

SPEAKERS PANEL (LIQUOR LICENSING)

17 January 2023

Commenced: 1.05pm

Terminated: 4.15pm

Present: Councillors Drennan (Chair), Bowden and Warrington

In Attendance: Mike Robinson Regulatory Services Manager, TMBC
Gemma Lee Regulatory Compliance Officer, TMBC
Ashleigh Melia Solicitor, TMBC
David Pickles Applicant
Colette Schofield Secretary, Droylsden Cricket Club
Mr Harris Chairman, Droylsden Cricket Club
Resident A (Mr & Mrs) Persons submitting representations

13. DECLARATIONS OF INTEREST

There were no declarations of interest.

14. MINUTES

RESOLVED

That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 6 December 2022 be approved as a correct record.

12. APPLICATION FOR A PREMISES LICENCE – DROYLSDEN CRICKET CLUB, GARDENFOLD WAY, DROYLSDEN, M43 7XU

Mr Robinson, Regulatory Services Manager, presented the report to the Panel and outlined the key legislation and policy guidance under Section 17 of the Licensing Act 2003, which outlined the procedure whereby an application could be made to the Licensing Authority for a premises licence.

Mr Robinson 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 representation received from Resident A.

He explained that Droylsden Cricket Club, Gardenfold Way, Droylsden, M43 7XU was a licensed premises. The Club held a Club Premises Certificate since 7 March 2006. The Club premises Certificate allowed the supply of alcohol by, or on behalf of the club, to a member of the club and the sale of alcohol by, or on behalf of the club, to a guest of a member.

The current licensable activities and timings were as detailed below:

Licensable Activity	Current Licensable Activities		Licensable Activities Applied for	
Play	Mon - Sat	11:00-23:00		
	Sun	12:00 – 22:30		
Live Music	Mon – Sat	11:00-23:00	Mon – Thurs	12:00-22:00
	Sun	12:00 – 22:30	Fri	17:00-22:30
			Sat	12:00-22:30
			Sun	12:00-22:00

Recorded Music	Mon – Sat	11:00 – 23:00	Mon – Thurs	12:00-23:00
	Sun	12:00 – 22:30	Fri – Sat	12:00-00:00
			Sun	12:00-23:30
Performances of Dance	Mon – Sat	12:00 – 23:00		
	Sun	12:00 – 22:30		
Anything of a similar description to recorded music and live music			Mon - Thurs	12:00-23:00
			Fri - Sat	12:00-00:00
			Sun	12:00-23:30
Sale of Alcohol	Mon – Sat	11:00-23:00	Mon – Thurs	12:00-00:00
	Sun	12:00 – 22:30	Fri - Sat	12:00-02:00
			Sun	12:00-00:30
Late night refreshments			Mon – Thurs	12:00-00:00
			Fri - Sat	12:00-02:00
			Sun	12:00-00:00
Provision of Regulated Entertainment	Mon - Sat	11:00-23:00	Mon – Sun	
	Sun	12:00-22:30		
Opening Hours	Mon - Sat	11:00-23:00	Mon - Thurs	12:00-01:00
	Sun	12:00 – 22:30	Fri	12:00-02:30
			Sat	09:00-03:00
			Sun	09:00-01:00

Mr Robinson informed the Panel that the Licensing Department received a complaint on 20 June 2022 in relation to noise and allegations that the premises had been operating outside the hours of the club premises certificate. The complaint which was received by email, was appended as Appendix 3 to the report.

Mr Robinson explained that the complainant provided videos to the Council taken from a bedroom within their property. The videos were sent to Ms Gemma Lee, Regulatory Compliance Officer, on 27 June 2022, 18 July 2022 and 7 October 2022.

Mr Robinson explained that on 18 July 2022 a meeting took place between committee members from the club and officers from the Licensing Department to discuss the allegations. It became apparent that the club was not operating solely as a club, as on occasions the premises was hired out for private functions. The committee of the club were advised that a premises licence would be required and in the interim, if licensable activities were taking place outside the permitted hours on the Club Premises Certificate, then a Temporary Event Notice (TEN) would be required. Following this meeting, the club applied for a number of TENs on a number of dates. Mr Robinson confirmed that the dates set out in the report were wrong and confirmed the dates as follows:

- 06/08/22 9am expired on 07/08/22 1am
- 01/10/22 17:00 expired on 02/10/22 2am
- 03/12/22 19.00 expired on 04/12/22 1am
- 31/12/22 17.00 expired on 01/01/23 3am

Mr Robinson explained that on 9 November 2022, a visit to the premises was conducted by Ms Lee who observed that the notice was not displayed, therefore the consultation was stopped immediately. Ms Lee re-visited the following day and the notice was displayed and the advertisement requirements contained within Regulations 25 and 26 of the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005 had been correctly followed. The consultation restarted on 10 November 2022 and concluded on 7 December 2022.

Mr Robinson referred to the addendums to the agenda pack, namely Appendix 9, Appendix 10 and Appendix 11.

Mr Robinson explained that additional information had been submitted by email 24 hours before the hearing by Resident A and that the Applicant agreed to this being used as evidence. This information included:

- Timeline of evidence by Resident A
- Email from Ms Lee to Mr Robinson dated 16 December 2022
- Letter to the club from Ian Lewis
- Copy of a complaint log made by Resident A to Greater Manchester Police

Mr Robinson explained that Resident A also asked the Panel to consider the licences for Droylsden Catholic Club.

Mr Robinson also informed the Panel that some progress had been made at a mediation meeting on 10 January 2023 between Resident A and the applicant which resulted in a list of further proposed conditions being agreed. These were appended as Appendix 8. Mr Robinson highlighted the conditions that couldn't be agreed:

- Resident A's requested for door staff at the premises on Friday, Saturday and New Years' Eve, door staff policy and door log.
- Resident A's requested for a noise limiter to be installed on the premises.
- Club's opening hours.

Mr Robinson then played the media files provided by Resident A.

As requested by Resident A, everyone at the hearing confirmed they could hear the audio files.

Colette Schofield then made the following submissions on behalf of the Applicant

- It was the first time she had seen the footage from 07/08/22 and 01/10/22.
- The Club were disappointed Resident A had remained anonymous as they were not unreasonable and felt that Resident A could have approached them if they were being too noisy.
- The Club refuted that his family had been placed in danger – they didn't know who he was or where he resides and didn't appreciate the insinuation that the club had been involved in criminal damage or harassment and felt these comments were potentially slanderous.
- They had not seen the evidence that had been reported to the police.
- One of the letters in support highlighted that Resident A had been approaching neighbours.

At this stage, Mr Robinson confirmed that letters in support did not specify that Resident A had been approaching neighbours. Ms Schofield retracted that statement.

Ms Schofield continued:

- Being called jobs and law breakers – she was a 47 year old mother of two and was a child safeguarding officer and first aid officer.

- Mr Harris was the chairman of the club, a father of two and played cricket at the club.
- Mr Pickles was a developmental scientist and volunteered as treasurer of the club.
- Everyone involved in the club was a volunteer.
- Refuted that she had tried to identify Resident A.
- As soon as the club were made aware of the licensing objectives they did everything they could to remain within those objectives.
- During a children's training session at the club, a riot van was sent to the club which she felt was over the top.
- She requested a mediation meeting and have been open to suggestions; the club have been compliant and tried to support everyone; they have applied for TENs which have been granted by the Council and questioned why they would have been granted if their behaviour was so abhorrent.
- Droylsden Cricket Club has been there for 77 years and this was the only complaint they had ever received.
- As far as they were aware, they followed the correct consultation period for the application.
- Ms Schofield explained the different teams that they had at the cricket club and that some players had gone on to be selected for county teams.
- The club take their roles very seriously – they had safeguarding officers, fully trained first aiders, bar management and ground staff and most individuals had to complete enhanced DBS checks.
- The cricket season runs from mid-April to mid-September and the club relied on bar takings to survive as they were not for profit.
- In relation to the video evidence dated 22/05/22 – she did not feel it was clear that the noise was coming from the club and disputed that the videos were taken inside a house.
- Images 0064 and 0068 – the club was subject to renovations at that time. On this night, the DJ couldn't gain access to the club and gained access through the fire exit. Unfortunately the DJ left the back door open and the club accepted full blame for this.
- In relation to the media files from 03/07/22 – a Clough Road resident was present at the club and they know they shut at 11:00pm that night. She was aware that the resident had a party at his house that evening and suggested this was where the noise was coming from.
- She had only just seen the footage from 07/08/20 and 01/10/22 but she did have TENs in place and didn't believe the videos were recorded from inside a house as it looked like it was taken from the backdoor although Resident A may correct her on this.
- The club doesn't attract a passing trade as it was members who frequent the club.
- The Complainant refers to an area at the front of the club being a magnet for sale of drugs and anti-social behaviour – Mrs Schofield stressed this had nothing to do with the club and they had agreed last permitted entry to the club at 11pm. They also didn't allow anyone on the cricket field.
- Resident A wants to compare Droylsden Cricket Club to Droylsden Catholic Club but they were completely different establishments; the Catholic Club had employed stewards who run the club and they have live concerts. The back of the houses to the Catholic Club were a lot closer to the houses on Clough Road to the Cricket Club and she did not feel the two clubs could be compared.
- Resident A was not complaining of any trouble and they had never had any violence.
- Mrs Schofield confirmed the conditions that the club agreed to during mediation.
- Since the complaint, the club had ensured noise wasn't too loud – they believed noise was subjective and they didn't believe a lot of noise could be heard from the club.
- In relation to the documents received the morning of the hearing, they had not had time to fully consider them but did consent to them being used.
- The club had never received a letter from Ian Lewis – the club didn't have a post box and a post man would not be able to gain entry to post the letter.
- The club had applied for the sale of alcohol until 2am on Friday, Saturday and Sunday to allow them to advertise a function room.
- The club had no complaints prior to this – there had been no objections from the Police, Council or a mental health worker to their application.

- The club fully accepted the incidents on 18 and 19 June 2022 and apologised for this.
- The club didn't attract a passing trade and it was simply members of the club.
- There were letters in support from neighbours of the club.
- They believed the cricket club was good for the community and were merely asking for a licence to keep the club functioning.

Ms Schofield then answered questions from the Regulatory Services Manager, Resident A and the Panel.

The following submissions were then made by Resident A:

- The videos were taken inside his house late at night with the windows shut – the club dispute this but that's the way it was.
- Two licences for Droylsden Catholic Club had been provided – they're based at the other end of Clough Road in a virtually identical situation.
- The Panel had reviewed those licences and if the hours which were requested are granted, Resident A would be treated significantly worse and have less protection than those at 228 Clough Road.
- Despite all rumours, Resident A had no trouble at all with the Cricket Club and acknowledged it had important community functions and did valuable community work.
- This was the first time they have heard about the petitions to close the club.
- They didn't want the club to be shut down they just wanted the shutters down at 11pm to let them sleep.
- Clough Road was a very quiet residential street and that's why they wanted to live there.
- Page 11 to Appendix 1, page 72 onwards gives an idea of the proximity of the club to certain houses on Clough Road – none of the residents in those houses were consulted meaningfully in relation to this application and only knew about this as they were tipped off by a phone call from someone at the Council – there was no advertisement on Clough Road.
- The current licence allowed music until 11pm – the club said they were not open all the time throughout the year – 11pm was reasonable and proportionate and caused no problems whatsoever.
- The only time they've had a problem with the club was when it had breached its licence.
- The club had a free trial of their extended hours and they've shown this to create considerable public nuisance – they now wanted to serve alcohol until 2am and open until 3am – this was not proportionate or reasonable for a quiet residential street – it might be proportionate for Market Street but this wasn't Market Street – this was in the middle of loads of houses.
- Resident A apologised for the ramblings in his representation at pages 65 to 72 of the report and confirmed this summed up most of his petition.
- The Panel had numerous indisputable videos of public nuisance and were required to consider the track record of the applicant – there were wilful deliberate and illegal breaches of their licence.
- During mediation the club declined to fit a noise limiting monitor and declined to reduce the hours applied for – conditions were agreed in mediation but no conditions would guarantee good behaviour.

The following submissions were then made by Resident A's wife:

- She was a 47 year old mum of two and was an NHS health worker caring for patients, family and the community – empathetic and non-judgemental.
- She supported the club and used to volunteer with old staff.
- She had a chronic illness which made her fatigued and her husband had a chronic illness.
- Both of their children were disabled as they were on the autistic spectrum.
- Their youngest son woke up at 6am so regardless of what time Mrs A went to bed, she had to get up at 6am with her son.
- The family were paying the price if the club stayed open late.

- Mrs A explained it would be difficult managing the demands of two autistic children with a demanding job and a chronic condition with 4 hours sleep.
- Mrs A queried what made it acceptable for the club to stay open in a quiet area until 3am.
- Mrs A explained her concerns about sleep deprivation, that she worked throughout the pandemic and her right to a peaceful life, the demanding jobs her and her husband had which entailed huge responsibility.
- Her patients required 100% attention for their care and she needed a huge amount of patience to manage her life.
- The proposed opening hours put her in a very difficult situation – probably impossible, risking her livelihood.
- There must be a way to keep everyone happy.

Resident A and Mrs A answered questions from the Regulatory Services Manager.

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

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 considered appropriate to promote the licensing objectives.

The key points identified by the Panel were as follows:

1. The premises application seeks to extend the opening hours:
 - a. Monday to Thursday 12:00 to 01:00
 - b. Friday 12:00 to 02:30
 - c. Saturday 09:00 to 03:00
 - d. Sunday 09:00 to 01:00
2. The premises application seeks to extend the current licensable activities:
 - a. Sale of alcohol
 - i. Monday to Thursday 12:00 to 00:00
 - ii. Friday to Saturday 12:00 to 02:00
 - iii. Sunday 12:00 to 00:30
 - b. Live music
 - i. Monday to Thursday 12:00 – 22:00
 - ii. Friday 17:00 to 22:30
 - iii. Saturday 12:00 to 22:30
 - iv. Sunday 12:00-22:00
 - c. Recorded music
 - i. Monday to Thursday 12:00-23:00
 - ii. Friday to Saturday 12:00-00:00
 - iii. Sunday 12:00-23:30

3. The premises application seeks to add the current licensable activities:
 - a. Entertainment similar to recorded music and live music
 - i. Monday to Thursday 12:00 to 23:00
 - ii. Friday to Saturday 12:00 to 00:00
 - iii. Sunday 12:00 to 23:30
 - b. Late night refreshments
 - i. Monday to Thursday 12:00 to 00:00
 - ii. Friday to Saturday 12:00 to 02:00
 - iii. Sunday 12:00 to 00:00
4. A representation had been received from Resident A, who resides on Clough Road relating to noise which he believes emanates from Droylsden Cricket Club.
5. Resident A provided audio files recorded on various dates in 2022.
6. Complaints of noise nuisance were made to the Council in July 2022 by Resident A and no further action was taken by the Council.
7. No representations have been received by Environmental Health, Trading Standards or Greater Manchester Police.
8. No further reports of the licensing objectives being undermined have been received by the licensing authority or the Police.
9. Some conditions have been agreed between the licensing authority, the applicants and Resident A which are appended to the report as **Appendix 8**.
10. The openings hours have not been agreed nor conditions relating to door staff or to a noise limiter being installed at the premises.
11. The Panel considered the concerns raised by Mr and Mrs Resident A.

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that the premises licence should be granted subject to the imposition of conditions agreed prior to today's hearing and further conditions are 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 premises licence subject to conditions agreed prior to today's hearing together with a further conditions relating to the supply of alcohol and opening hours as follows:

Supply of alcohol

Friday 12:00 to 01:00

Saturday – 12:00 to 01:00

Sunday – 12:00 to 12:30

Opening hours

Friday 12:00 to 02:00

Saturday – 09:00 to 02:00

Sunday – 09:00 to 00:30

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.

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

RESOLVED

That the premises licence be granted subject to conditions agreed prior to today's hearing together with further conditions relating to the supply of alcohol and opening hours as follows:

Supply of alcohol

Friday 12:00 to 01:00

Saturday – 12:00 to 01:00

Sunday – 12:00 to 12:30

Opening hours

Friday 12:00 to 02:00

Saturday – 09:00 to 02:00

Sunday – 09:00 to 00:30

CHAIR