

OPPOSITION OF CHANGES TO LICENCE FOR DROYSLDEN CRICKET CLUB

To Licensing Department,

Dear Sir / Madam,

I write in the strongest terms to confirm my opposition to the appeal of DCC to amend their licensing hours.

I write to request your urgent help.

I am a resident of a street nearby Droylsden Cricket club.

I would be grateful if the matter goes to panel if my identity could be anonymised and if I have to give evidence I would expect the usual mitigations that we are offered in court to be available as I am not prepared to further risk the safety of my family by appearing without a screen etc.

If I give evidence at the panel I would expect to be treated as a vulnerable witness in accordance with the provisions of the Equal Treatment Bench Book and to give evidence from behind a screen. A failure to give me this option would be grossly unfair.

Kindly acknowledge safe receipt of this mail and confirm this will be taken into account.

This year complaints were made about noise and breaches of licensing due to their anti-social disregard for the wellbeing of neighbours. Despite only having an 11pm drinks license they carried on with loud music at weekend until 1AM plus on numerous occasions. I understand a noise complaint was sent to Tameside. Nothing was done. The support from Gemma Lee of the Licensing department was exemplary, who called them in for meetings etc but this did not resolve the problem.

Apparently, as a consequence of the complaints, a neighbour sustained criminal damage to her vehicle and abuse. I have suffered unpleasant comments in the street. I have also suffered considerable stress, lack of sleep and loss of time in documenting the problem. Such comments are contrary to the Protection from harassment act.

This is also Victimisation/Harassment which has the effect of violating the dignity of the complainant

I have only recently discovered that despite this dreadful behaviour they were actually granted several temporary events notices allowing them to serve alcohol again until 12 am. (which surprise surprise resulted in more disturbance!) Can you please explain how on earth in the light of the clear evidence previously provided this was considered to have been appropriate? Was this evidence reviewed in making the decision? If not why not?

I have now discovered that without the knowledge of most residents an application has been made for hugely extended licencing hours. Despite the council having undisputable evidence of deliberate public nuisance and anti-social behaviour individual residents have not been (adequately) notified about this or given adequate notice of the need to make representations meaning that this application could sneak through unnoticed to further blight our lives. I understand the council are happy with the Consultation. For reasons I shall set out below. I believe this to be contrary to the duties of the council under the Public Sector Equality duty/ Licensing Act / Guidance to licencing Act / Human Rights Act.

The club seeks vastly extended serving and opening hours along the lines of those it carried out deliberately and wilfully breaching it licence illegally without punishment throughout the summer.

I consider this decision very surprising and in the light of the existing evidence to have been entirely negligent and contrary to the principles of the Licensing act 2003 and contrary to Article 8 of the Human Rights act which sets out the Right to respect for private and family life.

Is Tameside on the side of the Law breakers or the lawful citizens?

You will be aware of the Public Sector Equality Duty set out in S149 of the Equality Act 2010. The decision to allow licences to be extended/changed for a licensee which shows little or no regard for the wellbeing of disabled neighbours is entirely inappropriate and should urgently be reviewed.

The lack of proper consultation is shocking and shows no regard for the law-abiding citizens of this area.

If you look at the map provided you will see that consultation has been given to a car park 45 metres away from the building that creates the noise, and to a childrens playground approx 40 metres away from the building that creates the noise, and a hidden sign next to a muddy path which is approx 5 metres away from the building that creates the noise.

What has not been consulted are the houses and the law abiding residents which have already been subject to noise and licencing complaints some 15-20 metres away from the building that creates the noise. In the absence of a leaflet or sign on Clough road how are these residents who can hear the music in their bedrooms at 1am (despite a closing time of 11Pm) in the morning to raise any objections? How are people who do not use the children's playground to know? How are people with a disability to know?

This is irrational. Licencing authorities have a duty to consult with those who may have an interest in the matter. Clearly those affected by the noise have an interest and should have been consulted from the first instance. If they are not consulted then the objectives of the Licencing act cannot be said to have been met.

Having eventually found the sign this says the application can be viewed...in Stalybridge (at limited hours during the working day!) and invites only written applications to a postal address. This is entirely contrary to the Equality Act Public Sector Equality Duty and means that any resident not lucky enough to spot the tiny sign is significantly disadvantaged, presumably it will be hard for any disabled or aged person to see the sign let alone travel to Stalybridge to view this. This also discriminates against working adults and those with children who are unlikely to have the time to get to Stalybridge and puts a travel and postage cost on participation in local decision making. This means that in effect Tameside has failed in its fundamental duty to promote equality and have policies that do not adversely affect various groups in society. Similarly, the failure to give a relevant email address (when postage strikes are on the horizon) provides a further discriminatory barrier to participation.

The above guidance suggests that the council should consider whether other methods should be used to inform residents who may be affected. This does not appear to have happened. So presumably this application has a large chance of sneaking through.

I will now set out in detail the adverse effects that granting such a licence would create and the factors which I believe you should consider in refusing this request. I ask that when you consider this you please put yourselves in the shoes of the residents who for no fault of our own find our peace and rest frequently disturbed by the cricket club. You will no doubt be aware that noise from bars & clubs which adversely affects an applicant's home may breach Article 8 of the Human Rights Act where this is permitted by a Local Authority over a period (Moreno-Gomez V Spain {2004} ECHR633.

Please view and ensure you have all the videos previously sent to Gemma Lee and please note that due to their activities I made sure I was away for many Saturdays. Had I stayed I would have had many more videos to show you.

1)The area

This is a quiet residential area. There has never been a (legally) open late-night venue in this area. The venue has got away with causing significant public nuisance. Their previous lack of respect for quiet residential area has illustrated the likely problems. ie Loud music, Shouting, loud singing, drunkenness plus inevitable taxis, slamming of doors and other disturbances etc . Their actions provide damning evidence of the unsuitability of the venue itself (not at all noise insulated) and the management (wilful and repeated breaches of the law)

There are many school aged children in the area and working parents etc all of whom have the right under Article 8 of the Human Rights act to respect to their family life. The people accept the normal noise of a sports club in its normal activities ie during the day. Since when was it normal for a sports club to be open until 3am? Is this a cricket club or a night club?

2) Our House/health /harassment/victimisation/antisocial behaviour

Please refer to videos previously submitted and the attached photographs.

After Covid there have been serial breaches of this licence which have to adversely affect our ordinary day to day activities by virtue of the Public nuisance created. Very loud amplified music is audible very loudly throughout the house. Loud shouting/swearing and other idiotic behaviour has had a serious effect.

It would be very obvious to any reasonable licensee that loud music very late at night this would adversely affect the neighbours. I assume that is why their previous licence was granted with an 11 pm finish. I must assume they had no such regard/ care for the neighbours as it would be obvious to any licensee/ reasonable individual that there was a considerable risk of disturbance to anybody in the surrounding area.

A house is meant to be a place of sanctuary.

3) Work and rest

The proposed late hours will prevent families from having relevant rest

4) Blight

A loud/ late bar will inevitably adversely affect property prices and quality of life. We have a right to rest and peace and quiet. How can we sell our house to move away if there is a nightclub outside? They have already caused significant unlawful public nuisance at 1am onwards when they should shut at 11pm, do we have to put up with this until 3/4/5 am? Would you like this?

5) Effect upon established bars.

Droylsden has an established nightlife area. A late-night bar here will result in transit of people under the influence of alcohol creating additional nuisance to anyone on the route from the town centre to the club

6) Lack of consultation / contrition / regard

It is perhaps telling of the approach of the cricket club to its neighbours that no consultation or discussion has been entered into at all with its neighbours at all. Nor were any apologies or explanations ever issued. When cricket nets were put up we were consulted, by letter, when there is work on the railway we were informed.

The requirements for consultation are set out in the REVISED GUIDANCE ISSUED UNDER S182 OF THE LICENCING ACT S182

these say at page 61 onwards;

Advertising applications 8.80 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in Regulations 25 and 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which are published on the Government's legislation website. 8.80 Applicants are required to: • publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and • display a brief summary of the application on an A4 (or larger) size notice, **on pale blue paper in a prominent position immediately** on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority). The notice must be **printed legibly in black ink or typed in black in size 16 font or larger**. • ensure that the above notices contain the name of the applicant, postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be

identified), relevant licensing authority and the date by which any representations in relation to the application need to be made to the licensing authority. They should also contain a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

8.81 It is the responsibility of the applicant for putting the notice up, however licensing authorities should consider where the signs should be placed and advise the applicant where appropriate, to ensure people will see them, in particular if an application is likely to be of interest to the public. As prescribed in regulations, licensing authorities must also place a notice on their website outlining key details of the application as set out in regulations, including: • the name of the applicant or club; • the postal address of the premises or club premises; • the postal address and, where applicable, the internet address where the relevant licensing authority's register is kept and where and when the record of the application may be inspected; • the date by which representations from responsible authorities or other persons should be received and how these representations should be made; and • that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence. 8.82 The summary of the application should set out matters such as the proposed licensable activities and the proposed hours of opening and should be clearly displayed for the period during which representations may be made, together with information about where the details of the application may be viewed.

8.87 Arrangements should be put in place by the licensing authority for other parties to view a record of the application in the licensing register as described in Schedule 3 to the 2003 Act. Charges made for copies of the register should not exceed the cost of preparing such copies. Licensing authorities may wish to conduct random and unannounced visits to premises to confirm that notices have been clearly displayed and include relevant and accurate information.

It is not clear if the council have actually visited the premises to confirm the positioning of the notices. If they do, they will note that one is placed on the gate in the wrong colour, one is placed approximately 8 feet high on a fence behind a wall, facing a sports centre where nobody lives. And one is positioned on a gate illegible from the path and inaccessible by mud. I would argue that the 'Vicinity' should include the houses that back onto the club ie Clough road, Indeed we were consulted by letter about the placing of new cricket nets a few years ago as such it is irrational not to consult about a major change such as this.

Given the history of public nuisance the council appears to have failed in its duty to consider where the signs should be placed. As a consequence, those likely to be affected ie residents of Clough road have not been consulted or informed.

If the council has given advice as to positioning of the signs can this be released as this would appear to be negligent and not taking into account the public sector equality duty.

The incorrect colour used and poor placement would also appear to render the notices invalid.

I reserve the right to complaint about the way in which this matter has been dealt with and ultimately to pursue the matter by way of Judicial Review in the light of the frankly irrational and discriminatory procedure followed.

In particular, it is irrational and discriminatory to:

a) not ask the club to provide information to the residents of Clough Road (My way of comparison we were consulted about the provision of cricket nets on the outfield but not by this change which could result in a significant detriment to living standards

b) for the council not to allow replies by email

c) Not to display the full information to be displayed in Droylsden

d) To expect resident to find the application 'hidden' on the web site

e) To allow the club to consult by placing notices illegible to the naked eye in 2 places

f) To not carry out a random visit to check compliance with the notice process due to the history of non-compliance

g) To fail to apply Public sector equality duty to the Licensing function

h) By doing so risk further harm to the rights of Family life under the Equality act.

7) Ignore the risk of further crime

The area outside of Medlock sports centre is already a magnet for consumption and sale of drugs and anti-social behaviour. A late opening bar is likely to add more "trade." The applicants have been subject to crime reference numbers as a consequence of their own breaches of licencing laws, these are retained by the Council.

The approach to the venue is dark and across a field, this will be a muggers alley and pose a security danger to anybody returning on their own

8) The inadequate venue

The venue has very poor acoustic shielding, whenever it is hot, they open the doors increasing the noise still further. There is a large cricket field which is often filled with drunken idiots shouting and talking loudly and smokers stood outside talking loudly at all hours. NO acoustic shielding is likely to work as the noise comes through the walls. And indeed if doors are opened will be rendered absolutely pointless. NO acoustic shielding will halt the noise of patrons outside nor Taxis etc etc

9) Equivalent venues/Licences.

I note that similar clubs actually only have 11pm licences.

10) Reasonable expectations

It is reasonable to expect occasional use of a venue of this kind but not for the venue to be turned into a 7 day per week venue with a late licence. This is what they have applied for. They may claim that they would open occasionally but if that is their intention then why apply in this fashion?

I understand the club have applied for temporary events notices in the past. If the licence is extended as applied for, then they could in theory open late nights 7 days a week and there is nothing we can do to stop this, allowing this runs the risk of this being a trojan jorse for extended hours.

If they want a licence for temporary events then they should continue down the route of temporary events notices and these should bear in mind their previous conduct and the noise nuisance posed to residents and study carefully the effects of these notices being given.

If 11pm licences are disregarded and the wellbeing of residents ignored then I respectfully submit that once you have reviewed the video evidence the only rational act would be to restrict them to their existing licence and /or take action against them for their egregious breaches.

Furthermore, their lack of acoustic shielding and the noise generated by patrons means that later licences for recorded/live music are also entirely inappropriate.

10) Behaviour and lack of contrition versus conditions

The history of non-compliance with the previous license laws surely means there can be no confidence whatsoever with the leadership/membership of the club. Indeed, if their solution to opening illegally is to try to open even later with a licence "7 days a week!" then it **must** be inferred that there is a lack of insight and understanding to the issues they cause for their neighbours.

There should be 'no benefit of the doubt' given to institutions with a lengthy history of non-compliance and public nuisance. It was their choice to breach their licence repeatedly (presumably for profit) and after warnings. They did so willingly and without regards to those who would be affected. It was not OUR choice to have this disturbance. It was theirs made wilfully and ignorantly.

11) Abuse and criminal damage followed to some local residents

They may seek to obtain further conditions if conditions such as CCTV restricted entry after 11pm are proffered. These should be refused on the grounds of a lengthy history of non-compliance and non-mitigation. If a drunk is refused entry at 12 will they be expected to go quietly? If the music is audible in a adjacent house what difference can really be expected to the noise levels? Will they turn of the music every time the door is opened, will they stop loud behaviour on the field and loud drunken conversations...of course not. The only way to mitigate hours is to restrict them to their existing licence.

Having caused this disturbance and public nuisance they seem to believe that the solution to this is to open even later 7 days a week? How does this eliminate public nuisance? This shows a stunning lack of insight and empathy for their neighbours.

Indeed, I understand that when called in to discuss their breaches they feigned ignorance as to their hours and sought to identify the complainant. The only action that followed after the initial complaint was a turning off of the lights in order for matters to be less obvious.... of course, if you are still serving and the disco is still on this really doesn't appear to make a difference but does illustrate a contempt for the rules.

Having somehow escaped prosecution/sanction despite clear evidence surely the appropriate action is to revise their licensing hours downwards to 10pm and prevent the playing of recorded music to limit the public nuisance rather than upwards to reward the illegal behaviour and public nuisance.

Finally, I do think the previous decision to grant individual event type licences should be reviewed together with the failure to take proper enforcement action. All I want to do is have the ability to rest without abuse or disturbance. Thank you for reading this document.

If this goes to a panel, I would be willing to speak if my identity can be protected.

I have structured my response in accordance with the Home Office guidance revised in April 2018 and note

NO document has been circulated in the local area, there is now no regular and available published local newspaper, no local newsletter is in existence and the positioning of the document outside the premises is unlikely to attract the attention of those most likely to be affected.

The home office guidance says the licensing objectives are:

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

Each objective is of equal importance

The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include: • protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises; ... encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. This will not happen if the public are not aware!

Under separate cover I enclose a series of questions which I believe the Panel ought to raise with the Cricket Club.

Yours sincerely,