

Licensing Panel

Licensing Act 2003 – Application for a New Premises Licence

Pitch Side Bar and Pitch Side Area, Avro Football Club, The Vestacare Stadium, Whitebank Road, Oldham, OL8 3JH

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord
Ext. 3472

15th March 2022

Reason for Hearing:

The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Pitch Side Bar and Pitch Side Area, Avro Football Club, The 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.



Licensing Panel – 15th March 2022

Application for a New Premises Licence

Pitch Side Bar and Pitch Side Area, Avro Football Club, The Vestacare Stadium, Whitebank Road, Oldham, OL8 3JH

1. Purpose of Report

1.1 The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Pitch Side Bar and Pitch Side Area, Avro Football Club, The Vestacare Stadium, Whitebank Road, Oldham, OL8 3JH 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 5th January 2022 the applicant, Avro Football Club, applied for the grant of a premises licence for Pitch Side Bar and Pitch Side Area, Avro Football Club, Whitebank Road. The last date for representations in relation to this application was 2nd February 2022.

3.2 Details of the licensable activities and the times applied for are as follows:

Activity	Indoors / Outdoors	Hours
Indoor Sporting Events	Indoors	Monday- Friday 12:00- 22:00 Saturday & Sunday 11:30-20:00
Live Music	Indoors	Monday-Friday 12:00- 22:00 Saturday & Sunday 11:30- 20:00
Recorded Music	Indoors	Monday- Friday 12:00- 22:00 Saturday & Sunday 11:30- 20:00
Performance of Dance	Both	Monday-Friday 12:00- 22:00 Saturday & Sunday 11:30- 20:00
Anything of a similar description	Indoors	Monday-Friday 12:00-22:00 Saturday & Sunday 11:30- 20:00
Supply of Alcohol	Both	Monday-Friday 12:00-22:00 Saturday & Sunday 11:30- 20:00

3.5 A copy of the application and proposed plan is attached at **Appendix 1**.

3.6 A location map is attached at **Appendix 2**.

4. Representations

4.1 Following submission and advertisement of the application representations were received. These can be found at **Appendix 3** to the report.

5. Licensing Policy

5.1 Members considering this application should take note of the Authority's Licensing Policy Statement. Attention should be drawn to Section 7 – Public Safety and Section 8 – Public Nuisance

5.2 A full copy of the Councils Licensing Policy Statement will be available at the hearing.

6. Secretary of State's 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 Chapter 2 of the guidelines deals with the Licensing Objectives and potential measures licence holders and the licensing authority should consider so they are not being undermined.

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.

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



7. Options

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 available to Members are:

- a. Grant the application as applied for
- b. Grant the application but modify the operating schedule in relation to hours, days, conditions, or activities
- c. Reject the application

7.2 Any steps appropriate to promote the licensing objectives should be specified. If none of the steps are appropriate and proportionate, no action should be taken.

7.3 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.

7.4 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 interested parties.

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. (A Evans)

10. Environmental and Health & Safety Implications

10.1 Contained within the body of the report.

11. Equality, Community Cohesion & Crime Implications

11.1 The Councils Statement of Licensing Policy considers these matters. All decisions 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 – Application & Plan
Appendix 2 – Location Map
Appendix 3 – Representations