

Agenda Item 3.

TITLE Application For New Premises Licence - Our Lady Of Peace Catholic Club
338 Wokingham Road,
Earley, Berkshire RG6 7DA

FOR CONSIDERATION BY Sub-Committee of the Licensing and Appeals Committee 10.00am on February 8th 2021

WARD Maiden Erlegh

LEAD OFFICER Graham Wren - Licensing Officer
Julia O'Brien – Principal Officer
Sean Murphy – Public Protection Manager

PURPOSE OF REPORT

To provide relevant information for the Sub-Committee to consider and determine the application from Our Lady Of Peace Catholic Club for a new premises licence at 338 Wokingham Road, Earley, Berkshire RG6 7DA.

OUTCOMES

In accordance with S18 of the Licensing Act 2003 and the Wokingham Borough Council Licensing Policy, the application is referred to the Licensing and Appeals Sub-Committee for determination as 1 representation has been made.

RECOMMENDATIONS

The Sub-Committee to determine the application to grant or refuse the application, with conditions and/or amendments as appropriate.

SUPPORTING INFORMATION

Background

The application was received on December 17th 2020

The application was checked and confirmed to be correctly made. The 28 day consultation period ran from 11th December 2020 to 8th January 2021. The responsible authorities, ward members and town council were advised by email on 11th December 2020.

Summary details of the application are as follows:

Our Lady of Peace Social club is housed in a larger, single storey complex owned by the Portsmouth Diocese of the Catholic Church and administered by

the local parish of Our Lady of Peace and Blessed Dominic Barberi. The Club, which has just celebrated its 40th anniversary, is situated at the main Earley crossroads adjacent to the Catholic church with a petrol station, shops and takeaways opposite. The Club pays rent to the parish for the use of the club lounge, which forms part of the complex. It operates as a members' club with an annual subscription. Membership is open to all regardless of race, colour or creed. Besides the club lounge, the complex houses two further halls available for hire by the general public with bar facilities provided by the Club. In addition there is a patio area, toilets, two kitchens and various storage areas. The Club serves alcoholic and soft drinks together with pre-packaged snacks.

- Extracted from applicant's general description:

- Plays

Sunday -Thursday	11.00am – 0100am
Friday - Saturday	11.00am – 0200am
- Films

Sunday -Thursday	11.00am – 0100am
Friday - Saturday	11.00am – 0200am
- Indoor Sporting Events

Sunday -Thursday	11.00am – 0100am
Friday - Saturday	11.00am – 0200am
- Live Music

Sunday -Thursday	11.00am – 0100am
Friday - Saturday	11.00am – 0200am
- Recorded Music

Sunday -Thursday	11.00am – 0100am
Friday - Saturday	11.00am – 0200am
- Performances of Dance

Sunday -Thursday	11.00am - 0100am
Friday - Saturday	11.00am – 0200am
- Anything of a Similar Description;

Sunday -Thursday	11.00am – 0100am
Friday - Saturday	11.00am – 0200am
- Supply of Alcohol (on and off premises)

Sunday -Thursday	11.00am - 0100am
Friday - Saturday	11.00am - 0200am
- Premises Open Hours

Sunday - Thursday	11.00am - 0100am
Friday - Saturday	11.00am - 0200am

Non standard timings. Where it is intend to use the premises for the performance of plays at different times to those listed

Christmas Day, Boxing Day, New Year's Eve, St Patrick's, St George's, St David's, St Andrews nights; Bank holidays and their eves – open until 3am. Recognised special events and/or sporting events shown on television or internet of national/international interest (e.g. Football World Cup matches) taking place at earlier/later times, open no earlier than 6am, closing no later than 3am.

The applicant has provided the below assurances in relation to the Licensing Objectives

General

OLOP Catholic Club is a family friendly members' club. Our Constitution obliges us to run along Christian lines. The Club committee handles the day to day admin of the Club and reports to Portsmouth Diocese via a board of directors. This means that members are expected to drink in moderation and we promote an acceptable standard of behavior with due consideration to minors.

B) Prevention of Crime and Disorder

Safeguards for preventing and dealing with misbehaviour are enshrined in our constitution. Under 18s are not allowed in the Club without a parent or guardian. In practice, misbehaviour may result in expulsion from the Club, with membership only re-instated when the member appears before the Club committee and gives assurances of future good behavior. In deference to our neighbours , including our own parish priest, who lives adjacent, we actively encourage members to limit noise levels on exiting the Club.

C) Public Safety

The Club has completed a risk assessment, with a H&S policy in place and staff are familiar with its contents. The building is well maintained and subject under our charitable status to a quinquennial inspection by a qualified surveyor. The requisite number and type of fire extinguishers are in place and routinely inspected. Staff are trained in an evacuation procedure and an exit plan is posted on the notice board. Emergency exits are clearly marked. We have a first aid kit behind the bar and a defibrillator is located at the entrance to the complex.

D) Prevention of Public Nuisance

The club has frosted, triple glazed windows to the only exterior wall and heavyweight emergency doors on this same wall. Exterior lights along this wall are fitted with diffusers and light shields to limit light pollution. Attention is paid to noise levels during day deliveries and when putting empty beer barrels etc. outside the premises. The Club operates an occasional litter pick when necessary.

E) Protection of Children from Harm

As a family oriented Catholic club, the welfare of children is a prime concern. Under 18s are only allowed in the Club with a parent or guardian and only adults are issued with membership cards. We never allow acts of dubious moral content to perform in the Club. Controls for TV and music system are kept behind the bar under staff supervision. Staff are trained to be on the lookout for drug abuse and the toilets are regularly checked by staff. Under 18s are prohibited from playing the fruit m/c or partaking in bingo/poker or other forms of regulated, permitted gambling. The Club operates a challenge 21 Policy

The application has been advertised correctly, with site notices displayed at the premises and a notice placed in the Wokingham Today Paper on 17th December 2020.

During the statutory consultation period of 28 days, 1 representation was received objecting to the application.

Responses Received from Responsible Authorities

Thames Valley Police – “No Objection” response subject to Police conditions being accepted.

Fire Authority – “No Objection” response

Planning Department – “No Objection” response

Environmental Health – “No Objection” response

Health & Safety/Food Safety Team – no response received

Trading Standards – no response received

Children and Young People’s Services – no response received

Public Health – no response received

Earley Town Council “No Comment”

Council Licensing Officer Graham Wren together with Police Licensing Officer Gary Clarke attended The Our Lady Of Peace building and met with the applicant on November 24th 2020. Both Officers were able to give suitable advice for an application having seen the location. The applicant has advised officers that the Police conditions will be acceptable.

1.Representation Objecting to the Application Received

Mr Peter Bebb
340 Wokingham Road RG6 7DA

Mediation has been attempted by Licensing Officer Graham Wren with multiple emails and telephone conversations between both parties. There were offers of adjustment to slightly reduce the proposed licensing hours and Licensing boundaries but no agreement could be made.

Mr Bebb lists 7 points that he would like addressed and it will be for the Sub-Committee to consider.

1. the noise-making activities live music, recorded music, performances of dance and anything of a similar description are excluded from the licence;

2. all activities start no earlier than 12:00 and end no later than 23:00;
3. use of the beer store start no earlier than 18:00 and end no later than 19:00;
4. the provision of alcohol cease 30 minutes prior to the finish times;
5. no persons be allowed to take drinking glasses outside the building;
6. the bar fire doors and windows are kept shut at all times except for use in an emergency;
7. the licence is made conditional on compliance with the local TRO and the Environmental Protection Act 1990, and polite and respectful behaviour towards neighbours.

It is accepted that a great amount of the representation is not acceptable as a valid representation under The Licensing objectives; The Prevention of Crime and Disorder Public Safety the Prevention of Public Nuisance the Protection of Children from Harm but are submitted for full transparency for the Committee to review.

Other Relevant Information

1. The current Certificate (Club Licence)

1. **Our Lady of The Peace Catholic Club** has operated under a Club Premises Certificate (Club Licence) for 40 years. The Current Club Certificate was granted on 24/11/2005 prior to this it would have been granted under the 1964 Licensing Act.

The Club Certificate is attached for information.

Analysis of Issues

The main differences between The Club Certificate and The New Premises Licence application are;

1. Increase in Licensable Hours; An increase of 1 hour (to 1am) across all activities Sunday – Thursday.
2. An Increase of 1 hour (to 2am) across all activities across Friday and Saturday.
3. Increase of Licensable area, on plan.
4. Reduction of historical conditions.

It is reported to the Officer that one of the main disagreement between Mr Bebb and the applicant is a condition regarding the opening of windows and fire exit doors (please see Club Certificate conditions).

It will be reported to you that the reasons for this were to prevent noise and odour.

It would be fair to assume that one odour would have been from the members smoking at that time.

It is now factual to report that since the Club Certificate was granted in 2005 the smoking ban came into force on **1st July 2007** therefore any smoking odour has naturally disappeared due to the change of law.

A condition observed on the Club licence, for information to the committee says;
“Parish Functions designed by The Priest can on an occasional basis – open until 2am”

One can only interoperate this as a possible ad hoc almost unregulated condition open to abuse, but fortunately for the local neighborhood it is understood not to have been abused.

The 'Club' **are not** asking for this special condition on the new licence.

The non standard timings already in place on the Club Certificate (Licence) are below.

Closed Good Friday and Christmas Day. Boxing Day, New Years Eve, St. Patrick's, St George's, St David's, St. Andrew's nights; Bank holidays and their Eves - open till 2am. Parish functions, designed by the Parish priest on an occasional basis - open till 2 am. Recognised special events and/or sporting events shown on television (e.g. Football World Cup matches) of national/international interest taking place at earlier/later times, open no earlier than 6 am, closing no later than 2am.

Promotion of the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

The Licensing Objectives of the application details how the applicant proposes to address these.

Requirement of Licensing Act 2003 to determine an application and achieve the four licensing objectives – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

The Police conditions are voluntarily accepted by the applicant at Our Lady of Peace Catholic Club and are not a result of any reported problems.

The current Club Certificate does not cover the updated activities required by the Club. By obtaining a premises licence this would allow the club to not be restricted to member and guest arrangements. We are informed this will allow the club to increase income and assure its future. The club is keen to reassure the Council and others that they will retain club rules to maintain standards but won't be legally restricted with regards to their Club Certificate

It is worthy of note that the Police are not making any representation regarding Crime and Disorder and neither are Environmental Heath in relation to any noise complaints.

List of Attachments

- Application for new premises licence
- New / Updated Plan with Red Line showing new updated Licensed area applied for.
- Current Club Certificate
- Current / Old Plan
- Representation objecting to the application
- Police Conditions, (accepted by applicant but to be formally agreed).

Reasons for Decision

In accordance with legislative requirements

Alternative Options considered, if any

None

List of Background Papers

Attachments List as Detailed above

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Date 20 th January 20, 2021	Version No. 1

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