

LICENSING SUB-COMMITTEE

9 JANUARY 2017

Minutes of the meeting of the Licensing Sub Committee of Flintshire County Council held at County Hall, Mold on Monday, 9th January 2017

PRESENT:

Councillor Tony Sharps (Chairman)

Councillors: Alan Diskin and Ian Dunbar

OFFICERS OF FLINTSHIRE COUNTY COUNCIL

Solicitor (Mr Tim Dillon), Licensing Officer and Team Leader – Democratic Services

INTERESTED PARTIES

Mrs R. Robins – Resident’s representative

Mr L. Corbett – Resident’s representative

APPLICANT

Mold Alex Football Club – Mr W. Emberton (Chairman)

1. APOLOGIES

None were received.

2. DECLARATIONS OF INTEREST

None were received.

3. APPLICATION TO VARY A PREMISES LICENCE

The Licensing Officer introduced the report for Members to consider and determine an application under the Licensing Act 2003 to vary a Premises Licence held by Mold Alex Football Club since August 2016.

The applicant had applied to vary the following licensable activities: plays; films; indoor sporting events; live and recorded music and anything of a similar description; late night refreshment and the supply of alcohol for consumption on the premises.

For the above activities the licence currently operated to the following hours:

Monday – Thursday	13:00 to 23:00
Friday and Saturday	11:00 to 23:00
Sunday	11:00 to 17:00

The hours applied for were:

Monday – Thursday	09:00 to 23:00
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Friday and Saturday 09:00 to 00:00
Sunday 09:00 to 21:00

Representations had been received from a number of local residents, details of which were included in the appendix to the report.

North Wales Fire and Rescue Service had confirmed they had no representations to make to the Licensing Authority. North Wales Police had confirmed that the application has been discussed with Inspector Jon Bowcott, the officer responsible for the area, and that they had no representations to make to the application. Flintshire County Council's Pollution Control Section had not made any representations.

The Officer confirmed that the application had been advertised in the correct manner.

REPRESENTATIONS BY THE APPLICANT – MR EMBERTON – CHAIRMAN OF MOLD ALEX FOOTBALL CLUB

Mr Emerton explained the background to the premises and the recent licence granted in 2016. Since that date it had become apparent that the agreed times of opening were not adequate for the booking enquiries they were receiving for things such as children's morning parties, line dancing and Christenings. He added that the time applied for in the original application relating to Monday – Thursday had been an error.

The two resident representatives asked Mr Emberton a number of questions which are summarised below along with the answers:

Question – Would there be amplified music played in the mornings if an earlier licence was granted?

Answer – Yes

Question – Would you expect to receive more bookings?

Answer – Hopefully which would generate funds for the club

Question – Are there any rules about children attending late night events?

Answer – No rules so long as they are not consuming alcohol

Question – Would the noise from live bands be controlled?

Answer – The premises had been provided, from Mold Town Council, a sound monitoring device. Four sections of the area outside of the premises were monitored for noise with readings being retained. All of the readings taken to date were within the limits of the guidelines set for acceptable noise within the town of Mold. He provided details of the acceptable noise levels and the highest recorded level at the club which did not exceed the satisfactory level. The resident queried the reliability of the machine used and asked how often it was calibrated. Mr Emberton explained that it was the same device as used at events in the town by Mold Town Council.

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Question – Would doors and windows be closed?

Answer – Yes, even during the summer months as that was part of the current licence. Mr Emberton confirmed that the premises had air conditioning.

Question – How would noise outside the premises be monitored – smokers congregated outside the main door which generated a lot of noise.

Answer – There was not a designated smoking area. However, Stewards patrolled the outside area and requested that the noise levels be kept to a minimum. They also ensured no alcohol was consumed outside the premises.

REPRESENTATIONS BY INTERESTED PARTIES

Mrs Robins spoke on behalf of the residents and said concerns had been raised about the premises since February 2016. Full details of the concerns were outlined in the letter of representation and were highlighted as being:

- Increased levels of crime and disorder;
- Public safety;
- Public nuisance; and
- Prevention of harm to children.

She added that the residents would be applying for a review of the existing licence. She had no objection to the premises as a Football Club but she did object to it being a social club or a night club. Mr Emberton explained that the Football Club had a premises for over 30 years which was prior to the housing estate being built.

On the suggested rise in crime and disorder, Mr Emberton provided details sourced from Police UK which showed that anti-social behaviour in the area had decreased which he felt was as a result of the premises being open in that there was now a presence in the area. He questioned the reliability of the information provided by Mrs Robins in relation to incidents she said were connected to people coming from the premises. He provided details of measures that had been put in place to provide a high gate and ongoing plans to further secure the area.

The Chairman invited the Sub-Committee to ask questions.

Councillor Dunbar asked if bookings had been taken for future events and if so, what they were. Mr Emberton said a number of bookings had been taken and an earlier licence would be better suited to some of those booking, as it would for weekly events such as line dancing.

Mr Emberton confirmed that all readings of noise were taken with the doors and windows closed as it was a condition of the current licence.

In response to a question from Councillor Diskin, the Licensing Officer explained that some complaints on noise had been made to Pollution Control and those residents had been advised to record the incidents in diaries.

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The Solicitor asked if the 9am opening was in the main for the hosting of children's birthday parties etc. and not for the supply of alcohol which the applicant confirmed. He explained that the additional hour on a Friday and Saturday evening was for events such as race nights.

On noise monitoring, the applicant confirmed that the noise levels had never exceeded the guidance levels received. He added that should the noise levels reach the unacceptable level he would ensure that the music was turned down immediately. He was responsible for monitoring the noise at every event. He said that based on the complaints from the local residents he had explained that he was content for noise monitors to be installed at the premises.

DETERMINATION OF THE APPLICATION

The applicant and interested parties left the room. In arriving at its decision, the Sub-Committee took into account the relevant representations submitted both in writing and orally at the hearing.

DECISION

The applicant and interested parties were invited to return to the meeting.

The Chairman explained that the Sub-Committee had determined that the application be approved as applied for.

The Sub-Committee had considered all of the representations made from both the interested parties and the applicant.

The considerations that were considered were the Licensing Objectives by virtue of the Licensing Act 2003 and whether any of the Licensing Objectives were undermined. Relevant Licensing Objectives considered included the protection from public nuisance as well as the prevention of crime and disorder.

In relation to crime and disorder it was noted that since the premises licence had been granted crime and disorder appeared to have decreased and the specific complaints in relation to crime and disorder were not necessarily linked to the premises licensable activities.

In relation to public nuisance, although it was concerning to hear the representations from the interested parties on the playing of music and live music, it appeared from the evidence given that the sound levels were below being a nuisance given the monitoring of noise by the applicant.

The Sub-Committee noted that the noise levels were still being monitored and if such monitoring suggested a nuisance the interested parties had a right to apply to review the premises licence.

The other licensing objectives were also considered and were not found to be undermined.

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In relation to the urination raised by Mr Corbett, this appeared to be an isolated incident in the circumstances.

Residents had the right to appeal to the Magistrates Court within 21 days of the meeting.

RESOLVED:

That the licence be granted in accordance with the details above.

4. MEMBER OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press and seven members of the public in attendance.

(The meeting started at 2.00 pm and ended at 4.15 pm)

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