

Licensing Panel

Licensing Act 2003 Application for Variation of a Club Premises Certificate

Shaw Cricket Club, Holebottom Clough, Mark Lane, Shaw, OL2 8QG

Report of Executive Member for: Neighbourhoods

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17th September 2021

Reason for Decision

The purpose of this report is to inform Members of an application for 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, has been referred to this Panel for determination.

Recommendations

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

**Licensing Act 2003 – Application to Vary a Club Premises Certificate
Shaw Cricket Club, Holebottom Clough, Mark Lane, Shaw, OL2 8QG**

1 Background

1.1 The purpose of this report is to inform Members of an application for variation of a club premises certificate in respect of Shaw Cricket Club, Holebottom Clough, Mark Lane, Shaw, 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 representation received.

3 The Application

3.1 On the 14th July 2021 Shaw Cricket Club applied for the variation of a club premises certificate in respect of the premises named above. The last day for representations in respect of the application was the 11th August 2021.

3.2 Details of the proposed variation are as follows:-

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

Activity	Indoors / Outdoors	Hours
Films	Indoors	Monday to Sunday, 11:00 til Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Indoor Sporting Events	Indoors	Monday to Sunday, 11:00 til Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Live Music	Indoors	Monday to Sunday, 11:00 til Midnight Christmas Day, Boxing Day, NYE, New Years Day from 11:00 to 01:00
Recorded Music	Indoors	Monday to Sunday, 11:00 til 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 til 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 seeks 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 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

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 only the information highlighted within the representations are considered relevant for the purposes of determining the application.

4.2 It should also be noted that following consultation with Greater Manchester Police, Environmental Health and the Licensing Service, their respective representations were withdrawn when the applicant agreed to incorporate the following conditions on the premises licence:

GMP:

A tamper-proof, digital, colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

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 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be

provided by the premises and the sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The designated premises supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

An incident book, with the pages numbered sequentially, must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- Any incident of violence or disorder on or immediately outside the premises
- Any other crime or criminal activity on the premises
- Any refusal to serve alcohol to persons who are drunk
- Any refusal to serve alcohol to any person under 18 or anyone who appears to be under 18
- Any call for police assistance to the premises
- Any ejection from the premises
- Any first aid/other care given to a customer

Any refusal or incident should include the following information:

- Time, day and date of refusal/incident
- Item refused
- Reason for refusal
- Name of staff member refusing the sale
- Name & address of customer (if given)
- Description of customer
- Details of identification offered (if shown)

Drug policy in operation. Premises must inform the police immediately of any person suspected of using or being in possession of any illegal drug.

Environmental Health:

When the performance of live music, or the playing of recorded music, is taking place, all windows and doors shall remain closed after 9pm

The performance of live music or the playing of recorded music shall not take place after 11pm

After 9pm the volume of music being performed indoors shall be moderated so as not to be audible beyond the boundary of the club

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

Licensing Service:

All bookings for the hire of the function room for any event must be made by a member of the club.

Record of all bookings for the function room must be kept, to include the name of the member making the booking, the date the booking was made, the date and time of the proposed event/function, the reason for the event/function and the number of proposed guests. These records must always be kept at the club and made available for inspection upon request of an authorised officer.

All guests must be accompanied by the member they are visiting with.

All guests must be signed in by that member of the club.

Record of all guest admissions must be maintained at the club. Records must include the date/time of the visit, the name and DOB of the guest(s) and the name of the member signing them in.

A maximum of 10 guests per member, excluding children under the age of 16 years, is permitted at any one time (with the exception of the below).

Where the event/function is booked by a club member and it is for a close relative (to include spouse, parent, sibling, child, step-child or in-laws), and the member is present at the event, there is no limit on the number of guests permitted. Where this condition applies, the member is not required to sign these guests into the club.

- 4.3 In addition to the representations against the application, there have also been representations in support. These can be found at **Appendix 4** to this report. It should be noted that only representations pertaining to the likely effect of the variation on the licensing objectives are relevant, and those relating to the funds and revenue stream for the club should not be taken into consideration for the purposes of determining this application.

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 Councils 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:-

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensable objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

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.

2.20 Measures to control light pollution will also require careful thought. Bright light outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

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 Greater Manchester Police, Environmental Health & the Licensing Service;
- 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 – 37 Representations against the application

Appendix 4 – 23 Representations in support of the application