

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 12 December 2022

**Present:** Councillor Connolly – in the Chair

**Councillors:** Hilal and Hughes

#### **LACHP/23/84. Application for a New Premises Licence - West Didsbury & Chorlton AFC, Brookburn Road, Manchester, M21 8FF**

The Hearing Panel considered a report of the Head of Planning, Building Control and Licensing regarding an application for a new premises license as stated above.

The Applicant's representative addressed the Panel and explained that the Premises was seeking to convert its current Club Premises Certificate (CPC) to a Premises Licence and that in doing so would allow the club the flexibility to trade in a manner that was more suitable to a sporting club of its nature. The Panel was informed that there was no proposal to change the operational side of the organisation but to allow it to trade and supply alcohol during the week, largely when mid-week games were taking place. The Panel was advised that it was not always able to predict when mid-week matches were likely to occur given that the club was also involved in various cup competitions that could be subject to change at short notice.

The premises indicated that they had been applying for Temporary Event Notices (TENs) to permit them to serve alcohol at mid-week games, but this was no longer practicable or financially viable for them to keep doing so. It was also highlighted that several TENs had taken place since the start of the current season and no complaints had been made to the Licensing Authority about the events. Indeed, the Panel was advised that bonfire events held recently had attracted over 1500 customers and passed off peacefully without incident.

The Premises indicated that they wished to build the club's reputation as a community-based club and stated that there were a few teams involving adults and children who used the club on a regular basis for matches. The premises also indicated that by converting the licence this would allow for greater scrutiny and regulation of the club's activities. Additionally the premises would then be required to provide formal training to staff about adhering to the licensing objectives and management more accountable, most notably the designated premises supervisor, as to how the club is run. This would invariably result in the management having to address any complaints made to them directly or from the Responsible Authorities.

The Panel then heard from residents who attended in person and online and several concerns were expressed.

It was pointed out that a childcare club was operating on certain days and the residents wished to know how the premises would ensure that children would not be exposed to persons drinking alcohol at the same time. The Applicant explained that

the bar would not be open at such times. This also applied in cases where junior matches were taking place.

Another resident made the observation that if no operational changes were intended then why was it necessary to change the hours of the current licence and if games were played mid-week why could TENs not continued to be applied for.

Concerns were also expressed about the level and type of training that staff would receive to ensure that the licensing objectives, specifically protection of children from harm, would be upheld. It was felt that a lot of the staff were volunteers and may not be willing to take the necessary steps to placate the genuine concerns and grievances of nearby residents.

There were also representations made that the premises had failed to consult adequately with the residents about the application and therefore this appeared to demonstrate a lack of engagement and understanding of the residents' concerns. This was denied by the Applicant who confirmed that the necessary advertisement and publication of notices was carried out in accordance with the relevant legislation.

The issue of traffic congestion was raised and how this could impact upon public safety by persons using the bridleway access to the club. Concerns were expressed about noise nuisance at matches, especially during the week, which impacted upon persons sleep, especially young children.

One resident felt that this issue was compounded by the fact that there appeared to be a desire to expand the club's activities and that this was inevitable given the increase in attendances that had occurred over the last few seasons. The location of the club was questioned, given that it had seemingly acquired the status of a semi-professional league club.

The Panel considered all the representations made in writing and orally at the hearing. It agreed with the comments made by the Applicant that it needed to concern itself solely with the licensing objectives and whether it was of the view that the premises could uphold those objectives.

The Panel recognised that attendances had increased and that this would lead to increased traffic and congestion in the locality, especially on match days, but determined that this issue was not one within its remit to consider. It also noted the acoustics report submitted and that noise levels would invariably fluctuate during the course of a football match but equally it was aware that there had been no representations made by the Responsible Authorities in relation to the noise levels.

The Panel resolved that the application was robust and that the conditions offered and agreed to, would assist the club in addressing the concerns of the residents. If it did not, it took the view that it would be open to the residents to approach the Responsible Authorities with a view to holding the club accountable for any breach of its licence.

Furthermore, the Panel recognised why the club wished to convert its licence to a premises licence, rather than relying upon the grant of TENs applications to allow it to operate flexibly.

It was satisfied that the proposed DPS had relevant licensing experience and that he would be able to provide the level of staff training required to ensure that conditions on its licence were not breached.

However, the Panel did acknowledge the concerns of residents regarding the supply of alcohol and agreed to restrict the consumption of alcohol to “on the premises” sales only.

It also noted the littering issues raised when matches were taking place and felt that it was necessary and proportionate that adequate litter bins were provided at the premises.

In reaching its decision, the Panel considered the Licensing Act 2003, Licensing Objectives, s182 guidance and the council’s Statement of Licensing Policy.

### **Decision**

To grant the application subject to:

- the conditions proposed by the Applicant and agreements reached with GMP;
- the supply of consumption of alcohol being restricted to “On the premises only
- “litter bins shall be provided in sufficient capacity to ensure that persons attending the premises can adequately dispose of any litter “ be added to the licence