LICENSING

LICENSING ACT 2003

Report to Licensing Sub-Committee following receipt of Relevant Representations

Cleethorpes Social Club
Rear of 71 Grimsby Road
Cleethorpes
DN35 7AF

NORTH EAST LINCOLNSHIRE COUNCIL
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LICENSING AUTHORITY

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1. Summary Of Application - (Full details in Application Form)

1.1 Premises: Cleethorpes Social Club, Rear of 71 Grimsby Road, Cleethorpes, DN35 7AF.

1.2 Applicant: Cleethorpes Social Club Ltd

1.3 Date Application Received: 4th November 2021

1.4 The Proposed Operation:

The applicant originally applied for a Premises Licence to include the following:

Sale of Alcohol (On the Premises) / Films
Monday to Sunday 1200 until 0230

Indoor Sporting / Live Music / Recorded Music
Monday to Sunday 2300 until 0230

Following negotiations, an agreement has been made to amend the hours to the following: (Please see Annex 2)

Sale of Alcohol (On the Premises) / Films
Sunday to Thursday 1200 until 2300
Friday and Saturday 1200 until 0100

Indoor Sporting / Recorded Music
Friday and Saturday 2300 until 0100

Agreed conditions: ***Please see Annex 3 for all conditions which have been agreed with Humberside Police.***

2. Summary of Representations – (Full details in report)

4 representations have been submitted in relation to this application.

2.1 Representation:

2.1.1 Date representations received: 22nd November 2021

2.1.2 Persons making representation: Mrs Ellis

2.1.3 Licensing objectives affected:

- Prevention of Public Nuisance

2.1.4 Representation Recommendations:

- Music to cease at 23:00, premises to close at 23:30

2.2 Representation:

2.2.1 Date representations received: 22nd November 2021

2.2.2 Persons making representation: Cllr Rodwell

2.2.3 Licensing objectives affected:

- Prevention of Public Nuisance

2.2.4 Representation Recommendations:

- Premises to close at 23:00, condition regarding doors and windows / soundproofing

2.3 Representation:

2.3.1 Date representations received: 1st December 2021

2.3.2 Persons making representation: Mrs Chase

2.3.3 Licensing objectives affected:

- Prevention of Public Nuisance

2.3.4 Representation Recommendations:

- No live music, condition regarding windows during regulated entertainment, reduced hours.

2.4 Representation:

2.4.1 Date representations received: 2nd December 2021

2.4.2 Persons making representation: Cllr Green

2.4.3 Licensing objectives affected:

- Prevention of Public Nuisance

2.4.4 Representation Recommendations:

- Music to cease at 23:00, condition regarding windows during regulated entertainment, no deliveries before 07:00 Monday to Saturday and 08:30 Sundays.

3. Mediation

Mediation was attempted by the Licensing Section but an agreement was not reached prior to this hearing.

4. Statement of Licensing Policy

The following sections of North East Lincolnshire Council's Statement of Licensing Policy 2015 – 2020 are considered relevant to these representations:

- Licensing Objectives: 2.1 – 2.5
- Consultation: 4.1 – 4.6
- Extent of Control: 6.2.1
- Premises Licence: 8.2.1 – 8.2.3
- Mediation: 8.6.2
- Representations: 8.7.2 – 8.7.3
- Prevention of Public Nuisance: 9.4.1 – 9.4.7

5.Guidance issued under Section 182 of the Licensing Act 2003 –

This guidance is provided for Licensing Authorities carrying out their functions. It is regarded by the Government as a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality. It does not however replace any statutory provisions of the 2003 Act and it is for the Licensing Authority to take their own professional and legal advice about its implementation.

The following sections of the Guidance are considered relevant to these representations:

- Licensing Conditions: 1.16
- Public Nuisance: 2.16 – 2.21
- Advertising Applications: 8.80 – 8.82
- Hearings: 9.31 – 9.40
- Relevant, vexatious and frivolous representations: 9.4 -9.10

6. General Advice on Determination of the Application –

6.1 The sub-committee are advised that findings on any issues of fact should be on the balance of probability.

6.2 The sub-committee are advised that in arriving at any decision, it must have regard to relevant provisions of national guidance and North East Lincolnshire Council's Statement of Licensing Policy. Reasons must be given for any departure.

6.3 The sub-committee are advised that the final decision should be based on the individual merits of the application and the factual findings made at the hearing.

6.4 Section 18 of the Licensing Act 2003 states that where relevant representations have been made and a hearing is held to consider them, the sub-committee can take such of the steps set out below as it considers **appropriate** for the promotion of the licensing objectives – in this case if it is considered the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance or the Protection of Children from Harm are likely to be affected.

- Grant the licence with modified conditions. This means the proposed conditions could be altered or omitted or new conditions added.
- Exclude any licensable activity to which the application relates.
- Reject the application

If none of these steps are considered appropriate the application should be granted in the form it was made.

6.5 Conditions should be proportionate to the size, style and characteristics of the premises and the activities proposed or taking place and must be appropriate

6.6 The sub-committee are advised that they must take into account the following Human Rights provisions:

- Everyone affected by a decision has a right to a fair hearing.
- Everyone has the right to his private and family life, his home and his correspondence.

7. Observations

7.1 The applicant has reduced the hours for all licensable activities with a terminal hour of 23:00 Sunday to Thursday and 01:00 Friday and Saturday, the opening hours have also been reduced to 23:30 Sunday to Thursday and 01:30 Friday and Saturday.

7.2 A total of 4 representations were submitted by Interested Parties, some of which are Ward Councillors who are representing their constituents. A 5th representation was submitted; however, this was not accepted by the Licensing Department.

7.3 Additional conditions have been agreed with Environmental Protection and Humberside Police. There have been no representations submitted by any of the Responsible Authorities.

7.4 The power of review exists for any licensed premises that do not operate in a way that promotes the licensing objectives. This can ultimately result in revocation of the licence.

Report prepared by– Kate Brooks, Licensing Enforcement Officer
14th January 2022