

LICENSING SUB COMMITTEE A

A meeting of the Licensing Sub Committee A was held on Monday 10 February 2020.

PRESENT: Councillors T Higgins (Chair), A Bell and L Lewis.

ALSO IN ATTENDANCE: Applicant – Marton Cricket Club
M Foster – Applicant's legal representative
Local Resident – making representations.

OFFICERS: S Bonner, T Hodgkinson and A Perriman

APOLOGIES FOR ABSENCE: Councillor Arundale.

6 **APOLOGIES FOR ABSENCE**

An **APOLOGY** was submitted on behalf of Councillor Arundale, Chair, and it was announced that Councillor Bell had agreed to sit on the Sub Committee and that Councillor Higgins would Chair the meeting.

7 **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members at this point in the meeting.

8 **LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE: MARTON CRICKET CLUB, STOKESLEY ROAD, MIDDLESBROUGH, TS7 8JU, REF: MBRO/PR0181**

A report of the Director of Public Health and Public Protection was circulated outlining an application for a Premises Licence in respect of Marton Cricket Club, Stokesley Road, Marton, Middlesbrough, TS7 8JU.

Summary of Proposed Licensable Activities

Sale of Alcohol (on and off sales) – 11.00am to 11.30pm daily.

Late Night Refreshment – 11.00pm to 12.00 midnight daily.

Plays, films, live music, recorded music, dance (indoors and outdoors) – 10.00am to 12.00 midnight daily.

The application also included a request to allow a maximum of four Large Scale Outdoor Events each year, which were subject to a number of proposed conditions. It was proposed that these events would operate between the hours of 10.00am and 10.30pm.

Full details of the application and accompanying operating schedule were attached at Appendix 1.

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

It was confirmed that all parties had received a copy of the Regulation 6 Notice and copy of the report and accompanying documents, in accordance with the Licensing (Hearings) Regulations 2005.

Details of the Application

The Principal Licensing Officer presented the report outlining the application for a Premises Licence in respect of Marton Cricket Club, Stokesley Road, Marton, Middlesbrough, TS7 8JU. A copy of the application was advertised in the Evening Gazette on 27 December 2019, as required by the Licensing Act 2003.

The premises predominantly operated as a sports club providing cricket and hockey for members. The club also had a healthy social side with its own committee to organise social

events and activities at the club.

The club currently held a Club Premises Certificate, details of its current hours and licensable activities offered to its members were detailed in the report.

In recent years the club had applied for, and been granted, time limited Premises Licences to allow them to hold large outdoor events at the cricket club. These events took place on 18 June 2016 and 8 July 2017 and were organised to deliver events to the local community as well as being used to generate income for the club.

In its application, the club stated that it wished to develop its facilities for non-member functions and events. In order to do so, and to operate larger events without having to submit applications for time limited Premises Licences, the club had applied for a Premises Licence.

Representations

No representations had been received from any of the Responsible Authorities.

On 14 January 2020, following concerns raised by Cleveland Police, the applicant agreed to amend the application to include the following condition:-

“The event plan will be submitted for approval to the responsible authorities at least 28 days prior to each event and the event will not take place without the approval of Cleveland Police, such approval not to be unreasonably withheld.”

This condition would replace condition number 2 in the large scale even conditions submitted by the applicant.

On 14 January 2020, a representation was received from a local resident objecting to the application on the grounds of the prevention of public nuisance. A copy was attached at Appendix 2.

It was highlighted that a copy of this representation was shared with the applicant's legal representative who informed officers that he was willing to meet with the resident to try to address the concerns raised. Officers contacted the resident who declined the offer but confirmed they would attend the Hearing to outline their concerns.

On 30 January 2020, correspondence was received from the applicant's legal representative which provided a response to the concerns raised by the resident in their representation. A copy was attached at Appendix 3.

Applicant in Attendance

The applicant's legal representative presented the case on behalf applicant in support of the application and addressed the issues within the representation.

Members of the Committee, those making representations and the Council's legal representative asked questions of the applicant which were responded to accordingly.

Those Making Representations

A local resident who had objected to the application, was in attendance at the meeting and presented her case in objection to the application. Members of the Committee, the applicant and legal representative, and the Council's legal representative were afforded the opportunity to ask questions of the objector which were responded to accordingly.

Summing Up

Both parties were afforded the opportunity to sum up their respective cases.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal and Democratic Services, withdrew whilst the Committee determined the application. The Council's legal representative advised that, in accordance with the Regulations, the full decision and reasons would be issued to the parties within five working days. The Chair advised all parties of the Right of Appeal to the Magistrates Court within 21

days of the decision.

DECISION

ORDERED that the application for a Premises Licence in respect of Marton Cricket Club, Stokesley Road, Marton, Middlesbrough, TS7 8JU, be granted subject to the modification of the conditions - by deleting proposals in the operating schedule and imposing conditions agreed between the applicant and the objector.

1. The Committee considered an application for a Premises Licence under Section 18 of the Licensing Act 2003 ("the Act") for the sale of alcohol (On and Off sales) between the hours 11.00am – 11.30pm daily, Late Night Refreshment 11.00pm – 12 Midnight daily and Plays, Films, Live Music, Dance (Indoors and Outdoors) 10.00am – 12 Midnight daily. Further the application included a request to allow a maximum of four Large Scale Outdoor Events each year subject to a number of proposed conditions. It was proposed that these events will operate between 10.00am and 10.30pm. The application was made by Marton Cricket Club Limited, Marton Cricket Club, Stokesley Road, Middlesbrough, TS7 8JU as the applicant.
2. The Committee noted that as relevant representations had been received to the application a hearing must be held. The Committee noted under Section 18 of the Act that it must, having regard to the representations, take such steps if any as it considered appropriate for the promotion of the licensing objectives. The steps were to grant, to grant with conditions and /or modify conditions in the operating schedule, to exclude a licensable activity, to refuse the Designated Premises Supervisor or reject the application.
3. The Licensing Objectives were the promotion of the prevention of crime and disorder, public nuisance, the protection of children from harm and public safety.
4. The Committee carefully considered the application on its own merits, it carefully considered the representations by the applicant, the objector who made relevant representations, the Council's Statement of Licensing Policy and Guidance under Section 182 of the Act.

Decision

5. The Committee decided to grant the Premises Licence subject to the modification of the conditions by deleting proposals in the operating schedule and imposing conditions agreed between the applicant and the objector.

Reasons

6. The applicant, amongst other matters, informed the Committee that they had reconsidered the Large Scale Outdoor Events and identified that they would seek an alternative proposal in that they now requested two Large Scale Outdoor Events as opposed to the original request of four. The amendment to this was accepted by the objector.
7. Furthermore, the applicant presented suggested proposals in response to the objector's concerns, which were provided to the objector and mitigated their concerns over noise nuisance. The Committee considered these and decided they should form part of the conditions of the Premises Licence:-
 - i. There will be a Noise Management Plan in place, which will be reviewed annually by the applicant.

Internal Noise

- ii. A noise limiting device shall be fitted to all sound systems and equipment, set at a level to be agreed with the Environmental Health Noise Team, Middlesbrough Council. The noise limiting device shall be maintained in good working order and shall be used at all times when the sound system is in use.

- iii. All external doors and windows shall be kept closed when regulated entertainment is being provided except for access and egress.
- iv. There will be prominently placed signs at all exits/entrances of the premises to remind customers to be quiet and refrain from shouting/swearing when leaving the premises or using the terrace area.
- v. The premises will operate a complaints register/log. That register will include any complaints made at the premises or about the premises, including complaints of noise from the premises. It shall record:-
 - the name of the complainant (if provided)
 - the address (if provided)
 - contact details (if provided)
 - a register/log number
 - details of the complaint
 - the author
 - record the follow up action (such follow up action will be undertaken by the Club Steward or a senior member of Marton Cricket Club Committee within a reasonable timeframe)

Outdoor Events

- vi. The music noise level (MNL) shall not exceed 65dB (A) when measured over a 15 minute period at 1 metre from the façade of the nearest noise sensitive premises.
 - vii. For all Large Scale Outdoor Events (with the exception of Bonfire Event) a leaflet/letter drop will be made to local residents in The Wickets, Columbine Close, Champion Grove, Bryony Grove and Callula Grove, on the lead up to the event. This leaflet/letter will outline the details of the event, timings and contact details (including mobile telephone number) of the event organizer to ensure that any complaints/concerns in relation to noise disturbance can be addressed during the event.
 - viii. The event manager should record any noise complaints received in the register/log. Details of any complaints from Outside Events shall be notified to the Environmental Health Noise Team within seven days of the event.
 - ix. Noise levels should be measured at regular intervals by a competent engineer using a calibrated noise monitoring device to ensure that the noise limits set out in point (vi).
8. The following proposed conditions be removed from the Operating Schedule as the above conditions shall apply, condition 6 and additionally those listed under Large Scale Event Conditions 3, 9 and 10.
 9. The Committee was satisfied that the above proposed amendments and inserted conditions were reasonable adjustments to allay the concerns of residents and the Committee also noted the positive way in which the applicant was willing to work with the residents to promote the licensing objectives.
 10. If any party was aggrieved by the decision they may apply to the Teesside Justices Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough within 21 days from the date of receipt of this decision to appeal the decision, however, if the appeal was unsuccessful the Council would claim the costs of defending its decision which could be in excess of £750.