

SPEAKERS PANEL (LIQUOR LICENSING)

5 September 2022

Commenced: 10.30am

Terminated: 1.10pm

Present: Councillors Drennan (Chair), Bowden and Colbourne

In Attendance:

Mike Robinson	Regulatory Services Manager, TMBC
Rebecca Birch	Regulatory Compliance Officer, TMBC
Rifat Iqbal	Solicitor, TMBC
Ashleigh Melia	Solicitor (observer), TMBC
Adrian Davis	Applicant
James Dadge	Member of Mottram Cricket Club
Phil Mellor	Member of Mottram Cricket Club
Councillor J North	Ward Member
Councillor J Owen	Ward Member
Councillor J Cooper	Ward Member
Persons submitting representations	

5. DECLARATIONS OF INTEREST

Councillor Colbourne declared, on the grounds of public interest, that she was acquainted with Mr Dadge, through her husband and also that she had visited the Club as a guest of a member, the most recent visit being around April of this year. She further declared that this did not prejudice her professional integrity in hearing the licensing application and reaching a decision with Panel Members.

6. MINUTES

That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 17 June and 28 June 2022 be approved as a correct record.

7. APPLICATION FOR A PREMISES LICENCE - MOTTRAM CRICKET CLUB, BROADBOTTOM ROAD, MOTTRAM. SK14 6JA

Mr Robinson presented the report to the Panel and outlined the key legislation and policy guidance under Section 17 of the Licensing Act 2003, which set out the procedure for an application to the Licensing Authority for a premises licence.

Mr Robinson presented the report to the Panel and identified the steps available to the Panel in determining the application. Mr Robinson informed the Panel of the brief background to the application as set out in the report and summarised the representations received

It was explained that Mottram Cricket Club, Broadbottom Road, Mottram SK14 6JA was a licensed premises holding a Club Premises Certificate (CPC) since 24 November 2005. The Club Premises Certificate allowed the supply of alcohol by or on behalf of a club to a member of the club and the sale of alcohol by or on behalf of a club to a guest of a member.

Current licensable activities under CPC	Proposed licensable activities under Premises licence
Performance of a Play	

<p>Sunday 12:00 - 22:30 Monday - Saturday 11:00 - 23:00 Good Friday 11:00 - 23:00</p>	
<p>Performance of Live Music (Indoors)</p> <p>Sunday 12:00 - 22:30 Monday - Saturday 11:00 - 23:00 Good Friday 11:00 - 23:00</p>	<p>Live Music (indoors and outdoors)</p> <p>Monday - Thursday 10:00 - 23:00 Friday – Saturday 10:00 – 00:00 Sunday 10:00 – 23:00</p>
<p>Playing of Recorded Music (Indoors)</p> <p>Sunday 12:00 - 22:30 Monday - Saturday 11:00 - 23:00 Good Friday 11:00 - 23:00</p>	<p>Recorded Music</p> <p>Monday - Thursday 10:00 - 23:00 Friday – Saturday 10:00 – 00:00 Sunday 10:00 – 23:00</p>
<p>The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only (Indoors)</p> <p>Sunday 12:00 - 22:30 Monday - Saturday 11:00 - 23:00 Good Friday 11:00 - 23:00</p>	<p>Supply of Alcohol (for consumption on the premises only)</p> <p>Monday - Thursday 10:00 - 23:00 Friday – Saturday 10:00 – 00:00 Sunday 10:00 – 23:00</p>
<p>The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place (Indoors)</p> <p>Sunday 12:00 - 22:30 Monday - Saturday 11:00 - 23:00 Good Friday 11:00 - 23:00</p>	
<p>Provision of Regulated Entertainment (Indoors)</p> <p>Sunday 12:00 - 22:30 Monday - Saturday 11:00 - 23:00 Good Friday 11:00 - 23:00</p>	
	<p>Late Night Refreshment (indoors and outdoors)</p> <p>Monday - Thursday 10:00 - 23:30 Friday – Saturday 10:00 – 00:30 Sunday 10:00 – 23:30</p>

Mr Robinson stated it had come to the attention of the Licensing Authority that the press notice advertising the application had incorrectly provided for the following activities: Live Music, Recorded Music and Supply of alcohol, being applied for an extra hour. Clarification was sought from the applicant who had confirmed that the hours listed above and on the application were correct.

The consultation for the application was extended due to the notice advertised by the applicant in the Tameside Correspondent, dated 3 June 2022, stated the following; 'representation may be made for 28 consecutive days from the date of this notice'. The end of the consultation was extended to 1 July 2022 to reflect the date advertised in the paper.

All new premises licence applications were advertised on the Council's website. An administrative error incorrectly showed the supply of alcohol to be for consumption both on and off the premises. This was corrected on 22 June 2022. The Licensing Authority confirmed with the applicant that the application sought only to supply alcohol for consumption on the premises.

Prior to the end of the consultation, discussions took place between the Licensing Authority and the applicant and conditions were agreed.

On 4 September 2022 the Licensing Authority received an email from the Applicant's representative stating:

- Live Music indoors
- Recorded Music indoors
- Late night refreshment indoor
- Supply of alcohol (for consumption on the premises)
- Sunday to Thursday bar opening 1000 to 2300 (last orders club closed 2330)
- Friday – Saturday 1000 to 0000 (last orders club closed 0030)

The following submissions were made by the Applicant's spokesperson Mr Dadge, in support of the Application:

- Mr Dadge clarified following a complaint of anti-social behaviour as addressed in the report pack, the Club was visited by the licensing authority during the covid lockdown restrictions with no findings made of any breaches of the covid rules. It transpired at the time the Club required a premises licence following which the application was made. The club was run by members and volunteers who are not experts in licensing and apologise today.
- Withholding details of the objectors to the application could only be withheld in exceptional circumstances where there was a risk of intimidation. Mr Dadge stated on behalf of the club they hoped there was no such belief before the Panel and those who objected or in attendance at the hearing. Mr Dadge further stated the club was part of the community.
- Mr Dadge stated no reasons had been given in accordance with the licensing guidance as to why a hearing was taking place today.
- The background to the application was the club asking for two things:
 - To move from a members licence to a public licence. The reason for this being the club was part of the community and had been in existence since 1860. With reference to appendix 30 being a map of the area four public houses used to exist however are no longer in existence with no other place to socialise in Mottram;
 - An extension of half an hour from the current operating hours, the premises was run by volunteers and was not asking for outdoor music to be permitted seven days a week. The club would like to move to being a public bar rather than a members' bar.
- Mottram previously had five to six public houses. Mr Dadge referred the Panel to page 22 of the report pack referring to an area hatched in pink – that area is or was a football field. Bequeathed to Tameside Council for the people of Mottram to play football on. It was no longer used and was full of brambles. The club cricket ground had been there since 1860. The club was thought to be a friendly and welcoming club being a significant part of community life in Mottram. The club holds charity events and last year raised £900 through these events. A summer camp/ kids club is run with free meals offered to children who were on free school meals, monthly open mic night allowed for local performers to perform acoustic sets with further plans to run community led schemes in the future.
- Mr Dadge stated in response to his question 'Why do we need a bar?' Mr Dadge explained cricket was an expensive sport. The cost of cricket equipment, a good bat regions between

£300 for a junior bat and £700 for a good senior persons bat. Other items associated with the sport have to be purchased and were all supplied by the club together with paying insurance and rates etc. Maintaining the grounds was very expensive with the drains refitted approximately 5 or 6 years costing £85,000.00. Various membership clubs were run for youngsters and ladies teams requiring significant amounts of money to be raised which was mainly achieved through the club bar.

- Mr Dudge stated the club had been licensed since 1980 with no complaints received.
- Mr Dudge addressed each of the complaints/representations that had been received in response to the application:
 - The club held a public meeting with the Ward Councillors on Friday 2 September 2022 and was attended by a few residents. The club were no longer seeking to play live or recorded music outdoors.
 - Nuisance - potential for public nuisance for noise created by live or recorded music played outside which the club was no longer requesting. People leaving the premises were asked to respect residents when leaving and Mr Davis did his utmost to ensure that people behaved themselves, respect the environment and the area and residents. The club was unable to control people's behaviour once they are away from the premises, it was hoped this was an exception and not the rule and apology offered if this was occurring. The club had powers to ban members who misbehaved under their constitution and would ban members of the public/ individuals if their misbehaviour was brought to the club's attention.
 - Mr Dudge stated no reports or complaints had been made to the club by residents and therefore unable to take any action. Mr Dudge refuted matters contained within representation received at page 59 of the report pack, appendix 7. The club did not tolerate drugs and had agreed a condition with the licensing authority. There were signs posted in the premises making clear there is a 'no drugs' policy and any such matters that were to come to light would be referred to the Police.
 - The public nuisance concerns that had been raised the club acts accordingly when people attend at its premises and asked for people to leave quietly, there was a challenge 25 policy in place with staff trained on these policies and supervised by Mr Davis.
- Mr Mellor stated the club was a safe place for people to come and play and watch cricket. The club had been vetted by external sources which used to be every three years and now takes place every 12 months and has received accolades accordingly. The club volunteers were all DBS checked and experienced in carrying out the jobs that they do, every 3 years but now 12 months. All volunteers were all qualified – all had DBS checks – it was a safe place. All the people who run the club were all qualified and experienced to do the job that they do.
- In response to questions asked of the applicant:
 - Mr Robinson pointed out that complaints had been received in July 2021 were related to reports of anti-social behaviour and drugs however when the licensing authority visited the premises 8 July 2021 there was no such evidence. Mr Dudge apologised stating he had incomplete information before him and this rectification was noted.
 - Mr Mellor stated in response to Mr Robinson's question that no reports or complaints had been brought to his attention from the Police or any other person including residents.
 - Councillor North queried:
 - the club have said at the hearing they are seeking an extra half hour, yet on a Sunday they are seeking a total of two and a half hours longer opening time. Mr Dudge confirmed that is correct the extra half hour stated by the applicant related to the closing time;
 - what action would be taken against a non-member causing anti-social behaviour, the applicant replied they would be barred from the premises.
 - A resident in attendance queried:
 - Late night refreshment – this would be for indoor consumption only and no takeaway service or provision being sought by the applicants

- Mr Robinson clarified no requirement to be licensed to provide late night refreshment until 11pm, a licence was required beyond 11pm
- On a Friday and Saturday supply of alcohol on the premises would be available until midnight, with the premises closing at 00:30hours.
- It was made clear the residents wished for the premises to close at 23:30 hours 7 days a week and did not wish for the premises to become a nightclub spot in a residential area. Mr Robinson stated a further condition could be put forward for a 'last entry policy' to stop an influx of people close to closing time.
- The residents had seen indiscriminate parking with their driveways blocked by drivers of vehicles attending the club on match day and wished for cones to be made available to stop this from happening
- A resident in attendance stated
 - He was impacted the most being the adjoining neighbour to the premises and had lived there for 51 years maintaining an amicable relationship
 - He had never had reason to complain to the club however he now felt the club had ambitious plans to replace possibly all the pubs that had gone from the area
 - For the Panel to bear in mind the immediate area surrounding the club premises was occupied by slightly older people and the boundary marks the conservation area which should be had regard for the type of area that it then is – a quiet little area occupied by many retired people and with that in mind the immediate area was more sensitive to comings and goings late at night. He stated for the Panel to note these matters and may feel it appropriate to trim back on the hours that had been requested
- Panel Members queries to the applicant, Mr Davis replied, the club:
 - had been advised by the licensing authority to request a 10am opening however the premises would be looking to open around midday
 - serves cricket tea around 3:30/ 4:30m
 - was looking to apply for a grant that was available for coffee mornings and would be looking to serve hot food around mid-afternoon
 - had agreed a number of conditions with the licensing authority that the premises adhered to and specifically in relation to the management of noise, perimeter inspections were carried out and checks were done at a certain distance from the premises for noise audibility
- Councillor Cooper stated her main concern had been the opening and closing times which had been clarified at today's hearing together with the club confirming they had withdrawn their proposal for outdoor music and food.
- Councillor North stated she felt her objection had now been dealt with.
- Mr Robinson advised the Panel that a letter was received from the club that was submitted from Tameside Active that was in support of the application. It was too late to be considered by representations and had been provided to the Panel.

A further resident in attendance addressed their concerns to the Panel and the Applicant

- They queried the closing time applied for by the club for Friday and Saturday and stated it was not an extra half hour being requested as stated by the applicants.
- It was clarified by Mr Dudge the club is seeking to open Sunday to Thursday from 10am to 23:00 hours with no alcohol sales after 23:00 hours and a 30 minute drinking up time for the club to close at 23:30 hours. Friday and Saturday the club was seeking 10am to midnight when last drinks would be served
- In response to questions asked of the resident from:
 - Mike Robinson, the resident stated

- they had lived at their property since 1981
- had not made any complaints to the club regarding its activities as believe in 'live and let live' basis however there had been a few occasions where people have parked on/ outside their drive and this has obstructed them from leaving their property, there were tannoy announcements that could be heard from the club but it was a cricket club and litter issues encountered.
- Had not made any complaints to the Council and confirmed issues had arisen due to the consultation following this application.

A further resident in attendance addressed his concerns to the Panel and the applicants:

- to date he had no problems with the cricket club at all;
- He believed they were a good asset to the village however the club adjoined the conservation area which should be considered as an indication of style and general way that the locality was.
- The applicants had given various assurances regarding how they would monitor and control things going forward. That's largely satisfied the resident if the club was able to do what they have said they could do.
- He stated personally would like to see trimming down of times, already spoken about that and thanked the Panel.

The Panel then heard brief closing submissions on behalf of the Applicant, Licensing Authority and Interested Parties.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

DECISION/REASONS

In determining this matter, the Panel had due regard to:

- the report to Panel
- the application and representations received
- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy,
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel determined the application pursuant to section 18(3) of the Act having regard to the relevant representations and the requirement to take such steps as it considers appropriate to promote the licensing objectives.

The key points identified by the Panel were as follows:

1. the premises application sought
 - a. supply of alcohol on the premises
 - i. Sunday to Thursday 10am to 23:00hours
 - ii. Friday to Saturday 10am to Midnight
 - b. Supply of late night refreshments
 - i. Sunday to Thursday 10am to 23:30hours
 - ii. Friday to Saturday 10am to half past midnight (00:30hours)
2. an email had been received from the Club's representative on 4 September 2022 stating:
 - a. Live Music will take place Indoors only
 - b. Recorded Music will take place indoors only
 - c. Late night refreshment will be served Indoors only

- d. Supply of alcohol will be served for consumption on the premises only
3. The Panel noted the concerns raised by the residents in relation to antisocial behaviour, noise nuisance, and issues with parking in the immediate area. No complaints of noise nuisance and anti-social behaviour had been made and or received by the Council and the Police until July 2021.
4. A visit by the Police and the licensing authority was made on 8 July 2021 and the premises was found to be in compliance of licensing laws and regulations. No further reports of the licensing objectives being undermined have been received by the licensing authority and the Police
5. Conditions had been agreed between the licensing authority and the Applicants appended to the report at Appendix 5
6. The Applicants after hearing representations and submissions made by all, a last entry policy of 10:30pm onto the premises had been proposed.

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that this was an application that should be granted subject to the imposition of conditions agreed prior to today's hearing and a further condition to be imposed.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

The step that the Panel considered appropriate to promote the licensing objectives was to grant the application for a premises licence subject to conditions agreed prior to today's hearing together with a further condition being a last entry policy as follows:

There shall be no new entries to the premises by members of the public, including members of the Club or guests:

- i. after 22:00 hours between Sunday to Thursday;*
- ii. after 22:30 hours between Friday and Saturday.*

Notes

Under the Deregulation Act 2015 there are some circumstances where live music etc can take place without a licence.

Licensable activities outside of this and/or beyond the permitted hours will require a temporary event notice

Outside of the conditions imposed the Panel expects that the licence holder will set up informal arrangements to enable residents to raise issues of concerns with the licence holder.

A written decision notice will be provided as soon as possible but in any event within 5 working days of today's hearing. Parties are reminded that the Licensing Act 2003 provides a flexible approach to licensed premises. If any issues arise with regard to licensed premises which cannot be resolved, a formal review of a licence can take place. An application to vary a licence can also be made.

The Panel would like to thank those attending the hearing for their contribution and assisting the Panel in reaching its decision.

The Panel thanked those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the application for a premises licence be approved subject to conditions agreed prior to the hearing, together with a further condition being a last entry policy as follows:

There shall be no new entries to the premises by members of the public, including members of the Club or guests:

- i. after 22:00 hours between Sunday to Thursday;*
- ii after 22:30 hours between Friday and Saturday.*

CHAIR