



MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE **Wednesday, 12 June 2019**

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), and Councillors Tom Gray and Steve Holgate

OFFICERS: Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Philippa Braithwaite (Democratic and Member Services Officer)

19.90 Declarations of Any Interests

No declarations of any interests were received.

19.91 Procedure

The Chair outlined the procedure to be used to conduct the meeting.

19.92 Determination of Application for a Premises Licence - Croston Sports Club, Westhead Road

The Sub-Committee considered a report which advised of an application for a premises licence to be granted under Section 17 of the Licensing Act 2003, to which relevant representations had been received.

The applicant, Croston Sports Club, was represented by their Secretary, manager, and agent, who attended the meeting to make their representations to the Sub-Committee. An Environmental Health Officer, neighbouring resident, and ex-employee of the premises and resident of Croston, all of whom had made relevant representations, were also in attendance to make their representations to the Sub-Committee.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that the premises have operated under a Club Premises Certificate (CPC) since its conversion from the old Act in 2005. Prior to this, it was licensed under the old Act for many years. The Sub-Committee noted the intention of the applicant to surrender this CPC if the premises licence were granted.

Officers advised that the premises had come to the attention of officers following recent events being held there which were not being provided solely for the benefit of members of the club and their guests and that, as a result, the activities would be considered unauthorised.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that this had resulted in the application made on 25 April 2019 for a new premises licence, which was the subject of the hearing. The application sought to authorise the following licensable activities:

Licensable Activity	Proposed Hours
Provision of Films (Indoors)	Sunday- Thursday: 11:00-00:00hrs Friday-Saturday: 11:00-00:30hrs Non-Standard: 11:00-02:30hrs on New Year's Eve and Day
Provision of Live Music (Indoors)	Sunday- Thursday: 23:00-00:00hrs Friday- Saturday: 23:00-00:30hrs Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Provision of Recorded Music (Indoors)	Sunday- Thursday: 23:00-00:00hrs Friday- Saturday: 23:00-00:30hrs Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Late Night Refreshment (Indoors)	Sunday- Thursday: 23:00-00:00hrs Friday- Saturday: 23:00-00:30hrs Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Sale of Alcohol (On and Off Sales)	Sunday- Thursday: 11:00-00:00hrs Friday- Saturday: 11:00-00:30hrs Non-Standard: 11:00-02:30hrs on New Year's Eve and Day Permitted hours are 08:00hrs on occasions of pre-booked sporting events occurring at or associated with the club and the 4 days of the Grand National meeting.

The Sub-Committee noted that, in addition to this, the applicant had provided a comprehensive operating schedule.

It was understood that following consultation with Lancashire Constabulary, the applicant agreed to additional conditions, namely signage advising that CCTV was in operation being displayed, the implementation of an Incident/Refusal Register in which full details of all incidents are recorded, and six-monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice.

Representations had been received concerning the likely effect of the grant of the licence on the Prevention of Public Nuisance and the Prevention of Crime and Disorder objectives. In addition, Environmental Health served two Abatement Notices under the Environmental Protection Act 1990 on the premises on 10 May 2019. These notices require the premises to abate the nuisance described within 21 days of service.

In response to a query, the Enforcement Team Leader for Licensing confirmed that the proposed licensable activities reflected the current schedule of the CPC, but that a

premises licence would allow for a different operating schedule; i.e. hosting events for non-members.

The applicant's agent advised that the premises had been operating as a sports club for around 50 years during which time there had been no prosecutions or reviews. He stated that the premises licence would allow for the sale of alcohol rather than the supply of alcohol (as under the current CPC) but that the identity of the club would stay the same, operating under the same hours and with the same activities. The applicant's agent advised that private members' clubs suffered from declining membership, a problem which could be addressed by holding public events and encouraging attendees to sign up for membership.

He stated that the evidence that would be presented later related to two exceptional events, both of which were held annually. He stated that a premises licence would offer 45 relevant and measurable conditions, as opposed to the single condition on the CPC, which would be to everyone's benefit. He pointed out that the Police had not made a representation to this application and advised that the premises had a regular dialogue with Environmental Health Officers.

The applicant's agent advised that the club was currently run by a Committee but under a premises licence one person, the Designated Premises Supervisor (DPS), would be responsible and it was proposed that the current manager would hold this position.

The club secretary advised he had been working at the premises for over 15 years and confirmed the ethos of the club was to operate as a community sports club on a not-for-profit basis and stood as a hub for the wider community. He stated that numerous conversations had been held with the neighbouring resident (who was present at this meeting) and that the club was trying to improve these interactions in order to move forward.

The current manager advised that in preparation of this application a risk assessment and action plan had been put together in conjunction with the Police, and she asked the Sub-Committee to grant the application.

In response to questions from the Sub-Committee, the applicant's representatives confirmed that noise nuisance in the early hours would be addressed through better staff management and training. A new staff operating procedure was being put in place to ensure the door closest to the neighbour was closed and they were looking into having this door permanently shut.

The applicant's agent confirmed that there was no noise-cancelling equipment in place but had undertaken to investigate the option to install equipment with a noise limiter. The Sub-Committee queried the business-model and viability of the club, and the club secretary confirmed that the club was reliant on events to fund operational costs and sports offered at the premises.

In response to questions from the Interested Parties, the applicant's representatives confirmed the proposed strategies that would be put in place to avoid future issues (which were set out in the application) and confirmed that staff training on how to deal with complaints would be implemented.

When pressed on this further, the applicant's agent confirmed that a record of all complaints received would be maintained and an escalation procedure put in place for multiple complaints received in an evening. The club secretary stated he was confident these measures would be robust at addressing complaints, and confirmed he understood the seriousness of the matter. In response to further questions he confirmed that signage had been improved regarding noise levels when exiting the building, and that club members had been emailed with a request to respect the neighbours.

Interested Parties queried how anti-social behaviour of non-members would be regulated, and the current manager advised that any inappropriate behaviour would result in that person being asked to leave and possibly being barred. She also advised that extra security had been employed for both recent events. In response to further questions, the current manager confirmed she's been in post for the past three years and had been the manager when the recent events had taken place. She confirmed that approximately four events had taken place since the abatement notice had been served but that none of these had been 'big' events. If the premises licence was granted, the current manager stated that the frequency or types of events would not change but that more people would attend (i.e. non-members).

The Environmental Health Officer advised that subsequent to the abatement notices, he had met with staff of the club and the club committee to discuss how to address the issues. These discussions had been positive and focused on resolutions, including the agreement of a number of actions which had not been included as listed conditions in the application. He highlighted that the effectiveness of the measures proposed were dependent on the rigour with which they were adhered to by staff, but confirmed that, in his opinion, the proposed conditions were suitable should they be implemented robustly. He also advised that no further evidence had come to light to suggest a breach since the abatement notice had been served.

In response to questions from the Sub-Committee he confirmed that his team had the capacity and would investigate any complaints received after the compliance period. In response to a question from the applicant's agent, the Environmental Health officer advised that the installation of a noise limiter would solve the problem of noise nuisance but was the strictest measure to implement.

The neighbouring resident presented his representations, advising he had moved to the area four years ago. After attempts to try and address concerns in a polite manner over the years, the neighbouring resident advised that club staff treated them with derision, club committee members have made derogatory comments to him, and no improvements had been made despite verbal promises. The neighbouring resident stated he would love to see the club thrive but not at the detriment of neighbours. He advised that other residents had similar complaints but were unwilling to speak out against the club owing to its position in the community.

The neighbouring resident presented several audio recordings of events held at the club on 1 – 4 March and 19 - 22 April to demonstrate the type and noise levels of the disruption being experienced. These recordings had been taken with the equipment installed by Environmental Health Officers which recorded when activated (not recording automatically at a certain decibel level).

Recordings ranged over both weekends at late hours of the night/early hours of the morning and demonstrated:

- Loud anti-social discussions (including mention of drug use and abusive language).
- Staff heard re-admitting an anti-social and inebriated visitor to the premises for another drink.
- Loud music (through the open doors of the premises).
- Inebriated shouting.
- Prolonged noise of staff locking up.

The neighbouring resident stated that the lack of respect for neighbours demonstrated by staff would influence patrons' behaviour. He stated that the disruption from the noise and the lack of respect for him and his family has been horrible to live through. Apologies had not been received and he and his children had been effectively barred from the premises, which made trying to resolve the problems more difficult. The applicant queried who had told the neighbouring resident that he was barred in response to which the neighbouring resident said he had received a letter saying he was excluded. He stated that this was not a responsible way to behave as a licence holder and was sceptical that the proposed conditions would be effective when previous attempts had been unsuccessful with fewer attendees at events.

The ex-employee presented his representations and submitted video footage taken behind the bar of inappropriate drinking from staff (showing a liquid presumed to be alcohol being poured directly into the mouth) as well as receipts demonstrating payments for drinks being taken outside of licensed hours and to non-members, which was not permitted unless they accompanied a member. He also advised that the CPC dictated two days must pass from applying for club membership before benefits would be authorised, but in practice no waiting period was implemented.

In response to questions from the Sub-Committee, the distance between the neighbouring resident's property and the club was established, and it was noted that vibration between a small party garden wall was also an issue. The neighbouring resident stated that the wall was not a party wall with his dwelling.

In response to a question from the Sub-Committee, the ex-employee confirmed he had been answerable to the manager of the club, who in turn was answerable to the club committee. He stated the concerns regarding inappropriate behaviour and breaches of licensed hours had been raised with the current manager on a number of occasions.

In response to a question from the applicant's agent regarding the positioning of the recording equipment, the neighbouring resident confirmed that the noise and disruption was only part of the problem, with the lack of respect shown to neighbours and their complaints being just as important. In response to a question from the applicant's agent, the ex-employee stated that he had not been on duty during the event in April and the incidents had not occurred as alleged by the applicant's agent 'on his watch'. He stated that the current manager had instructed that if people wished to drink, they should be served irrespective of whether this was beyond the time permitted by the CPC. It was established that the receipts were unclear whether non-member referred to guests (who would be permitted to purchase alcohol) or to visitors (who would not be permitted to purchase alcohol). It was also noted that there was no limit to the number of guests a member could invite to the club.

The Sub-Committee noted a separate issue regarding the alleged harassment of the neighbouring resident by club members, which club staff had not addressed. It was

noted that this related to the club's operation and not the premises, and so was not a matter for the Sub-Committee to consider.

In summary, the Environmental Health officer offered assistance to the premises to address any problems and reiterated that his team were prepared with enforcement measures should they prove necessary.

The neighbouring resident advised that he and his family sought for meaningful conflict resolution moving forwards, and for the premises to continue as a members' club with appropriate functions and events and respect for their neighbours. The ex-employee referred the Sub-Committee to his written representation.

The applicant's agent advised that the actions agreed with Environmental Health were already in place and they were led to believe didn't need to be included as conditions on the application as they weren't measurable or enforceable. He stated that the club wanted to work with all parties involved and that the grant of a premises licence would be to everyone's benefit as it secured 45 relevant, proportionate, measurable and enforceable conditions in line with existing guidance and policies. The club secretary confirmed that the club would work to the agreements, undertook to communicate with neighbouring residents personally, and reiterated that this was a community sports club which wanted to work with and for the benefit of the community.

After careful consideration of the representations of the Applicant, Environmental Health and other persons making representations and having regard to the guidance issued under S182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Licensing Act 2003 Sub-Committee **RESOLVED to grant the licence subject to the conditions offered in the operating schedule, the conditions agreed by Lancashire Constabulary at Paragraph 12 of the report and the following additional condition:**

Regulated entertainment shall not take place unless a noise limiter is installed and deployed to ensure no public nuisance occurs.

The Sub Committee further refused to specify the proposed person, the current manager, as the Designated Premises Supervisor.

The reasons for this decision are:

- 1. Members took note that the Environmental Health officer thought that the extra conditions if upheld would address any public nuisance issues.**
- 2. Members noted that no other responsible authorities had submitted representations.**
- 3. Members consider that a premises licence with all the conditions attached would be more likely to promote the licensing objectives compared to the current situation of a club premises certificate lacking most of these conditions.**
- 4. Members had serious concerns about the management of the premises by the current manager. It was noted that she had managed the premises for the last three years when many of the problems had occurred.**
- 5. Members considered that the claims by the former employee that the current manager had instructed that patrons should be served beyond permitted hours were credible.**

- 6. Members considered that the licensing objectives had been compromised under the current manager's management in the interests of boosting bar takings.**
- 7. Members were also satisfied that the premises had been poorly managed in other respects with staff not showing respect to complaints by residents, by pouring alcohol directly into each other's mouths and door staff re-admitting a drunk and anti-social person back into the premises. It was also noted that two noise abatement notices had been served on the club.**

Members urged the applicant to engage meaningfully with local residents and to impress this upon staff, so they interact appropriately and respectfully with any local resident who raises any issues concerning the licensing objectives.

The applicant and any person who made relevant representations has the right to appeal to the local Magistrates' Court within 21 days of receiving this notice.

Chair

Date