

## **Licensing Panel**

### **Licensing Act 2003**

### **Application for Variation of a Premises Licence**

### **Avro JFC (Vestacare Stadium), Whitebank Road, Oldham, OL8 3JH**

Report of Executive Member for: Neighbourhoods

Officer contact: Nicola Lord  
Ext. 3472

**17<sup>th</sup> September 2021**

#### **Reason for Decision**

The purpose of this report is to inform Members of an application for variation of a premises licence in respect of Avros JFC (Vestacare Stadium), Whitebank Road, Oldham, OL8 3JH which, due to representations being received, has been referred to this Panel for determination.

#### **Recommendations**

Members are recommended to consider the application, taking into account the representations received.

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**Licensing Act 2003 – Application to vary a Premises Licence  
Avro JFC, Whitebank Road, Oldham, OL8 3JH**

**1 Background**

- 1.1 The purpose of this report is to inform Members of an application for variation of a premises licence in respect of Avro JFC, Whitebank Road, Oldham, which, due to representations being received, has been referred to this Panel for determination.

**2 Recommendations**

- 2.1 Members are recommended to consider the application, taking into account the representations received.

**3 The Application**

- 3.1 On the 7<sup>th</sup> July 2021 David Warren Moxon applied for the variation of a premises licence in respect of the premises named above. The last day for representations in respect of the application was the 9<sup>th</sup> August 2021.

- 3.2 Details of the proposed variation are as follows:-

Amend the licensing plan in accordance with the drawing accompanying the application. The revised plan seeks to reduce the overall permitted area where licensable activities can take place, and to denote specific areas it will, which includes an area not previously covered under the existing licence, this area is referred to as the VIP Bar.

Add the provision of late night refreshment to the licence.

- 3.3 A copy of the application & proposed plan is attached at **Appendix 1**.

- 3.4 A location map is attached at **Appendix 2**.

**4 Representations**

- 4.1 Following submission and advertisement of the application representations have been received. These can be found at **Appendix 3** to this report. It should be noted that not all of the information contained within the attached representations is relevant to the application being considered. Any information which appears highlighted within the representations is **not** deemed relevant.

- 4.2 It should also be noted that following consultation with the Licensing Service and Environmental Health, the applicant has agreed for the following conditions to be placed on their premises licence should the application be granted:

**Environmental Health:**

Where entertainment takes place on a daily/weekly basis, music and associated sources (including DJs and amplified voices) should not be audible inside the nearest noise sensitive property.

Where entertainment takes place every few months, such noise should not be audible inside the nearest noise sensitive property between 23:00 and 08:00.

Volume of music must be lowered to background level 20 minutes prior to closing time.

All external doors and windows must be kept closed when entertainment is being provided, other than for access & egress and in the event of an emergency. If additional ventilation is subsequently necessary, then it shall be attenuated in accordance with a scheme submitted to the Licensing Authority.

No drinking is permitted in any outdoor area following 22:00.

Notices requesting customers leave quietly and to respect neighbours must be displayed in a prominent place at each entry/exit point.

The DPS or a representative must ensure that customers are encouraged to keep noise to a minimum when leaving the premises. They must ensure customers are dispersed in an appropriate manner after closing time and discourage them from remaining in the vicinity of the premises.

The DPS or a representative will undertake regular checks of the grounds to ensure no noisy disturbances take place outside, and if any do occur they will resolve them as quickly as possible either by:

- Encouraging customers to continue on their home/onward journey quickly
- Asking customers to return inside whilst waiting for transport
- Order taxis for customers to reduce delay

No disposal of bottles will take place between 23:00 and 07:00 on any day.

### **Licensing (to remove/replace existing outdated conditions)**

**Existing condition** – Alcohol served within the area outlined red on the attached site plan will be in plastic containers

**Replace with** – All alcohol sold for consumption in outdoor areas shall only be served in polycarbonate, plastic or shatterproof glasses.

**Existing condition** – At a time when alcohol is served within the area outlined in red, the area will be fully stewarded by staff holding the relevant stewarding qualifications and under the ultimate control of the clubs ground safety officer.

**Replace with** – The premises licence holder shall ensure that any patrons consuming alcohol in outdoor areas do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance.

**Existing condition(s)** – CCTV is installed covering the entrance to, the side and rear of and the car park fronting the club house. Tapes will be kept for a period of one month. CCTV will be upgraded to a digital system in the near future and all CCTV recordings will be made available to the police on request

**Replace with** – A tamper-proof digital colour CCTV system shall be installed and maintained. The system must have a constant and accurate time and date generation. The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 30 days. Cameras must be positioned to capture the entrance to the site, the entrance and exit of all areas used for licensable activities, and any areas used for the purposes of car parking. A member of staff capable of operating the system and providing footage must be present at all times licensable activities are taking place. CCTV footage must be made available upon request of an authorised officer.

**Replace all conditions under the heading “The Protection of Children from Harm” with the following:**

Challenge 25 scheme in operation. All persons who appear to be under the age of 25 must provide a valid form of photo identification.

Forms of identification acceptable are photo driving licence, passport or PASS approved identity card.

Challenge 25 posters clearly and prominently displayed in all areas where alcohol is sold at the premises.

Proxy sale posters clearly and prominently displayed in all areas where alcohol is sold at the premises.

Refusals log in operation at all locations alcohol is sold. These logs must detail any refusal to sell alcohol for any reason and each entry must include the following details:

- Date & time of refusal
- Reason for refusal
- Description of customer
- Name and signature of member of staff refusing the sale

Training in relation to the Challenge 25 scheme, ID accepted, and the use of the refusals book must be provided to staff upon induction and before they are permitted to serve alcohol from any bar on the premises. A record of this training must be kept on the premises. Staff to sign and date to say training has been received and understood.

No children permitted within the areas covered for the purposes of licensable activities, unless accompanied by a responsible adult, after 22:00 Monday to Friday and after 20:00 Saturday and Sunday.

No persons under the age of 18 shall be permitted on the premises at any time that adult entertainment is provided at the premises.

**REMOVE THE FOLLOWING CONDITIONS:**

Removable bar areas situated within the area outlined red on the attached site plan will not have direct access to alcohol for members of the public and all alcohol will be served by club staff only.

CCTV will be upgraded to a digital system in the near future and all CCTV recording will be made available to the police on request.

Club house edged green on attached plan – all relevant assessments to be undertaken in relation to health & safety and fire risk. Fire extinguishers to be installed and service history to be maintained. CCTV tapes to be retained for a period of one month.

Ground area edged red on attached plan – see attached copy of “Ground Regulations & Conditions of Use” for information purposes only. Area will be fully stewarded and under the control of the clubs ground safety officer at times when alcohol on sale in this area. See attached report from the clubs ground safety officer with sections relevant to public safety for information purposes only.

**ADDITIONAL CONDITIONS:**

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to verify their identification against the notice.

A risk assessment will be undertaken prior to any function or event and a determination of whether SIA registered door supervisors are required will be made. A written record of this risk assessment, the decision made and the reasons why, will be kept on the premises for a minimum of 6 months.

Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.

A suitable member of staff or door supervisor shall monitor the dispersal of customers to ensure that patrons do not contribute to anti-social behaviour in the vicinity. They will also ensure that no glassware leaves the premises from either bar area.

## **5 Licensing Policy**

5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application. Attention should be drawn to Section 8 of the Council's Statement of Licensing Policy relating to Public Nuisance.

5.2 In relation to Public Nuisance paragraph 8.2 provides:-

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

5.3 A full copy of the Council's Licensing Policy statement will be available at the hearing.

## **6 Secretary of State Guidance**

6.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003 (April 2018).

6.2 In relation to 'Public Nuisance', the following paragraphs provide:-

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises and to respect the rights of people living nearby to a peaceful night.

A full copy of the guidance will be available at the hearing.

## **7 Options/Alternatives**

7.1 When determining the application Members, having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are -

- a) Grant the application as applied for with or without the amendments agreed with the Licensing Service & Environmental Health;
- b) Grant the application but modify the operating schedule in relation to hours, days, conditions or activities;
- c) To reject the application;

7.2 Any steps appropriate to promote the licensing objectives should be specified. If no steps are appropriate the application should be granted.

7.3 Findings on any issues of fact should be on the balance of probability.

7.4 In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure.

7.5 The decision should be based on the individual merits of the application.

## **8 Consultation**

8.1 Consultation in accordance with the Act has taken place with all Responsible Bodies and notice has been given to allow for any representations from other persons.

## **9 Legal Services Comments**

9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court. (S Rawat)

## **10 Environmental and Health & Safety Implications**

10.1 Contained within the body of the report.

## **11 Equality, community cohesion and crime implications**

11.1 The Council's 'Statement of Licensing Policy' takes into account these matters. All decision made by the Licensing Panel, must have regard to this policy and National Guidance.

## **12 Equality Impact Assessment Completed?**

12.1 No

## **13 Background Papers**

13.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref: Records held in Directorate  
Officer Name: Nicola Lord  
Contact No: 0161 770 3472

## **14 Appendices**

Appendix 1 – Premises Licence Application & Proposed Site Plan

Appendix 2 – Location Map

Appendix 3 – Representations against the application