



DECISION NOTICE

Date	25 June 2019
Applicant	Fairhaven Golf Club Bar & Catering Limited
Reason for Hearing	<p>The Licensing Authority had received an application for the grant of a premises licence for Fairhaven Golf Club, Oakwood Avenue, Lytham St Annes.</p> <p>There has been representations from “other persons” as defined by the Licensing Act 2003. As such a hearing must be held to determine the application.</p>
Parties in Attendance	<p>Panel: Councillor Angela Jacques - Convenor, Councillor Alan Clayton, Councillor Frank Andrews.</p> <p>Applicant: Mr Malcolm Ireland for Naphthens LLP, Solicitors – Applicant’s solicitor Sue Wood</p> <p>Representatives: Six representatives addressed the panel</p>

The licensing authority had received an application for a premises licence for Fairhaven Golf Club, Oakwood Avenue, Lytham St Annes. The premises had recently been extended and benefitted from a Club Premises Certificate. A new Premises Licence was being sought in addition to the Club Premises Certificate.

Eighteen written representations had been received, mainly from residents within the vicinity of the premises. Six representatives chose to attend the hearing and address the panel with their concerns.

We thank the representatives for their time and representations.

In considering the application, the panel had to consider whether granting the licence as requested would promote the four licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

This was the subject of the hearing this morning.

We took into account the information put before us, the Council’s Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003.

Mr Malcom Ireland, representing the applicant, informed the panel that a meeting had taken place with local residents to address some of the concerns and following this the applicant proposed to reduce the timings sought for licensable activities from 2am daily to midnight Sunday to Thursday and 1am Friday and Saturday. Additional conditions were also offered to provide reassurance to residents that at least one personal licence holder would be present and on duty at functions and a name and contact telephone number of a responsible person would be made available to local residents for the duration of any function involving the provision of regulated entertainment. The applicant had provided details of the proposals prior to the meeting with copies being provided to the local residents that attended their meeting.

The concerns of those who had made representations mainly involved an anticipated increase in noise and disturbance associated with functions taking place in the premises which would be open to members of the public. Though the panel understood the concerns, they felt that there was little or no evidence to substantiate them at this stage. Additionally, the panel took into account the facts that the hours for licensable activities in the application as modified by the applicants would be less than the present hours allowed under the club premises certificate, and that the premises licence, unlike the club premises certificate, would include a condition requiring windows and doors to be shut whenever there was a performance of amplified entertainment. Issues regarding traffic and parking are matters for planning and not licensing.

Other matters raised included the licences enjoyed by similar premises and whether members of the golf club has properly authorised the application. As to the first matter, each application must be considered on its merits. The fact that other premises are content with a club premises certificate rather than a premises licence, is not material to the decision on this application. As to the second, if any failure to obtain proper authorisation for the application is a matter for the club and its members. We have to consider the application placed before us.

Having regard to the submissions that we heard, the panel found that there was no evidence that the granting of the premises licence, subject to the proposed additional conditions agreed with environmental health, would exacerbate any existing issues experienced by the local residents.

The panel's decision is as follows:

To grant the application for a premises licence with the reduced timings, as proposed by the applicant, subject to the mandatory conditions, the agreed conditions as set out in the agenda papers that had been agreed between the applicant and Environmental Protection and the additional conditions proposed by the applicant.

That is our decision and we thank you for your assistance.

Additional conditions agreed.

Concession on timings for licensable activities, as offered by the applicant and approved by the panel.

All licensable activities shall cease at 00.00 Sunday to Thursday and 01:00 Fridays and Saturdays with a requirement that customers have left the premises no more than 30 minutes after the terminal time for licensable activities.

Following mediation with Environmental Protection (who are a responsible authority) the applicant had agreed a number of conditions as detailed below to be attached to the licence. The Panel has considered the conditions and approved them to be included on the licence.

1. Whenever there is a performance of amplified entertainment, doors and windows will be kept closed, except for the purposes of access and egress.
2. Whenever there is a function involving the provision of regulated entertainment, patrons will not be permitted to take drinks in the external areas after 22:00.

The applicant had proposed that the following conditions, as detailed below, to be attached to the licence. The Panel has considered the conditions and approved them to be included on the licence.

3. Whenever a function takes place which involves the provision of regulated entertainment, there shall be a minimum of one personal licence holder present and on duty.
4. There will be a specific e-mail address made available on the club website which is designated for communications with local residents and which as a minimum, is accessible by the Designated Premises Supervisor.
5. There will be a mobile telephone number made available to local residents and said number will be manned by a responsible person for the duration of any function involving the provision of regulated entertainment.