

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 6 JULY 2023 AT THE PUMP ROOM - THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

Cllr Kevin Daley, Cllr Peter Hutton and Cllr Robert Yuill

Also Present:

Applicant

Ms H Souch, Club Secretary & Mr M Willits, Club Fixtures Secretary

Those who made a Relevant Representation

Representation 2 – Landlord and Local Resident

Wiltshire Council Officers

Lisa Alexander, Senior Democratic Services Officer

Ellen Ghey, Democratic Services Officer (observing)

Mike Edgar, Senior Solicitor

Andrew Noble, Public Protection Officer – Licensing

Katherine Edge, Public Protection Officer – Licensing (Observing)

12 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

13 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

14 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 - 10 of the Agenda refers).

15 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

16 **Declarations of Interest**

There were no interests declared.

17 **Licensing Application**

Application for A Club Premises Certificate in respect of Chalke Valley Cricket Club, made by Helen Souch, Club Secretary.

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a Club Premises Certificate, presented by Andrew Noble (Public Protection Officer – Licensing) for which 2 relevant representations had been received. The application was for the following licensable activities:

- Sale by retail of alcohol, On and Off Sales, Monday through to Sunday, from 12:00 hrs to 21:00hrs.

It was noted by the Sub Committee that there were xx options available to them:

1. To grant the certificate subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the designated premises supervisor
4. To reject the application

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Ms Helen Souch, Club Secretary
- Mr M Willits, Club Fixture Secretary

Relevant Representations

- Rep 2 – Local Resident

The Chairman advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited the Applicant to introduce their application.

The Applicant's Submission

The Applicant and their representative spoke in support of the application, highlighting the following points:

- The Cricket Club had been at the site for 13 years.
- The lease had been gifted to the Club by the current Landlords mother, who was now deceased. The original owner of the land was supportive of the club and had a good relationship with the Cricket Club.
- The club had applied for a Club Certificate to enhance the control measures around the sale and consumption of alcohol as part of its progression to a higher league.
- There was a strong desire to run the club correctly.
- Currently those attending the games were allowed to bring their own alcohol and consume it whilst watching the game, with no restrictions in place.
- Having a Club Certificate would allow the sale of alcohol which would control when people could and could not drink. There would also be more scope to monitor consumption levels.
- There was no history of alcohol related issues at the club.
- The club had not previously been able to monitor the quantity of alcohol brought to games by the opposition teams.
- The club would prevent attendees bringing their own alcohol once a Club Certificate was obtained.

Sub Committee Member's questions

In response to the Members questions to the Applicant, the following points of clarification were given:

- Whilst a Club Certificate would enable the club to exercise greater control over the availability of alcohol, it did not prevent people from bringing their own onto the premises. The club would legally advertise the availability of the bar and the provision of refreshment through the sessions. The club would also operate the Challenge 25 scheme and would notify attendees not to bring their own alcohol to the site.
- There were no previous occurrences of misbehaviour or public nuisance. The Club Certificate would give the best opportunity to control alcohol consumption on the site.

- In addition to the weekly training session and a weekend match, there may be an occasional tournament or event held at the site. There would be no loud music and would attract normal levels of attendance.
- Training records would be kept on site and made available on request to any of the Responsible Authorities. The option for notifications of planned events to be made available to the local residents could be explored to improve communication.
- The Applicant had experience of running pubs and serving in a licensed premises and was aware of the regulations and would abide by them. A responsible person would be nominated once the club bar was open. The hours applied for would cover standard weekly training and match sessions as well as any additional events.
- The bar would sell a mixture of cans of lager/cider and bottles of wine. Cricket rules state no drinking during the game for players.

Questions from those who made a relevant representation

In response to questions to the Applicant from those that had made a relevant representation, the following points of clarification were given:

- Why was there a need to have alcohol and sell it as a sports club seven days of the week?
Answer – The Cricket Club was more than just a place to hold a match. Cricket was a social event for the families and friends of the players who come along to support the team. Having a Club Certificate increases the offer and experience for the community to enjoy cricket. The Club Certificate was applied for all seven days so that it covered additional events such as a cricket tournament.
- Sometimes in the morning after a match, several vehicles were left behind. This did not sound like control if cars were left behind.

Licensing Officer

- Allowing people to bring their own is discouraged however it would be within your rights to set your own operational mandate.

Submissions from those who made relevant representations

Representation 2

- The first I (the current landlord) knew of the application for a club Certificate was on 2 June 2023, when we saw a poster. There had been no other communication with me or the neighbours prior to this. There then came an email from the Club Chairman on 6 June 2023. In terms of involving the village it had not been good so far.
- The Club Certificate should be limited to matches.
- Car parking was not permitted.

Sub Committee Members' questions

There were no questions.

Questions from the Applicant:

In response to questions from the Applicant to those that made relevant representation the following points of clarification were given:

- With regards to engagement with landlady we had always been open and had tried to do that during the first 8 years of Rep 2 being the new Landlady. Then the Club received a solicitor's letter through the door. At that point we realised liaising with her was not an option.
- Happy to discuss the parking issue with her at a later date as it was not a Licensing matter.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

Representative 2

- My main concern was a fear of increased noise due to alcohol consumption.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- The application was not about being able to sell alcohol all hours of the week, for the club it meant having a level of control that was not currently in place.
- The club would be happy to liaise with the community and its local neighbours.

Points of Clarification Requested by the Sub Committee

No points of clarification were requested.

Deliberation

The Sub Committee then adjourned at 11:37hrs and retired with the Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 12:00hrs.

The Solicitor advised that he gave no significant legal advice to the Sub Committee.

Decision:

The Southern Area Licensing Sub Committee RESOLVED:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Club Premises Certificate under section 71 of the Licensing Act 2003 in respect of Chalke Valley Cricket Club be GRANTED, for the licensable activities, subject to the conditions as set out below:

Licensable Activity	Timings	Days
Sale by retail of alcohol ON and OFF Sales	12:00hrs to 21:00hrs	Monday to Sunday

Subject to the following Conditions (1 to 11):

The Prevention of Crime & Disorder

1. The Chalke Valley Cricket Club will open only to members and properly signed in guests. Alcohol sales will be restricted to those individuals and a written record of signed in guests will be maintained. That record will be available to appropriate authorities as required.
2. The cricket pavilion will be maintained to a standard that ensures its reasonable security.
3. Stock of alcohol will be removed from the cricket pavilion out of season.
4. All staff involved in the retail sale of alcohol will complete suitable retail sale of alcohol training.
5. Records of staff training will be maintained and will be available to appropriate authorities as required.

Public Safety

6. Cricket pavilion emergency exits will be maintained in a clear and unobstructed state at all times.

The Prevention of Public Nuisance

7. There will be no music or other regulated entertainment permitted under this club certificate.
8. Where alcohol is consumed outside, staff operating the bar will regularly monitor member and guest behaviour to ensure excessive noise is not created.

The Protection of Children from Harm

9. The cricket club will operate a Challenge 25 scheme.
10. Only recognised original ID documents will be accepted as proof of age.

11. All staff involved in the retail sale of alcohol will be trained in the check and challenge of customers to minimise the risk of under-age sales.

With the following Informatives (1 to 3):

1. Regarding condition 4 above – the training record to be made available to the local authority and or responsible authorities upon request.
2. The Club will circulate any rules for the consumption of alcohol to all guests and visiting clubs prior to arrival at the site.
3. When an event is planned to take place outside of the standard fixtures, the Club is to advertise these events on a display board at the club as well as advertising on digital platforms.

Reasons for Decision

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by those that had made relevant representations at the hearing and in writing, concerning:

- The possibility of an increased noise level generated by those attending the Cricket games, if alcohol was on sale.
- Increased litter generated from the sale of alcohol.

The Sub Committee gave consideration to the anticipated increase in public noise nuisance. It was noted that the club had operated at the site for the last 13 years with no previous history of noise nuisance, despite there currently being no restriction on the consumption of alcohol brought to the site by Members and Guests. It was agreed that the granting of a licence alongside the plan of the Club to refuse attendees from bringing their own alcohol, would only increase control over consumption.

The Sub Committee further agreed that relevant training of all staff serving at the bar in monitoring customers level of consumption and refusing to serve anyone who was intoxicated, would further strengthen the Clubs ability to manage and prevent unwelcomed behaviour from arising.

The Sub Committee noted the concern raised by those that had made a representation, relating to litter being discarded over a fence into their garden, by people attending the cricket games. It was agreed that it was not possible to establish whether such actions, if they occurred, were restricted to attendees of the Club or may have been carried out by members of the public using the public path.

The Sub Committee heard no evidence that the Applicant would fail to promote the licensing objectives and supported the Applicant's proposed conditions as set out in the application. Further to the conditions, the Sub Committee included informatives which they felt would strengthen relationships between the Club and its neighbours.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 72); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

The Applicant and the Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

- 18 **Appendix 1 - Club Certificate Application from Chalke Valley Cricket Club**
- 19 **Appendix 2 - Maps A and B**
- 19 **Appendix 3 - Photos of the Cricket Pavilion and Storage Units**

- 19 **Appendix 4 - Representations 1 and 2**

(Duration of meeting: 11.00 am - 12.10 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01722 434560, e-mail lisa.Alexander@wiltshire.gov.uk

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