

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

Licensing Sub-Committee

Monday 29 January 2024

Report Title: Application for a review of a Club Premises Certificate

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Town

Purpose of the Report

To inform the sub-committee of a new application received for the review of a premises licence.

Recommendation

That:

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 application and have regard to the four licensing objectives, as 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 7 November 2023 for the review of a club premises certificate under the Licensing Act 2003, for Wolstanton Social Club, Pitgreen Lane, Wolstanton, Newcastle-under-Lyme, Staffordshire. ST5 0DB from a local resident. Further relevant representations have also been received from local residents, members of the club and responsible bodies.

1. Background

1.1 The information relating to this application is as follows:

Applicant:	Mr John Glover
Address:	34 Pitgreen Lane, Wolstanton, Newcastle. ST5 0DB
Premises:	Wolstanton Social Club
Location:	Pitgreen Lane, Wolstanton, Newcastle. ST5 0DB
Premises number:	011951

1.2 This matter was originally due to be heard on 29 January 2024, but the decision was taken to postpone the meeting due planned mediation being agreed by both parties. However, the subsequent mediation was unsuccessful and therefore the new review hearing scheduled.

1.3 An application has been received for the review of a club premises certificate. A copy of this is attached as **Appendix A**. Mr Glover a local resident, has submitted the review application

under the grounds of, the prevention of crime and disorder and the prevention of public nuisance. He states there have been multiple incidents of anti-social behaviour reported to the Council from 2018 to present day.

1.4 Mr Glover has submitted numerous complaint to the Council regarding the behaviour of Wolstanton Social Club and its patrons since 2018, which have included smoking in an enclosed area, urinating in a public place, noisy patrons leaving the premises and lingering at the entrance of the building after leaving the premises.

1.5 During the consultation period eight valid representations were received. Mr and Mrs Dixon, local residents, stated concerns in relation to unsociable behaviour of patrons and staff which they believe has been an issue for several years. A copy of the representation is attached as **Appendix B**. Their core concerns are patron's congregating at the front of the building whilst waiting for transport at the end of the evening, smoking, patrons talking loudly and using unacceptable language. They have also witnessed patrons urinating in the premises carpark. Mr and Mrs Dixon have previously submitted several complaints to the club and the local authority. Extracts from those complaints on record are attached as **Appendix C1-3**. All complaints were investigated by the local authority with the club being informed and closed without any enforcement action being taken.

1.6 Representations in support of the club was received from Cllr Richard Gorton and is attached as **Appendix D1**, Steve Jones attached as **Appendix D2**, Mark Porter as **Appendix D3**, Sharon Rogers as **Appendix D4** and Anthony Barrett as **Appendix D5**.

1.7 Representation from the Council's Environmental Health department was submitted on the basis of the licensing objectives concerned with the Prevention of Public Nuisance and Prevention of Crime and Disorder. A copy of this is attached as **Appendix E1**. Following several complains of anti-social behaviour on the premises and an investigation the Environmental Health department issued a Community Protection Warning was issued on 29 June 2023. This has been appealed by the Club but at the time the report was written no date had been set for a court hearing. A copy of the Community Protection Warning is attached as **Appendix E2**. Complaints and evidence continued to be received following the warning which resulted in the issue of a Community Protection Notice being issued on 13 October 2023. This has also been appeal against and a date for the hearing has yet to be arranged. A copy of the Community Protection Notice is attached as **Appendix E3**.

1.8 Representation provided by Lisa Roberts from Staffordshire Police Licensing and Detective Sergeant Kramer Caldwell are attached as **Appendix F1-F2**. The visit log dated 25 August 2021, explains the issues raised at that time and the measures that were agreed with the Club to help limit further issues and complaints. A mediation session with seven residents took place following this visit.

1.9 Wolstanton Social Club have held a Club Premises licence since 27 June 2005, and has approximately 260 members. Due to the premises close proximity to residential dwellings the Club has been in receipt of multiple complaints over the years, which has led to them introducing several measure to try and resolve the issues. Although the budget is tight the Club have installed sound proofing on the back door, acoustic shutters, built a new external boundary wall, created a new smoking area at the side of the club and advised members not to use the front porch. The Council issued the Club with an incident log and asked for this to be used on all occasions when people are challenged and moved from smoking at the front doorway. The Club have tried using Security Industry Authority (SIA) door staff in the past but found this not to be the best solution for members and was very costly. CCTV is fitted both internally and externally with approximately eight cameras and the data is stored for up to 90 days.

1.10 A site location plan of the premises is attached as **Appendix G** The premises is

highlighted in red.

1.11 A copy of the current club premises certificate is attached as **Appendix H**.

2. **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 below.

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. **Proposal**

3.1 The Sub-Committee, where it considers that action under its statutory powers is appropriate, may take any of the steps outlined at section 5.1 of the report for the promotion of the four licensing objectives.

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

3.3 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.

4. **Reasons for Proposed Solution**

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

5. **Options Considered**

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

- a.) to modify the conditions (including timings) of the certificate;
- b.) to exclude a qualifying club activity from the scope of the certificate;
- c.) to suspend the certificate for a period not exceeding three months; or
- d.) withdraw the certificate

6. **Legal and Statutory Implications**

6.1 To power to apply for a review of a club premises certificate falls under Section 87 of the Licensing Act 2003.

6.2 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

7. **Equality Impact Assessment**

7.1 Not applicable

8. **Financial and Resource Implications**

8.1 All parties have the right to appeal the decision at the Magistrates Court, and then onwards to the Crown Court, and if successful could apply for the award of costs.

9. **Major Risks**

9.1 None identified

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 The Licensing Committee has previously resolved to have regards to its Licensing Policy.

13. **List of Appendices**

- 13.1 **Appendix A** – Application form
Appendix B – Mr and Mrs Dixon representation
Appendix C1 – Extracts from previous complaints
Appendix C2 – Extracts from previous complaints
Appendix C3 – Extracts from previous complaints
Appendix D1 – Patrons representation Cllr Gorton
Appendix D2 – Patrons representation Steve Jones
Appendix D3 – Patrons representation Mark Porter
Appendix D4 – Patrons representation Sharon Rogers
Appendix D5 – Patrons representation Anthony Barrett
Appendix E1 – Environmental Health representation,
Appendix E2 – Community Protection warning letter
Appendix E3 – Community Protection Notice
Appendix F1 – Police representation
Appendix F2 – Police representation
Appendix G – Premises location plan
Appendix H – Club premises certificate

14. **Background Papers**

14.1 [Licensing Policy 2020-25](#)

14.2 [Licensing Act 2003 Statutory Guidance](#)