

LICENSING SUB-COMMITTEE C

A meeting of the Licensing Sub-Committee C was held on 21 May 2014.

PRESENT: Councillors B E Taylor (Chair), Biswas and J A Walker

ALSO IN ATTENDANCE: On behalf of the applicant:-

K Sykes, Event Planner
S Clark, Club President

Making Representations:-

B Fitzgerald, Local Resident
S Fitzgerald, Local Resident

OFFICERS: C Cunningham, S Harker and T Hodgkinson

APOLOGIES FOR ABSENCE There were no Apologies for Absence.

DECLARATIONS OF INTERESTS

There were no Declarations of Interest at this point of the meeting.

14/1 **LICENSING ACT 2003: APPLICATION FOR PREMISES LICENCE - MARTON CRICKET CLUB, STOKESLEY ROAD, MARTON, MIDDLESBROUGH, REF NO. PRO/481.**

A report of the Senior Licensing Officer, Community Protection, had been circulated outlining an application for a Premises Licence in relation to Marton Cricket Club, Stokesley Road, Marton, Middlesbrough, TS7 8JU, Ref No. PRO481, as follows:

Summary of Proposed Licensable Activities and Hours for Proposed Licensable Activities

To permit licensable activities to the outdoor areas of the grounds for a one day family festival in celebration of the 150 year anniversary of the club, namely the provision of regulated entertainment between 11.00 am and 10.30 pm and the sale of alcohol between 11.00 am and 10.00 pm on Saturday 12 July 2014.

Full details of the application, accompanying operating schedule and event manual were attached at Appendix 1 to the submitted report.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

Details of the Application

The Senior Licensing Officer presented the report in relation to an application, received on 18 March 2014 for a premises licence in relation to Marton Cricket Club, Stokesley Road, Marton, Middlesbrough, as outlined above. The applicant had advertised the application, as required by the Licensing Act 2003, in the Evening Gazette on 21 March 2014, which was confirmed as being an accurate reflection of the facts by the applicant.

It was highlighted that Marton Cricket Club was a social club set in grounds consisting of a cricket pitch and surrounding grassed areas and a fenced football pitch with surrounding grassed areas. The premises were in close proximity to residential properties and a location plan was attached at Appendix 2. Photographic copies of the location plan were tabled at the meeting.

The purpose of the application was to enable the club to celebrate its 150th year anniversary by way of a family fun day. The application was to sell alcohol from temporary outdoor bars and provide live and recorded music for the purposes of entertainment and dancing on the

cricket pitch and the outdoor surrounding grounds of the cricket club.

The location plan attached at Appendix 2 defined the areas to be used for licensable activities as follows:

The boundary of the premises.

The areas to be used for the provision of regulated entertainment.

The area to be used for the sale and consumption of alcohol.

The anticipated audience would be a maximum of 2000, including performers, and would be a ticket only event.

The premises currently held a Club Premises Certificate permitting the supply of alcohol from the premises between 11.00 am and 11.30 pm and the provision of regulated entertainment between 11.00 am and 12 midnight each day.

This certificate was granted on 30 September 2005 and did not permit the supply of alcohol to persons other than members or their guests. An application for a Premises Licence had therefore been made to enable the Club to sell tickets to non-members, including the local community, to celebrate their 150th anniversary.

On 4 April 2014 and 11 April 2014, representations were received from the Principal Licensing Officer and from Cleveland Police objecting to the application on the grounds of the Prevention of Public Nuisance. Their concerns related to the Traffic Management Plan which formed part of the Event Manual. As a result of these concerns the Event Organiser was contacted and agreed to review the Traffic Management Plan. On 9 April 2014 correspondence was received from the Applicant enclosing an amended Traffic Management Plan, amended information relating to parking, the location of portable toilets and a revised site plan. As a result of these amendments the Principal Licensing Officer and Cleveland Police were satisfied that the proposed parking provision would be satisfactory for the event on 30 April 2014 and withdrew their representations.

The amended Traffic Management Plan and accompanying information was attached at Appendix 3 to the submitted report.

The Principal Licensing Officer explained that there had been some initial concerns from the Environmental Health Officer (EHO) in relation to the original noise plan and there were also other issues the EHO wanted addressing. On 11 April 2014, the Club agreed to appoint a suitably qualified and experienced Noise Consultant and submit a plan based on the Code of Practice on noise levels to ensure compliance with the noise limits set out in the Conditions on the Event. The Plan would be submitted to, and agreed by the EHO, two weeks prior to the Event. The recommended upper decibel level would be 65 decibels, over a fifteen minute period, from the nearest premises.

On 8 April 2014, a representation was received from Mr and Mrs Fitzgerald, local residents, objecting to the application on the grounds of the Prevention of Public Nuisance. A copy of this representation was attached at Appendix 4 to the submitted report.

On 8 April 2014, a representation was received from Mr I Carling, a local resident, objecting to the application on the grounds of the Prevention of Public Nuisance. A copy of this representation was attached at Appendix 5 to the submitted report.

Members were referred to the relevant sections of the Council's Licensing Policy and the Guidance to the Licensing Act 2003.

Applicant in Attendance

The applicant, Marton Cricket Club, was represented at the Hearing by the Event Planner and Club President/Event Manager.

The Event Planner presented the case in support of the application. The Applicant stated that

she had applied for Temporary Event Notices in the past and had been invited by Marton Cricket Club to assist with this event due to her experience with similar events.

The Applicant explained that the event was intended to celebrate the 150th anniversary of the Cricket Club and everyone was looking forward to it. The event was not about serving alcohol but about making it a family day and bringing families into the Club. Entertainment would be provided for all age groups with a variety of music performances including a brass band, pop covers, a harpist and a jazz and blues orchestra. There would also be bouncy castles and tombola stalls to make it a nice rounded family event.

The Applicant stated that there was a Noise Management Plan which formed part of the Event Manual and noise levels would be the responsibility of the sound engineers and security staff. The Applicant had engaged the services of Loose Cannon Events Limited who employed a suitably qualified Noise Consultant with relevant qualifications. A site visit by the Noise Consultant had taken place on 19 May 2014 to prepare for the event. The Applicant was aware that there would undoubtedly be noise from the music and did not wish to upset local residents and wanted them to come along and enjoy the day. The Applicant would try to minimise the impact of any noise.

At the site visit it had been agreed that for the best possible noise dampening, the stage should be positioned to the left hand side of the cricket pitch facing towards Marton Manor. These houses were protected by a wall of large trees which would provide noise dampening properties. The closest housing would be The Wickets, which overlooked the cricket field. The Noise Consultant would be placing noise measuring devices outside The Wickets. Measurements would also be taken from two other positions around the cricket field to provide overall coverage. There were no trees next to The Wickets so the stage would be angled away from that area to allow the noise to travel away. In addition to moving the stage, discussions had also taken place with the stage hire company to angle the speakers down towards the audience on the cricket pitch itself. The grass and the audience would provide a natural sound dampening facility. The noise would not travel as far and the sound would bounce over the ground.

The Noise Consultant was liaising with the stage hire company and the sound engineers and would be in contact with them on the day. Measurements would be taken at fifteen minute intervals from three sound-sensitive points. If any measurements exceeded 65 decibels, noise levels would immediately be reduced. All measurements would be recorded and submitted in a report to Environmental Health after the event. All security staff, sound engineers, the Noise Consultant and anyone else with responsibilities on the day of the event would have a direct telephone contact number for the Event Manager. The Event Manager would have responsibility to ensure that noise levels were at the appropriate level at all times. The sound engineers would be appraised of the acceptable sound levels and would check the levels minute by minute as the music was playing.

The Applicant had agreed with the EHO that the full details and qualifications of the Noise Consultant would be supplied three weeks prior to the event. A plan detailing the requirements of the Code of Practice on Environmental Noise Control would be submitted in writing and agreed by the Licensing Authority, two weeks prior to the event. All noise would be measured by meters compliant with BS 6698. Calibration certificates for all the equipment used would be available and would have been issued within the last two years.

There would be noise monitoring during the event to demonstrate compliance and any complaints received would be detailed in the report as well as details of all measurements taken throughout the day.

A leaflet drop would be made to all local residents, approximately 4,250 houses, during the month prior to the event. The leaflet would contain information regarding the timing and type of event and contact details for any issues or problems on the day. The contact would be the Event Manager. Any issues would be documented and would form part of the report to the Environmental Health Department.

A Traffic Management Plan outlining procedures for the day of the event was contained in the

Event Manual. The event was aimed at local residents as the Club wanted people from the local area involved in order to build more of a local community. The Applicant stated that she would expect people from the local area to arrive on foot rather than by car. The event was scheduled to run from 11.00 am until 10.30 pm, however the gates would not open until 12 noon. It was anticipated that not all guests would arrive at the same time for such a long event and there would be staggered entry. Posters would be placed in and around Marton and the surrounding estates to encourage local residents to arrive at the event on foot.

A professional security team from G4S had been employed and all officers were fully trained and experienced in event management and were used to directing traffic and organising people. There would be clear signage and directions to parking areas. Traffic would travel along Millennium Drive up to the Cricket Club itself. Parking facilities had been identified on the Club car park, on the adjacent football pitch next to the Rudds Arms Public House, on the lower part of the cricket field and, if needed, at the Marton Country Club on the opposite side of Stokesley Road. Parking spaces would be available for up to 385 vehicles. All routes in and out of the site would be kept clear at all times by security staff in case emergency vehicles required access. If any cars were parked in the nearby estates, it was hoped that residents would alert the Event Organiser and an announcement would be made at the event to ensure that any cars causing a problem were moved. If a vehicle was parked dangerously, residents also had the option of telephoning the Police and reporting it.

Questions to the Applicant from those making representations

Those making representations, who were present at the meeting, were afforded the opportunity to ask questions of the applicant and the following issues were raised:

- Mr Fitzgerald stated that he lived directly across The Parkway, less than one hundred yards from the cricket field. Mr Fitzgerald voiced his concern that there would be high noise levels from the amplified sound which would disturb him and his wife. The Applicant stated that the speakers would be pointing away from Mr Fitzgerald's house. The Applicant added that a sound measuring device could be placed in Mr Fitzgerald's garden.
- Mrs Fitzgerald referred to leaflets about the event that had only been available inside the Cricket Club. Many of Mrs Fitzgerald's neighbours had not been aware of the event and had not been given a chance to object. The Legal Adviser stated that for the advice of the Committee and all parties present, the Applicant had complied with the regulations and the application had been publicised in the Evening Gazette newspaper in accordance with the law.
- Mrs Fitzgerald agreed that selling tickets to local residents was a laudable plan, however the acts that would be performing would have their own fans and families who would attend the event. The Applicant explained that ticket sales would be only through the Cricket Club. Tickets would not be sold in any other outlets. The Club wanted local people to attend and the poster campaign would target the Marton area only.
- Mr Fitzgerald commented that whilst notices regarding the application had been posted on Memorial Drive and in the Evening Gazette newspaper, he did not think this was sufficient. The Chair reiterated the legal advice that the application was made lawfully.

- A Member asked how all those involved in the event in an official capacity would liaise with each other? The Applicant explained that all volunteers and staff would be provided with a card with telephone numbers for the Event Manager, Event Planner, Noise Consultant, Head of Security and the Sound Engineers. The Security Team would be briefed by the Event Manager and all volunteers and staff would be issued with wristbands, t-shirts and high visibility clothing.
- A Member queried how many leaflets promoting the event would be issued? The Applicant confirmed that 5000 leaflets would be printed and a company called GHS would be appointed to carry out a leaflet drop to every premises in the Marton area.
- Regarding the extra car parking facilities available at the Marton Country Club, a Member queried whether there would security staff at the entrance? The Applicant explained that the Marton Country Club was only intended to be used as an overflow car park and not a primary car park. If the main car parking areas were at capacity, the security team would direct people to Marton Country Club and marshalls would be situated at the entrance.

Relevant Representations

Mr Fitzgerald, Local Resident

Mr Fitzgerald, a local resident, was in attendance at the meeting and presented his representations in relation to the application.

Mr Fitzgerald stated that his main complaint was the likely level of noise and the effect on his wife due to her ill health. The noise and loudspeaker announcements from previous events held at nearby Ormesby Hall, Stewart's Park and also on the Parkway could be heard in Mr Fitzgerald's home.

Another concern was the traffic and parking. Again, in the past, people had arrived for events taking place at Stewart's Park and parked in Marton Manor and Woodrow Avenue, irrespective of the fact that parking was available at the venue. Residents' drives had been blocked through inconsiderate parking.

Mr Fitzgerald stated that 250 tickets had already been sold for the event, even though the licence had not yet been approved. Mr Fitzgerald also stated that even though he was a member of the Cricket Club he had been advised that he would not be able to enter the Club on the day of the event without paying for a ticket. Mr Fitzgerald commented that he did not think it was legal to charge existing members to gain entry to the Club.

Mrs Fitzgerald, Local Resident

Mrs Fitzgerald stated that she had lived in Woodrow Avenue for almost thirty years and had attended the Cleveland Show at Stewart's Park and concerts at Ormesby Hall many times and enjoyed them. Mrs Fitzgerald said that she knew what it was like because she had lived through it. Now she could no longer go out and if the event took place on a lovely sunny day she would have to sit in her house with the windows shut because of the noise.

When there were concerts at Ormesby Hall Mrs Fitzgerald stated that she could hear the music in her home and could also hear the announcements from the Cleveland Show. The Marton Cricket Club was much closer to Mrs Fitzgerald's house than Ormesby Hall or Stewart's Park. Mrs Fitzgerald commented that she was sure the organisers of those events had access to all the same expertise but if they could not protect her from the noise then she doubted the Applicant's ability to do so.

Mrs Fitzgerald explained that she suffered with polymyalgia rheumatica, a debilitating disease

that caused severe pain and loss of the use of limbs, as well as affecting movement. Things that Mrs Fitzgerald used to enjoy like knitting, card making and playing games, she could no longer do. Mrs Fitzgerald stated that she was reduced to reading but she did not want to read twenty-four hours a day, seven days a week and her main entertainment and view of life was through the television and from looking out of her back bedroom window over the cricket field.

Mrs Fitzgerald appealed to the Committee not to grant the licence as it was not only herself who would be disturbed but also young children living in the surrounding area if the event went on until 10.00 pm at night.

Principal Licensing Officer

The Principal Licensing Officer commented that a number of discussions had taken place prior to the application with Members of the event's Organising Committee. There was no requirement for a Club Premises Certificate to have a named person on it and it was up to the Club to determine who would be permitted entry to the Club on the day of the event.

The Event Manager added that in relation to the licence there was a limit on the number of people permitted inside the Club and therefore blue wristbands would be issued for entry to the Club and green wristbands for entry to the cricket field. This system would enable security staff to manage the numbers appropriately. The Event Manager agreed that one or two members of the Club had objected to being charged.

Summing Up

Those Making Representations

Mr Fitzgerald

Mr Fitzgerald summed up by stating that his main objection was the noise and the effect on his wife's health. Mr Fitzgerald agreed that the event was a good idea but the effect on his wife outweighed that. Unless the organisers could stop the noise reaching his house, Mr Fitzgerald stated that he would object. Mr Fitzgerald reiterated his concern that tickets had been sold for the event before the licence had been granted and queried why the licensee of the Club had not applied for the licence. Mr Fitzgerald was also concerned in relation to Club Members having to pay to gain entry to the Club on the day of the event.

Mrs Fitzgerald

Mrs Fitzgerald summed up by saying that there had recently been some glorious days and it had been her pleasure to sit in her bedroom with the windows open and enjoy the views over the garden and the Parkway and towards the Cricket Club. It would be a shame if she had to close the windows on a sunny day because she could not hear anything other than something she was not involved in. Mrs Fitzgerald commented that it would be fun for the people taking part but not for her, as all she would have was the noise. Mrs Fitzgerald did not believe that the Applicant would be able to achieve what had been promised in terms of noise reduction.

Applicant

The Applicant summed up by saying that she appreciated that there would be some noise but that it would not be offensive. The Applicant hoped that Mr and Mrs Fitzgerald could sit in their garden and enjoy the music. The Event organisers were trying to put as much in place as possible to limit the impact of the noise on the day. The Event Manual covered all the points raised at the meeting and the Applicant offered to provide a copy to Mr and Mrs Fitzgerald.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and the Members Office, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

DECISION

ORDERED that the application for a Premises Licence in respect of Marton Cricket Club, Stokesley Road, Marton, Middlesbrough Ref No: PRO/481, be granted.

The application was considered on its own merits and in accordance with The Licensing Act 2003, the Government's Guidelines on the 2003 Act and Middlesbrough Council's Licensing Policy. Consideration was given to the representations made by the Applicant and the Objectors.

The application was properly made in accordance with the Act and Regulations.

The Committee understood the concerns of the objectors, however, the Applicant had complied with the Guidance and Council Policies. The Applicant had mitigated, as far as possible, the concerns in relation to noise and traffic. The Event Plan and subsequent agreement and recommendations by Environmental Health should address any concerns regarding the Licensing Objectives.

The Committee noted that the Police, Licensing Officer and Environmental Health were satisfied with the organisation of the event. No other Responsible Authorities had objected.

The Committee considered the benefits to the Community of the event outweighed the concerns of the Objectors. The Committee therefore granted the application, subject to the Event Plan and recommendations of Environmental Health.

The Chair advised all parties of the Right of Appeal to the Magistrates Court within 21 days of the decision.