



Walsall Council

REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING SUB - COMMITTEE

MONDAY 4TH SEPTEMBER 2023

APPLICATION FOR A PREMISES LICENCE VARIATION UNDER

SECTION 34 OF THE LICENSING ACT 2003

**Pelsall Cricket Club
Walsall Road
Pelsall
Walsall
WS3 4BP**

1.0 Summary of Report

- 1.1 For members of the licensing sub-committee to determine an application for a premises licence variation in respect of Pelsall Cricket Club. The application has been submitted by Ian Rushton on behalf of Pelsall Cricket and Sports Club who are the premises licence holders.
- 1.2 The application cannot be granted or refused under officer's delegated authority.
- 1.3 No relevant representations have been received from responsible authorities under the Act objecting to the grant of the variation.
- 1.4 The Licensing Authority are in receipt of 2 relevant representations from "other persons" objecting to the grant of the variation.

2.0 Recommendations

- 2.1 That the licensing sub-committee determine whether the application for a premises licence variation in respect of Pelsall Cricket Club, Walsall Road, Pelsall, Walsall, WS3 4BP be granted as requested, granted with additional/modified conditions, or reject the application

3.0 Background Information

- 3.1 Pelsall Cricket & Sports Club was granted a premises licence on the Licensing Act 2003 on the 24th November 2005. The current premises licence is given as **Appendix 1**.

3.2 An application for a premises licence variation was received on 4th July 2023 by the licensing authority. The variation application and plan is given as **Appendix 2** (only the relevant pages have been reproduced).

3.3 The application seeks to expand the licensable activities to the outside field adjacent to the premises where a maximum 10 events will be held throughout each calendar year. Each external event will be subject to discussion at the Walsall Safety Advisory Group with responsible authorities prior to the event going ahead. Table below outlines the existing operating schedule together with the proposed operating schedule:

Licensable Activities	Current Times	Proposed extension
Provision of Plays (Indoors)	None	Monday to Sunday 11:00 – 00:00
Provision of Films (Indoors)	None	Monday to Sunday 11:00 – 00:00
Indoor Sporting Events	Monday to Saturday 12:00 – 23:30 Sunday 12:00 – 23:00	Monday to Sunday 11:00 – 00:00
Live & Recorded Music (Indoor & Outdoor)	Indoor: Monday to Saturday 19:00 – 23:30 Sunday 19:00 – 23:00	Indoor: Monday to Sunday 11:00 – 00:00 Outdoor: Monday to Sunday 11:00 – 23:00
Performance of Dance (Indoors)	Indoor: Monday to Saturday 19:00 – 23:30 Sunday 19:00 – 23:00	Indoor: Monday to Sunday 11:00 – 00:00 Outdoor: Monday to Sunday 11:00 – 23:00
Anything Similar to Live Music, Recorded Music or Performance of Dance	None	Indoor: Monday to Sunday 11:00 – 00:00 Outdoor: Monday to Sunday 11:00 – 23:00
Late Night Refreshment	None	Indoors: Monday to Sunday 11:00 – 00:00
Supply of alcohol (On & Off Sales)	On Sale: Monday to Sunday 11:00 – 23:30	Both On & Off: Monday to Sunday 11:00 – 00:00

- 3.4 Attached as **Appendix 3** are the proposed conditions volunteered by the licence holders to form part of the operating schedule should members grant the variation application.
- 3.5 A street map of the locality is attached as **Appendix 4**.
- 3.6 Copies of the licence variation application must be submitted to all statutory 'responsible authorities' under the terms of the Act.
- 3.7 Applications for a premises licence variation are also required to be advertised by way of a blue site notice displayed at the premises, and a licensing notice placed in a newspaper circulating within the area. This ensures that 'other persons' (regardless of their geographic proximity to the premises) under the terms of the Act are aware of the licence application.
- 3.8 Any responsible authority or other person has 28 days from submission of the application to make a written relevant representation to the licensing authority.

4. Representations

4.1 Representations/Responses from Responsible Authorities

The Licensing Authority received the following responses to the consultation from responsible authorities:

Walsall Council Public Health

On the 6 July 2023 Public Health responded to the consultation with no comments. A copy of the response is added as **Appendix 5**.

Community Protection

On the 6 July 2023 Walsall Council's Community Protection (delegated by Environmental Health for Noise Issues) responded to the consultation by informing the Licensing Authority that they were happy with the proposed operating schedule which includes the proposed conditions and they had no comments or concerns in relation to the application. A copy of the response is attached as **Appendix 6**.

West Midlands Police

On 7 July 2023 the Police Licensing Officer confirmed that West Midlands Police have no concerns to the application following the completion of their enquiries. A copy of the response is attached as **Appendix 7**.

4.2 Representations from 'other persons'

The Licensing Authority are in receipt of 2 representations from residents (William Humphries & A Forrest) objecting to the grant of the variation on the grounds of Crime & Disorder and Public Nuisance. A copy of the representations are attached as **Appendix 8**.

5. Cumulative Impact Policy

- 5.1 The premises does not fall within the Cumulative Impact Area (CIP). Therefore the CIP does not apply to the application for determination.

6. Walsall Council Licensing Policy

- 6.1 Please follow the link to access Walsall Council's Statement of Licensing Policy or copy the URL address into a search bar:

https://go.walsall.gov.uk/business/licensing_and_regulation/alcohol_and_entertainment/premises_licence

7. Resource Considerations

- 7.1 **Financial:** Any decision taken by the Licensing Authority may be appealed to the Magistrates' Court. The Licensing Authority would have to bear the costs of defending such an appeal.
- 7.2 **Legal:** Any representations received must be relevant to the likely effect on the promotion of the licensing objectives in respect of the application received, namely: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm. Representations which are not relevant must be rejected.

The Licensing Authority upon receipt of relevant representations and only if it is considered to be appropriate to promote the licensing objectives may consider attaching additional conditions, modifying existing conditions as given in the operating schedule, or to reject the application.

Any conditions further imposed by the Committee must be appropriate and should be tailored to the size, style, characteristics and activities taking place at the premises. They should not be merely aspirational and should not go further than what is required for that purpose.

Walsall Council has stated that at all times the Licensing Authority will try to strike a fair balance between the benefits to the community of a licensed venue and the risk of disturbance to local residents.

It should be noted, however, that the Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore, beyond the direct control of the business holding the licence. Any imposed condition should be focused on measures within the direct control of the licence holder.

The Licensing Sub Committee must have due regard to the statute, its statement of licensing policy, and the statutory guidance issued under section 182 of the Licensing Act 2003.

The statutory guidance at 9.4 states in part that 'For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation'.

Section 35 (5) of the 2003 Act states in part that relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives.

Paragraph 2.1 of Section 182 Guidance issued under the Licensing Act 2003 states:

"Licensing authorities should look to the police as the main source of advice on crime & disorder".

Paragraph 9.12 of section 182 guidance issued under the Licensing Act 2003 states:

"Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective".

The Licensing Sub Committee may grant the application as requested, grant with additional/modified conditions attached to the premises licence or reject the application.

Where the applicant, responsible authority, or other person is aggrieved by the decision of the Licensing Authority, appeal is to Magistrates Court where the reasonableness or otherwise of the decision will be tested.

5.3 **Staffing:** Nothing arising from this report

6.0 Citizen Impact

6.1 Nothing arising from this report.

7.0 Community Safety

7.1 Is determined as part of the hearing process.

8.0 Environmental Impact

8.1 Nothing arising from this report.

9.0 Performance and risk management issues

9.1 Nothing arising from this report.

10.0 Equality implications

10.1 Nothing arising from this report.

11.0 Consultation

11.1 As prescribed by regulation.

12.0 Associated Papers

- 12.1 Appendix 1 – Current premises licence.
- Appendix 2 – Variation application.
- Appendix 3 – Proposed Conditions
- Appendix 4 – Street map of the locality.
- Appendix 5 – Response from Public Health
- Appendix 6 – Response from Community Protection
- Appendix 7 – Response from West Midlands Police
- Appendix 8 – Representations from Other Persons

13.0 Contact Officer

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