

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
Licensing Panel	7 August 2008

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<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
Application for a Premises Licence under section 17 of the Licensing Act 2003 in relation to Penwortham Lawn Tennis Club, Blackhurst Avenue, Hutton Preston, PR4 4BG	Leisure and Cultural Services	Kay Gray	4

### **SUMMARY AND LINK TO CORPORATE PRIORITIES**

An application has been made by The Committee of Penwortham Lawn Tennis Club for a premises licence under Section 17 of the Licensing Act 2003 in respect of Penwortham Lawn Tennis Club, Blackhurst Avenue, Hutton Preston, PR4 4BG.

The application could have an impact on several of the Council's Corporate Priorities. It should be borne in mind however, that the application must be determined in accordance with the Licensing Act 2003, Council's Licensing Policy Statement and the statutory guidance issued under Section 182 of the Licensing Act 2003.

### **RECOMMENDATIONS**

The Sub-Committee conduct the hearing in accordance with the hearing procedure and decide accordingly.

### **DETAILS AND REASONING**

The Committee of Penwortham Lawn Tennis Club have submitted an application for the grant of a Premises Licence under Section 17 of the Licensing Act 2003 in relation to Penwortham Lawn Tennis Club, Blackhurst Avenue, Hutton, Preston PR4 4BG.

The premises is a permanent brick built ground floor clubhouse consisting of bar/lounge, conservatory, kitchen, toilets/changing rooms and outdoor patio area. The tennis club is situated in a predominantly rural area with a nearby

housing development which shares the same access road. Please see plans attached which also indicate the residences of the interest parties (marked by an X). Parking is provided with spaces for approximately 18 - 20 vehicles. Access to the premises is along Blackhurst Avenue which we believe may be a private road (although we do not have confirmation of this) maintainable via the residents of the area including the Tennis Club. Blackhurst Avenue is also signposted as a public footpath.

Details of the application are set out on the summary sheet attached.

### **Representations from Responsible Authorities**

There were no representations received from responsible authorities.

### **Representations from Interested parties**

Representations have been received from local residents against the application. There was one representation for the application but unfortunately it was received out of time and therefore has not been included in these papers.

Representations have been made in respect of the potential for problems with increased traffic, public nuisance, issues of crime and disorder and public safety following from the provision of regulated entertainment and sale of alcohol and the impact on the above from the potential for increased business from the premises.

Many concerns surround the safety of the access to the property given the fact that it is via a road which is stated to be a public footpath but which does not have a footpath. Concerns have also been raised regarding access for emergency vehicles.

The relevant issue from a licensing perspective is how the application impacts on the four licensing objectives and whether the granting of the application would be proportionate to those objectives. The Committee is obviously aware that they have the power to refuse the application or impose conditions to ensure proportionality. Most of the persons making representations do not believe that the imposition of conditions will be sufficient to protect the amenity of those people living and/or carrying out business in the vicinity. Another has asked for the hours to be restricted and conditions imposed.

There were no other representations received from interested parties.

### **Licensing Act 2003**

The Council must carry out its licensing functions with the intention of promoting the licensing objectives.

The licensing objectives are:-

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

The Council must also have regard to:

1. Its own Policy Statement;
2. Secretary of State guidance (Section 182 of the Licensing Act 2003).

### **Licensing Statement**

The attention of Licensing Sub-Committee is drawn to the Council's 'Statement of Licensing Policy.' In particular:

1. Section 9 Prevention of Crime and Disorder

2. Section 11 is of particular relevance. This section deals with the 'Prevention of Public Nuisance'.
3. Section 12 - this section looks at 'Mechanisms for dealing with Public Nuisance'.
4. Section 13 – Protection of Children from Harm

### **Secretary of State Guidance**

Members' attention is drawn to the statutory guidance issued under Section 182 of the Licensing Act 2003 which is of relevance to such hearings.

Members should make themselves aware of all relevant parts of the statutory guidance prior to determining this application.

Paragraph 2.1 of this guidance states;

"The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters...."

Paragraph 2.34 of this guidance states:

"Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any condition necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

Paragraph 2.36 further states:

“Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address and disturbance anticipated as customers enter and leave.”

Members should consider the contents of ‘Annex D – Pool of Conditions’ of the Guidance issued under Section 182 of the Licensing Act 2003. In particular ‘Part 4. Conditions relating to the Prevention of Public Nuisance’ may be of relevance

Paragraph 2.41 states:

“The protection of children from harm includes the protection of children from moral, psychological and physical harm . However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family friendly environments should not be frustrated by overly restrictive conditions in relation to children.

## **WIDER IMPLICATIONS**

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

<b>FINANCIAL</b>	There are no financial implications for the authority.
<b>LEGAL</b>	When determining this hearing the Council must comply with the rules of natural justice.  Any party at the hearing has the right of appeal to the Magistrates Court.
<b>RISK</b>	Please see above.

<b><i>OTHER (see below)</i></b>	There are no other risks associated with this proposal.
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Efficiency Savings</i>	<i>Equality, Diversity and Community Cohesion</i>
<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>
<i>Respect Agenda</i>	<i>Staffing</i>	<i>Sustainability</i>	<i>Training and Development</i>

**BACKGROUND DOCUMENTS**

- The hearing procedure
- Application Summary Sheet
- Site Plan of the Premises and neighbouring properties.
- Application form
- Representations from Responsible Authorities
- Representations from Interested Parties
- Response from Applicant