

LICENSING PANEL
17/09/2021 at 1.00 pm



Present: Councillor E Taylor (Chair)
Councillors G Alexander and L Hamblett

Also in Attendance:
Nicola Lord – Principal Licensing Officer
Elise Brophy – Hearings Officer
Alan Evans – Group Solicitor
Christine Wood – Constitutional Services

1 **ELECTION OF CHAIR**

RESOLVED - That Councillor Taylor be elected Chair for the duration of the meeting.

2 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no public questions

6 **ORDER OF PROCEEDINGS**

RESOLVED – That the order of proceedings be noted.

7 **APPLICATION FOR VARIATION OF A CLUB PREMISES
CERTIFICATE- SHAW CRICKET CLUB, HOLEBOTTOM
CLOUGH, MARK LANE, SHAW, OL2 8QG**

Consideration was given to a report of the Principal Licensing Officer which informed the Panel of an application for the variation of a club premises certificate in respect of Shaw Cricket Club, Holebottom Clough, Mark Lane, Shaw, OL2 8QG, which, due to representations being received had been referred to the Panel for determination.

The Panel was advised that on the 14th July 2021, Shaw Cricket Club had applied for the variation of a club premises certificate. Details of the proposed variations were as follows:

Add the following licensable activities to the existing club premises certificate:



Oldham
Council

Activity	Indoors / Outdoors	Hours
Films	Indoors	Monday to Sunday, 11:00 till Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Indoor Sporting Events	Indoors	Monday to Sunday, 11:00 till Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Live Music	Indoors	Monday to Sunday, 11:00 till Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Recorded Music	Indoors	Monday to Sunday, 11:00 till Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Anything of a similar description to live/recorded music	Indoors	Monday to Sunday, 11:00 till Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00

In addition to the above permitted activities, the club also sought to extend the hours for their club premises certificate to provide existing licensable activities as outlined in the table below.

Activity	Current Hours	Proposed Hours
Supply of alcohol	Mon to Fri - 18:00 to 21:30 Sat & Sun - 12:00 to 22:00	Sun to Thurs - 11:00 to 23:30 Fri & Sat - 11:00 to 01:30 Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Sale by retail of	Mon to Fri - 18:00	Sun to Thurs - 11:00

alcohol	to 21:30 Sat & Sun - 12:00 to 22:00	to 23:30 Fri & Sat - 11:00 to 01:30 Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
---------	---	---



A copy of the application and proposed plan were attached to the report at appendix 1. A copy of a location map was attached to the report at Appendix 2.

The Panel was advised that following submission and advertisement of the application, representations had been received, which were attached to the report for information at Appendix 3.

The Panel was further advised that in addition to the representations against the application, there had also been representations of support. Details of representations of support were attached to the report at Appendix 4.

The Panel was further advised that following consultation with Greater Manchester Police, Environmental Health and the Licensing Service, their respective representations had been withdrawn when the applicant had agreed to incorporate proposed conditions on the premises licence. Details of the proposed conditions were outlined within the report.

The Principal Licensing Officer summarised the evidence and submissions.

In considering the application for the variation, the Panel considered the information presented by the Council's Environmental Protection Service, Public Protection Officers, and representations from Mr Steve Whiston, Shaw Cricket Club, Mrs Lisa Smirk and Mrs Audrey Walker (local residents) and Mr Anthony M Horne, Solicitor (representing the local resident objectors)

Following submissions by the Council's Environmental Protection Service, Public Protection Officers and representations from Mr Whiston, Mrs Smirk and Mrs Walker, the Panel retired to seek legal advice in accordance with Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulation 2005, moved into private session. In reaching a decision, the Panel took into account the relevant provisions of National Guidance and the Council's Licensing Policy Statement with reference to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

RESOLVED –

That having considered the application, the written representations and the representations made at the hearing and having also taken into account the Secretary of State's guidance and the Council's Licensing Policy and the four licensing objectives, in particular the prevention of public nuisance, it was appropriate to grant the application as detailed below:

- a) subject to the conditions specified in paragraph 4.2 of the report and with the following amended condition requested by Environmental Health:

An exception to the 11pm curfew for music shall be allowed only on New Year's Eve and at no other time. On New Year's Eve, subject to the preceding condition, the playing of recorded music only shall be allowed until 12.30am on 1st January the following.

- b) Add the following licensable activities to the existing premises certificate:



Activity	Indoors / Outdoors	Hours
Films	Indoors	<u>Sunday to Thursday</u> 11am -11pm Friday to Saturday 11am - midnight Christmas Day/Boxing Day, New Year's Day 11am - midnight New Year's Eve 11am - 12.30am
Indoor Sporting Events	Indoors	<u>Sunday to Thursday</u> 11am -11pm Friday to Saturday 11am - midnight Christmas Day/Boxing Day, New Year's Day 11am - midnight New Year's Eve 11am - 12.30am
Live Music	Indoors	Monday to Sunday, 11am – 11 pm New Year's Eve 11am – 12.30am
Recorded Music	Indoors	Monday to Sunday, 11am – 11 pm New Year's Eve 11 am – 12.30am
Anything of a similar description to live/recorded music	Indoors	<u>Sunday to Thursday</u> 11am -11pm Friday to Saturday 11am - midnight Christmas Day/Boxing Day, New Year's Day 11am - midnight New Year's Eve 11am - 12.30am

- c) extend the hours for the club premises certificate to provide existing licensable activities as outlined below:



Oldham
Council

Activity	Hours
Supply of alcohol	Sunday to Thursday – 11am – 11pm Friday to Saturday – 11am - midnight Christmas Day, Boxing Day, New Year's Day – 11am – midnight New Year's Eve – 11am – 12.30am
Sale by retail of alcohol	Sunday to Thursday – 11am – 11pm Friday to Saturday – 11am - midnight Christmas Day, Boxing Day, New Year's Day – 11am – midnight New Year's Eve – 11am – 12.30am

- d) In relation to the operating hours for the club premises, the closing times for each day shall be 30 minutes later than the specified end time for the supply of alcohol/sale by retail of alcohol on that day.

The meeting started at 1.00 pm and ended at 5.30 pm