

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**LICENSING SUB-COMMITTEE**

**Date: 19 January 2021**

1. **LICENSING ACT 2003**

**Submitted by:** **Head of Environmental Health Services**

**Portfolio:** **Finance & Efficiency**

**Ward(s) affected:** **Thistleberry**

**Purpose of the Report**

To inform the committee of a new premises licence application received to provide sale of alcohol, late night refreshment, live and recorded music and dance at Newcastle-under-Lyme Golf Club.

Representations have been received from local residents on the basis that to grant the application it would undermine the licensing objectives relating to Prevention of Public Nuisance and Public Safety.

**Recommendations**

In accordance with the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy the Sub-Committee must consider the Premises Licence and have regard to the four licensing objectives, shown below, when making its decision:

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

**Reasons**

An application was received on 18 November 2020, for a new premises licence at Newcastle-under-Lyme Golf Club Limited, Whitmore Road, Westlands, Newcastle, Staffs, ST5 2QB. During the consultation period, objections were received from local residents and the Environmental Health Department on the grounds of Prevention of Public Nuisance and Public Safety.

1. **Background**

1.1 The information relating to this application is as follows:

Premises:	Newcastle-under-Lyme Golf Club Limited
Location:	Whitmore Road, Westlands, Newcastle-under-Lyme, Staffordshire ST5 2QB
Application Number:	020472
Applicant:	Newcastle-under-Lyme Golf Club Ltd
Designated Premises Supervisor:	Janette Pickford

Current Club Premises Certificate: Newcastle-under-Lyme Golf Club Limited  
 Location: Whitmore Road, Westlands, Newcastle-under-Lyme, Staffordshire ST5 2QB  
 Reference Number: 011921  
 Issue Date: 24/11/2005

- 1.2 An application for a new premises licence was received on 18 November 2020 for Newcastle Golf Club Ltd, Whitmore Road, ST5 2QB. A copy is attached as **Appendix A**.
- 1.3 During the consultation period, objections were received from local residents and the Environmental Health Department under the licensing objectives, Prevention of Public Nuisance and Public Safety. The club manager Mr Richard Beech worked closely with the Environmental Health and Licensing team to address these issues/concerns. Which has resulted in some of the local residents and Environmental Health to withdraw their objections.
- 1.4 Mr Richard Beech agreed to several changes to his original proposed application. These are;
- The removal of the additional 12 yearly functions but requested keep the extension for New Year's Eve until 00:30
  - The removal of the area marked 'outdoor seating' at the halfway house
  - The removal of outdoor background music
  - Agreed to have a condition added to the licence, that states it is the Club's responsibility to maintain clear access along the driveway to the clubhouse enabling access for emergency service vehicles at all times whilst the club is operating
  - Agreed with the Environmental Health Department and Licensing a detailed Noise Management Plan, attached as **Appendix B** of the report. Any future changes made to the plan must be agreed with Environmental Health in advance.
  - Amended proposed licensable hours, below;

Activity	Days	Original proposed times	New proposed times
<b>Opening Hours</b>	Sunday to Thursday	07:00-00:00	07:00-22:30
	Friday and Saturday	07:00-00:30	07:00-00:00
<b>Sale of Alcohol</b>	Sunday to Thursday	09:00-00:00	09:00-22:30
	Friday and Saturday	09:00-00:30	09:00-00:00
<b>Late Night Refreshment/Music/Dance</b>	Sunday to Thursday	23:00-00:00	N/A
	Friday and Saturday	23:00-00:30	23:00-00:00

**Noise management plan**

The main section Noise Controls and Noise Monitoring are:

**Noise Controls**

- An electronic sound monitoring and mains power-switching unit will be used and will be set to a limit agreed with the council, this will disconnect the mains power if the level is exceeded and tested regularly by staff

- Sound checks will take place before each event
- Doors and windows will be kept shut during events
- Music will not be played before 12:00 (midday)
- Double doors will be installed to the entrance to the lounge adjacent to the dance floor
- No speakers are currently fitted externally
- Last orders on the patio will be at 21:00
- The smoking area will be closed at 22:00 as a standard and 23:00 for functions
- Deliveries and waste disposal will be restricted to between 08:00 and 18:00
- Patrons arriving must do so before 21:30
- Signage will be erected to request patrons to leave quietly and staff will remind them to be conscious of local residents
- A car park marshal will be appointed for all functions and events to ensure that patrons leave quietly
- A no car park radio policy in place with relevant signage

**Noise Monitoring**

- Noise monitoring will be carried out daily along the premises boundary nearest to neighbouring properties
- A member of staff will monitor noise levels every hour during events and a record will be stored behind the bar

1.5 Newcastle Golf Club currently hold a Club Premises Certificate, a copy is attached as **Appendix C**.

1.6 Environmental Health and six of the residents are now satisfied with the new amended application and have withdrawn their objections. The remaining five objection are attached as **Appendix D – H**.

<b>NAME</b>	<b>ADRESS</b>	<b>OBJECTION</b>	<b>APPENDIX</b>
Jayne M Hughes	9 Sneyd Avenue	Prevention of Public Nuisance - Extended opening hours	D
Glyn Finney	3 Sneyd Avenue	Prevention of Public Nuisance - Extended opening hours/ additional noise	E
JC & MP Hughes	9A Sneyd Avenue	Prevention of Public Nuisance - Noise (late night music)	F
Brian Machin	19 Naples Drive	Public Safety – double parking restricting emergency vehicles gaining access to the building	G
Peter & Mary Mountain	5 Naples Drive	Prevention of Public Nuisance – extended opening hours	H

1.7 A location plan of the premises is attached as **Appendix I**.

**Issues**

2.1. The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;

- (i.) The Prevention of Crime and Disorder
- (ii.) Public Safety
- (iii.) The Prevention of Public Nuisance
- (iv.) The Protection of Children from Harm

2.2. The Licensing Act 2003 requires the Council to publish a “Statement of Licensing Policy” that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. Copies of the [Council’s Statement of Licensing Policy](#) and the [Government’s Statutory Guidance](#) are available online and linked here.

2.3. In making their decision on the application the Sub-Committee are obliged to have regard to the Statutory Guidance and the Council’s own Statement of Licensing Policy. The Sub-Committee must also have regard to the representations made and the evidence heard at the hearing. However, the Sub-Committee must disregard any representations that do not relate to the promotion of the four licensing objectives.

### 3. **Options Considered**

3.1 The relevant options considered in relation to this application are:

- a.) grant the amended application
- b.) modify proposed and/or agree condition (including timings) and grant the application
- c.) refuse the application

### 4. **Proposal**

4.1 The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the steps outlined at section 3.1 of the report for the promotion of the four licensing objectives.

4.2 For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

4.3 The Sub-Committee are asked to note that they may not modify the conditions or take any other steps merely because they consider it desirable to do so. Any action taken must be appropriate in order to promote the licensing objectives

### 5. **Reasons for Preferred Solution**

5.1 To ensure that the Council promote the licensing objectives in accordance with their statutory duty.

### 6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 *The four corporate priorities are,*

- Local services that work for local people
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

### 7. **Legal and Statutory Implications**

7.1 To power to grant a premises licence falls under Section 17 of the Licensing Act 2003.

7.2 Hearings will be carried out in a fair, proportionate and consistent manner in line with:

Article 6(1) guarantees an applicant a fair hearing  
Article 14 guarantees no discrimination

8. **Equality Impact Assessment**

8.1 Not Applicable

9. **Financial and Resource Implications**

9.1 All parties have the right to appeal the decision at the Magistrates Court and if successful could apply for the award of costs.

10. **Major Risks**

10.1 As above

11. **Sustainability and Climate Change Implications**

11.1 Not Applicable

12. **Key Decision Information**

12.1 Not Applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 The Licensing Committee has previously resolved to have regards to its Licensing Policy

14. **List of Appendices**

- 14.1 **Appendix A** – Original application form and plan of premises  
**Appendix B** – Noise management plan  
**Appendix C** – Copy of current Club Premises Certificate  
**Appendix D** – Objection (Jayne M Hughes – 9 Sneyd Ave)  
**Appendix E** – Objection (Glyn Finney – 3 Sneyd Ave)  
**Appendix F** – Objection (JC and MP Hughes – 9A Sneyd Ave)  
**Appendix G** – Objection (Brian Machin – 19 Naples Drive)  
**Appendix H** – Objection (Peter and Mary Mountain – 5 Naples Drive)  
**Appendix I** – Location Plan

15. **Background Papers**

15.1 Licensing Policy 2020

15.2 Licensing Act 2003 Statutory Guidance