social behaviour were speculative.

5. In the application the Club had indicated that it wanted both an on and an off licence. During the hearing it emerged that that the applicant did not need an off licence – hence only an on licence was granted.

6. The Panel noted that the applicant had applied for regulated entertainment until 22.00, but noted that this is not a licensable activity unless commencing after 23.00 – hence there was no need for this to be licensed. Likewise the Panel noted that the applicant had also applied for late night refreshment on Saturday and Sunday but as this was to expire before 23.00 on both nights there was no need for this to be licensed.

7. At the hearing the applicant had indicated that they were prepared to reduce the hours applied for on a Saturday and Sunday.

8. In the circumstances, the Panel decided to grant the application in respect of the premises. This is as follows:

a. permitted Licensable hours for the supply of alcohol

Wednesday to Friday – 17.00 until 22.00
Saturday and Sunday – 10.00 until 20.00

b. Opening hours

Wednesday to Friday – 17.00 until 22.30
Saturday to Sunday – 10.00 until 20.30

9. The Panel noted that the mandatory conditions will be imposed on the licence. Likewise conditions in accordance with the Operating Schedule. The Panel considered that one additional condition – in furtherance of the Licensing objectives particular public safety - would be required namely:

“Any sale of alcohol for consumption on the outside areas of the premises or pitch side shall be decanted into plastic glasses.”

All parties to the hearing have a right to appeal the decision to the Magistrates Court within 21 days.

Chair

Date