



Licensing Sub Committee Hearing Panel

Date: Wednesday, 31 August 2022

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrance of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw, Flanagan and Reid

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Summary Review of Premises Licence - Burnage Cricket & Social Club, Mauldeth Road, Manchester, M19 1AB

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The report of the Head of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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Manchester City Council Report for Resolution

Report to: Licensing Sub-Committee Hearing Panel – 31 August 2022

Subject: Burnage Cricket & Social Club, Mauldeth Road, Manchester, M19 1AB
(Summary Review of Premises Licence, App ref: 278841)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s53C of the Licensing Act 2003

Recommendations

That the Panel consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken.

Wards Affected: Burnage

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to

and work.	the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
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Name: Helen Howden
Position: Technical Licensing Officer
Telephone: 0161 234 4294
E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 05/08/2022, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Burnage Cricket & Social Club, Mauldeth Road, Manchester, M19 1AB in the Burnage ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 1.3 A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.
- 1.4 Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
- 1.5 Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The application for a summary review was submitted on the grounds that the premises are associated with serious crime.
- 2.3 The incident that triggered this summary review is as below (summarised from the application):

GMP executed a search warrant at the premises on 4 August 2022 following the recovery of stolen vehicles at the site during July, one of which was taken during the course of an aggravated burglary. During the course of this warrant the officers recovered vehicles and associated items believed to have been taken by means of burglary, drugs and drug paraphernalia, a number of weapons and a quantity of pornographic films. Enquiries to trace the offenders continue. The premises are potentially being used as a base for organised criminals. This has been allowed to continue at the premises and its grounds without the licence holder or the designated premises supervisor contacting the police. Children are often on the premises for functions. There are other concerns regarding the premises which will be disclosed at the summary review full hearing.

2.4 Interim Steps pending the review

- 2.4.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.
- 2.4.2 On 08/08/2022, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to suspend the premises licence pending the outcome of the final review hearing to be held on 31 August 2022. The decision of the panel is included as **Appendix 3**.
- 2.4.3 The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 2.4.4 At the time of preparing this Committee Report no representations have been received against the interim steps taken by the licensing authority. Please note that representations may be received at any time prior to the date of the review hearing.
- 2.4.5 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

3. Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 4**.
- 3.2 The premises licence holder is Lee Pepper who has held the licence since 23 April 2015.
- 3.3 The designated premises supervisor is Angela Claire Henderson who has held this position since 18 May 2022.
- 3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2400	2400	2400	2400	0200	0200	0100
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings:							
Outdoors 1100 - 2200 daily							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: Outdoors - Restricted to 6 events per year - Mon to Sun 1100 to 2000							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2400	2400	2400	2400	0200	0200	0100
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: Outdoors - Mon to Sun 1100 to 2000							

Performance of plays; Exhibition of films; Indoor sporting events; Boxing or wrestling entertainments; Performances of dance; Anything similar to live music, recorded music or the performance of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: Outdoors (except indoor sporting events) - Mon to Sun 1100 to 2000							

Provision of late-night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	2400	2400	2400	2400	0200	0200	0100
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: None							

4. **Relevant Representations**

- 4.1 Representations may be made by any person or 'responsible authority' during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be relevant to one or more of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.

- 4.2 A total of one relevant representation has been received in respect of this application (**Appendix 5**). The personal details of all members of the public have been redacted. Original copies of the representation will be available to the Panel at the hearing. The representations was received from the following:

Responsible Authority:

- MCC Licensing and Out of Hours Compliance Team;

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance (LOOH)	<p>The representation starts by saying that the LOOH team has a “long running history with this premises due to licence breaches, noise complaints and general poor management at the premises.” and that it is their belief that the premises “has a detrimental impact on the surrounding area and the local community.</p> <p>The history of their involvement with the premises is summarised in the representation and supporting documentation is attached to it. The representation includes details such as:</p> <ul style="list-style-type: none"> • There have been numerous recent changes of DPS. The premises is considered to have “a lack of management continuity” and failings by management. The comment is made that the club “goes under various guises including, Burnage Cricket & Social Club, Burnage Sports club, South Manchester Function Suite and Danny’s Yard.” • Since Lee Pepper was granted a licence at the premises “a staggering 46 complaints about the premises, with 40 of these relating to noise” have been received, and “Even more concerning is the fact that these complaints consist of 24 separate complainants living within the local area.” • Gatherings took place during lockdown, with an officer observing 30 people drinking, smoking and listening to music in the outside bar area while Covid restrictions were in place. • A pre-review meeting was held on 16 September 2021 with Lee Pepper present, as it was deemed “that all other avenues had by this time been exhausted”. Complaints continued to be received following the pre-review meeting. 	<p>To fully support Greater Manchester police and their recommendation to revoke the premise licence.</p>

	<ul style="list-style-type: none"> • Numerous licence breaches have been documented. • Complaints have been received of loud music at 3am. A post on the South Manchester Function Suite page in October 2021 incorrectly announced that their licensing hours are until 3am. <p>The representation concludes that “it is evident that the noise issues have been present despite the numerous changes in designated premises supervisors. This indicates that the noise issue is deeply ingrained at this premises. Whilst we know that Lee Pepper is currently living in Spain, we know from conversations with staff that Lee Pepper is still at the helm of this business and employing the designated supervisors. As such, the blame for the poor management of the premises and the continuing noise complaints in our opinion falls on Mr Pepper as the licence holder.”</p>	
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5. Additional information

5.1 No additional information has been received from any party to the application.

6. Key Policies and Considerations

6.1 Legal Considerations

6.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

6.2 New Information

6.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

6.3 Hearsay Evidence

6.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

6.4 **The Secretary of State's Guidance to the Licensing Act 2003**

- 6.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 6.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 6.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

6.5 **Manchester Statement of Licensing Policy**

- 6.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 6.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 6.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 6.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants

- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises and address any local factors relevant to their premises.

Having regard to this application, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)
- MS11 Ensure the wellbeing of children on the premises

7. Conclusion

7.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and

- the protection of children from harm.

- 7.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 7.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).
- 7.4 In making its final determination, the steps the Panel can take are:
- a) To modify the conditions of the premises licence
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To remove the designated premises supervisor from the licence;
 - d) To suspend the licence for a period not exceeding 3 months; and
 - e) To revoke the premises licence.
- 7.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 7.6 All licensing determinations should be considered on the individual merits of the application.
- 7.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.9 **The Panel is asked to determine what steps, as set out in 7.4 above, are appropriate for the promotion of the licensing objectives.**

Review of the interim steps

- 7.10 The Panel's determination of the review does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged.
- 7.11 To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination of the review under s53C. In

reaching its decision, the panel must consider any relevant representations made.

7.12 The steps available to the Panel are:

- a) To modify the conditions of the licence;
- b) To exclude the sale of alcohol by retail from the scope of the licence;
- c) To remove the designated premises supervisor from the licence;
and
- d) To suspend the licence.

7.13 **Upon the determination of the licence review, the Panel is asked to review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn**

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Burnage Cricket & Social Club
Mauldeth Road, Manchester, M19 1AB

Premises Licensing
Manchester City Council

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Survey100019568.



PREMISE NAME: Burnage Cricket & Social Club

PREMISE ADDRESS: Mauldeth Road, Manchester, M19 1AB

WARD: Burnage

HEARING DATE:

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

ANNEX C

[Insert name and address of relevant licensing authority and its reference number (optional)]

Manchester City Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Alan Isherwood [on behalf of] the chief officer of police for the Greater Manchester police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Burnage Cricket & Social Club
Mauldeth Road**

Post town: Manchester

Post code (if known): **M19 1AB**

2. Premises licence details:

Name of premises licence holder (if known): Lee Pepper

Number of premises licence holder (if known):

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with

serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the serious crime which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime. Therefore due to the Serious Crime which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises are situated on Mauldeth Road in the Burnage area of Manchester and the premises licence was issued on 23rd April 2015. The Premises Licence Holder (PLH) is Lee Pepper and Designated Premises Supervisor (DPS) is Angela Henderson who has held this position since May 2022.

The incident which has triggered this Summary Review is as follows;
On Thursday 4th August 2022 GMP executed a search warrant at Burnage Cricket Club following the recovery of stolen vehicles at the site during July, one of which was taken during the course of an Aggravated Burglary.

During the course of this warrant the officers recovered from the grounds and outbuildings the following:

Motorcycles believed to have been taken by means of Burglary, sets of keys from vehicles believed to have been taken by means of burglary, documentation from a vehicle believed to have been taken by means of a burglary, a quantity of Cannabis, digital scales and other drugs paraphernalia, a samurai sword, a lock knife, an axe, a pair of knuckle dusters and a quantity of pornographic films.

Several crimes for Aggravated Burglary, Burglary, Possession of Drugs and Possession of Offensive Weapons have since been submitted and enquiries to trace the offenders continue.

It is clear that the premises are potentially being used as a base for organised criminals who are bringing violence and misery to householders in Manchester and GMP are extremely concerned that this has been allowed to continue at the premises and its grounds without any contact from the PLH or DPS to alert us to these crimes. It is also alarming that the items seized were around the grounds and buildings of the premises and children are often on the premises for functions and could easily have come into contact with these items.


There are other concerns regarding the premises which will be disclosed at the subsequent full hearing.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has

to Serious Crime.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further criminality will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take.

Signature of applicant 


Date: 5/8/22

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

**Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB**

Telephone number(s): 

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory

Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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From: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Sent: 09 August 2022 09:29

To: [REDACTED]; GMP Licensing
<centrallicensing@gmp.police.uk>

Subject: Notice of hearing decision and interim steps to be taken following summary review 278841/HH1

Dear Sir / Madam

The Licensing Act 2003 (Summary Review of Premises licences)
Regulations 2007

Notice of decision re interim steps to be taken with regard to the
Summary Review of a Premises Licence.

Following consideration by the Licensing Sub-committee on 08/08/2022, I write to formally advise you of the sub-committee's decision regarding:

Burnage Cricket & Social Club
Mauldeth Road
Manchester
M19 1AB

Decision:

Suspend the Premises Licence pending the outcome of the final review hearing to be held on the 31st of August 2022. The Suspension will take effect from the 10th of August 2022 in accordance with s53B(5)(a) of the Licensing Act 2003
Evidence of GMP

The Committee heard evidence from GMP which revealed that on the 4th of August 2022 a search warrant was executed at the premises following the recovery of stolen vehicles at the site during July, one of which was taken during the course of an aggravated burglary.

Upon executing the warrant officers recovered from the grounds and outbuildings the following:

Motorcycles and sets of keys from vehicles believed to have been taken by means of burglaries, documentation from vehicles, cannabis, digital scales and other drugs paraphernalia, a samurai sword, lock knife, an axe, pair of knuckle dusters and pornographic films.

Investigations are currently ongoing by GMP to pursue serious offences that are believed to have been committed.

GMP stated that it was their opinion that the premises were being used as a base for organised criminals and that it was alarming that the items seized were found in the

grounds and buildings of the premises and that children were often observed on the premises for functions and could easily encounter such items. GMP requested that the Committee suspend the premises licence pending the full hearing.

Evidence of Premises Licence Holder

The PLH disputed the evidence of GMP and advised Committee that he had sought to work closely with GMP to assist crime reduction in the locality of the premises. He acknowledged that the property where the warrant was executed [REDACTED] [REDACTED] [REDACTED] was his property but stated that he had let the property to [REDACTED] [REDACTED]. He explained that he lived in Spain and had sought to sell land adjacent to the Premises but maintained that he was in full control of the premises.

He recognised that there had been anti-social behaviour issues prevalent in the area and had always sought to assist GMP with their enquiries.

He maintained that the items that were seized, following the execution of the warrant, were not attributable to the premises, it's employees or himself.

He stated that he should not be considered responsible for the actions of others, including [REDACTED] [REDACTED] who were arrested when GMP seized items that were thought to be involved in serious offences.

Furthermore, he argued that he had access to CCTV footage of cameras that were located inside the premises and that he was able to effectively manage the premises whilst living abroad.

Reasons

The Committee considered all the written representations and those made at the hearing.

It was concerned to note that the Premises Licence holder did not understand what the four licensing objectives were or that he did not realise that he had been the PLH since 2015. This gave the committee cause for concern that the PLH would be not be capable of upholding the licensing objectives.

The Committee was also perplexed that there had been 3 variations of the DPS within 12 months and that during such time the PLH believed he only held the position of DPS and not PLH.

As regards the seizure of drugs and knives from the PLHs property the Committee was extremely concerned that such activity was being carried out near to the licensed premises.

Whilst the PLH maintained that he could effectively control and manage the premises from Spain, the Committee did not accept this.

An example of this is that the PLH stated that he controlled who had access to the CCTV footage but by restricting others, most notably the DPS, the Committee felt that he was breaching the conditions of his licence and the requirement to make such footage available, if requested by the Responsible Authorities.

Furthermore, the PLH accepted that a steel container from which items were seized by GMP belonged to him and this concerned the Committee.

In addition, the Committee was concerned about the arrests that were made at the property [REDACTED] or possession of certain items believed to be involved in serious crime, a property owned by the PLH.

It also noted that the address on licensing records of the PLH was [REDACTED] and that he was now residing in Spain but had failed to notify the change of address to the Licensing Authority.

The Committee noted the comments of GMP that there was historic and ongoing criminal activity attached to the premises.

In conclusion, it had no confidence that the PLH was capable of upholding the licensing objectives or complying with conditions on its licence and consequently the Committee made the decision to suspend the premises licence pending the full review.

On hearing representations from the Premises Licence Holder that a funeral wake had been arranged to take place at the premises on the 9th of August 2022 the Committee agreed to delay the suspension taking effect until the 10th of August 2022.

For the purpose of Section 53B(5)(b) of the Licensing Act 2003 immediate notice of this decision was given orally to GMP and the PLH at the interim steps review hearing.

In reaching its decision the Committee have also considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

The premises licence holder has a right to make representations against the decision. There is no time limit for representations to be made though please note that the full review hearing will take place before 02/09/2022. On receipt of any representation the licensing authority must hold a hearing within 48 hours of receipt.

Should you require any further information, please reply to this email.

Yours faithfully

[REDACTED]

Premises Licensing Team

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	173652
Granted	23/04/2015
Latest version	DPS Variation 274469 Granted 18/05/2022

Part 1 - Premises details

Name and address of premises
Burnage Cricket & Social Club Mauldeth Road, Manchester, M19 1AB
Telephone number
0161-224-1480

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: <ul style="list-style-type: none"> Performance of plays; Exhibition of films; Indoor sporting events; Boxing or wrestling entertainments; Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance. 3. The provision of late-night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2400	2400	2400	2400	0200	0200	0100
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings:							
Outdoors 1100 - 2200 daily							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings:							
Outdoors - Restricted to 6 events per year - Mon to Sun 1100 to 2000							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2400	2400	2400	2400	0200	0200	0100
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings:							
Outdoors - Mon to Sun 1100 to 2000							

Performance of plays; Exhibition of films; Indoor sporting events; Boxing or wrestling entertainments; Performances of dance; Anything similar to live music, recorded music or the performance of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings:							
Outdoors (except indoor sporting events) - Mon to Sun 1100 to 2000							

Provision of late-night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	2400	2400	2400	2400	0200	0200	0100
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0030	0030	0030	0030	0230	0230	0130
Seasonal variations and Non-standard Timings:							
Outdoor - 1100 - 2200 daily							

Part 2

Details of premises licence holder	
Name:	Mr Lee Pepper
Address:	247a Kingsway, Manchester, M19 1AL
Registered number:	n/a

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Angela Claire Henderson
Address:	[REDACTED]
Personal Licence number:	3420
Issuing Authority:	Stockport Metropolitan Borough Council

Annex 1 – Mandatory conditions

Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their

photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.

(2) For the purposes of the condition set out in (1) above–

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The responsible person must ensure that staff on relevant premises do not carry

out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the

designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Exhibition of films

9. The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:
 - (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
 - (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Annex 2 – Conditions consistent with the operating schedule

1. Persons under the influence of alcohol shall not be permitted entry to the premises.
2. Children under the age of 16 must be accompanied by an adult at all times.
3. Children under 18 shall be off the premises by 2300, except for Christmas, New Year and private functions.
4. Public Liability Insurance shall be in place.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
2. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice.
3. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
4. A log shall be kept at the premises and record all refused sales of alcohol for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each

- check shall be recorded in the log.
5. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
 6. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - a) all crimes reported to the venue, or by the venue to the Police;
 - b) all ejections of patrons;
 - c) any incidents of disorder;
 - d) any faults in the CCTV system or searching equipment or scanning equipment;
 - e) any refusal of the sale of alcohol;
 - f) any visit by a relevant authority or emergency service.
 7. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.
 8. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
 9. All windows and external doors shall be kept closed after 2200 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 11. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
 12. After 2200 patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
 13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

14. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services. A call back system must be operated and drivers instructed not to sound their horns when collecting customers.
15. Music in the outdoor area shall be restricted to background level only, except for outdoor events held on no more than 6 occasions per calendar year.

Annex 4 – Plans

See attached

Manchester City Council Licensing Register Copy

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**MANCHESTER
CITY COUNCIL**
Licensing & Out of Hours Compliance Team - Representation

Name	Robert Mason
Job Title	Neighbourhood Compliance Team Lead
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	Robert.mason@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details

Application Ref No	LPU278841
Name of Premises	Burnage Cricket & Social Club
Address	Mauldeth Road, M19 1AB

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours team (LOOH) would like to provide supporting information in the matter of this summary review to support Greater Manchester Police in their recommendations.

Licensing and Out of Hours has a long running history with this premises due to licence breaches, noise complaints and general poor management at the premises. We believe that the premises has a detrimental impact on the surrounding area and the local community by undermining the licencing objective in relation to public nuisance.

It seems that the licence holder no longer lives in this country and the chaotic change in DPS's recently lends itself to a lack of management continuity at the premises. It would also seem that the club's identity has an equally chaotic set up and goes under various guises including, Burnage Cricket & Social Club, Burnage Sports club, South Manchester Function Suite and Danny's Yard.

Upon checking the Council's records, Burnage Cricket Club was granted a Club Premises Certificate in 2005, and this was issued to [REDACTED]. The club continued to run under this licence until Mr Lee Pepper was granted a Premises Licence on 3rd June 2015. Between 2005 and 2015, Manchester Council received four noise complaints with all of these being received over one weekend during November 2014. Although we are unaware of the date Mr Lee Pepper officially began employment at the premises, if this premises was able to run for 9 years without a single noise complaint up until a few months before Mr Peppers Premises Licence application on 5th March 2015, one may surmise that these complaints could correlate with Mr Peppers taking over management at the premises.

Whether this is the case or not, the actual facts surrounding Mr Peppers involvement at the club are more clear cut. Since Lee Pepper applied for a

Premises Licence at Burnage Cricket Club on 5th March 2015, the Council have received a staggering 46 complaints about the premises, with 40 of these relating to noise. Even more concerning is the fact that these complaints consist of 24 separate complainants living within the local area.

For the purpose of this representation, LOOH will focus on the complaints received over the last 16 months starting in from April 2021.

On 2nd April 2021, the Licensing Out of Hours team received a complaint about a 'gathering' within the grounds of the cricket club. At this time, the country was in lockdown and all gatherings were limited to a maximum of 6 people. The officer who attended observed up to 30 people drinking, smoking and listening to music in the outside bar area. A phone call the following day to the Licence holder, Lee Pepper, confirmed that he was in Spain and that someone called [REDACTED] was now living on the site and that [REDACTED] the only person with the keys to the land. The incident was reported to Greater Manchester Police as a breach of Covid legislation at that time.

After the strictest of the lockdown measures were lifted and indoor venues such as pubs were allowed to re-open, we once again began to receive complaints about noise nuisance from residents in the area.

On 3rd June 2021, LOOH received a noise complaint from a resident who was being disturbed by 'music coming from loudspeakers in the outside area of the premises'. On this occasion officers were unable to visit but wrote to the DPS explaining that a complaint had been received and reminding them of their obligations under the Licensing Act. This letter is dated 3rd June 2021 and is listed within the supporting evidence as [RM1](#).

On the 7th July 2021 we were made aware of an email that had been sent to a local Councillor about the premises. This email was from a local resident and highlighted a number of violent incidents that had taken place at the premises over the previous weekend. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 27th July 2021 the LOOH team received another complaint, about noise break out from the premises. At 21:48 officers attended the site and observed loud bass music emanating from the premises. Officers spoke to the manager at the time, [REDACTED] who advised a wake was taking place and that the music would be turned down. The music was turned down and a call to the complainant confirmed that the bass could no longer be heard inside their home.

The following day, at 00:32, LOOH received 3 further noise complaints about loud music and bass had been emanating from the premises all day and this was so loud it was causing the cutlery in their home to vibrate. On this occasion, 28th July 2021 officers arrived at the premises at 21.52 and could hear music and bass at street level and observed a number of patrons in the outside area of the premises. Officers entered the premises and spoke to the manager [REDACTED]. Officers asked [REDACTED] were the DPS, Lee Pepper was, and

█████ responded that '█████ didn't know where he was and that █████ had only been managing the premises for one and a half days.' █████ explained that a memorial was taking place and that █████ would close the doors and get the music turned down.

On 8th August 2021, LOOH were forwarded an email from a resident which they had sent to their MP as a result of an event that was held the previous night. A redacted copy of this MP complaint is provided as supporting evidence as [RM2](#). The complaint to the MP states that premises was playing loud music until 03:00am. If true, this would be a breach of the licensable hours on the premises licence. A post on the South Manchester Function Suite page posted in October 2021 incorrectly announces that there licensing hours are until 3am. A screenshot of this is provided as supporting evidence, [RM3](#)

In response to the mounting complaints, LOOH officers conducted a proactive monitoring visit for 27th into 28th August 2021 and arrived to the site at 00.50am. It was the opinion of the attending officer that the volume and bass were a major cause for concern.

On 1st September 2021, LOOH received another complaint, about the noise and general nuisance from vehicles parking during an event on 27th August 2021.

As a result of the continuing complaints and the identification of a nuisance by LOOH officers, a letter was sent to Lee Pepper on 3rd September 2021. A copy of this letter is provided as supporting evidence, [RM4](#). A pre-review meeting, which is often held as last resort before the final step of reviewing a Premises Licence, was also scheduled. It was deemed that all other avenues had by this time been exhausted.

A pre-review meeting was held on 16th September 2021 between Lee Pepper, █████ from the Licensing Out of Hours Team and Alan Isherwood from GMP. The pre-review meeting focussed on the licence breaches LOOH officers had observed in relation to noise break out and the poor management of the outside area, whilst GMP focused on incidents of violent disorder that had recently occurred at the premises. The pre-review meeting was followed up with a letter being sent to Lee Pepper summarising the outcomes of the meeting and listing the reassurances that were made by Lee Pepper. A copy of this letter provided as supporting evidence, [RM5](#).

Following the pre-review meeting, we received no further noise complaints until February 2022. On the 15th February 2022, a resident called the LOOH team and advised that they had been disturbed by noise over the Christmas period but had not reported this as they accepted that festive activities will be busier/noisier. The case officer made contact with the premises and spoke to a member of staff called █████ and reminded them of the pre-review agreements that had been made. A follow up letter was sent confirming this and is provided as supporting evidence, [RM6](#).

On 26th February 2022 officers made a proactive visit to the outside of the premises and observed music and bass escaping through a fire door at the premises. The case officer visited the premises on 28th February 2022 and

spoke with [REDACTED] to once again remind [REDACTED] of the pre-review conditions and the need to monitor for music escaping.

On 5th March 2022 another proactive visit was undertaken and on this occasion the music break out was deemed likely to be a nuisance but would have needed to have been observed from within a complainant's property to confirm this. The officer parked on [REDACTED] at 22.40, a distance of roughly [REDACTED] from the premises and noted that with the car windows up, loud music and bass was audible.

On 22nd March 2022 LOOH received a further complaint via the Council's online contact form in relation to the club. The contact form stated:

"Owner of the club Lee Pepper has been abroad for a while and its now being run by the looks of it from the local dealers. It's blaring music most nights especially Fri Sat or Sun, even at 2pm enough to set the dogs of barking. People come right up to the far fences for sexual desires or drug dealing. With the dealers being in there, drugs are being sold from there."

Following this complaint, a discussion was had with the DPS [REDACTED] and a letter was sent out reminding the premises once again about their duties under the Licensing Act. A Licence inspection was also scheduled, and this took place on 13th April 2022. [RM7](#)

During this inspection the following conditions were found to be in breach. These failings were confirmed in writing via a letter sent on 14th April 2022 which is provided as supporting evidence, [RM8](#). It is worth noting that all these breaches relate to failings by management at the premises:

Annex 3

Condition 2: *In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice.*

Condition 3: *Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.*

Condition 7: *The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.*

A re-visit was planned to be held 14 days after this inspection to ensure the above conditions were being met. However, on 29th April 2022, the DPS [REDACTED] asked for us to delay our re-visit as he has fallen out with Lee Pepper and is no longer the DPS. [REDACTED] advised that a new DPS had been put in place called Angela Henderson. The re-inspection finally went ahead on

26 May 2022 and the above licence breaches had been rectified.

A further noise complaint was received on 2nd June 2022 from a resident. Officers from LOOH responded to the complaint and visited the complainant's home. The officers made notes confirming that bass could be heard inside the resident's property. The bass was loud enough to be heard over the television. Officers left the residents house and spoke to the DJ at the club who agreed to 'trim the bass'.

In response to this complaint and LOOH officers observing a nuisance, the case officer visited Angela Henderson, the DPS on 8th June 2022, with a colleague at the premises, to make her aware of the complaint. During this conversation, Angela advised that the club is now up for sale.

After looking at the DPS history, Lee Pepper was DPS from 6th March 2019 to 28th September 2021. After this, [REDACTED] was the DPS until 21st February 2022 when [REDACTED] took over and then finally the current DPS replaced [REDACTED] on 5th May 2022.

Having looked through all the cases in detail, it is evident that the noise issues have been present despite the numerous changes in designated premises supervisors. This indicates that the noise issue is deeply ingrained at this premises. Whilst we know that Lee Pepper is currently living in Spain, we know from conversations with staff that Lee Pepper is still at the helm of this business and employing the designated supervisors. As such, the blame for the poor management of the premises and the continuing noise complaints in our opinion falls on Mr Pepper as the Licence holder.

Despite warning letters, a pre-review and countless conversations with the management of the premises, the negative impact on the local residents has continued and based on the evidence before us, seems highly likely to continue unless the licence for this premises is revoked.

The Licensing and Out of hours team are in full support of Greater Manchester police's recommendation to revoke the premises licence and therefore request that the licence is revoked.

Recommendation: To fully support Greater Manchester police and their recommendation to revoke the premise licence.

Supporting Evidence:

RM1 Letter dated 3rd June 2021

RM2 Redacted email from resident to MP

RM3 Facebook Screenshot

RM4 Letter sent to on 3rd September 21

RM5 Pre Review Letter 20th Sept 2021

RM6 Warning Letter 17th Feb 2021

RM7 Letter following Licence Inspection 14th April 2021

RM8 Warning Letter 8th June 2022

ALL LETTERS ON DESK IN SMALL OFFICE

RM2 (REDACT BEFORE SENDING)

8/ 8/2021 12:57 DS0

Dear MP Smith

I am writing to you in relation to Burnage Sports and Social Club M19 1AB. They often play very loud music until late which causes a real disturbance to the neighbouring properties.

Last night the club was playing extremely loud banging/bassy music UNTIL 3AM. This combined with the noise of people shouting and screaming is just unacceptable in the middle of a residential area. My house backs onto the cricket field and is literally opposite this club.

I have complained to Manchester City Council and reported a noise problem. All they seem to do is visit the premises, have a chat with them and then leave. NOTHING GETS DONE AND NOTHING CHANGES.

I am sick and tired of the noise pollution coming from this venue. It is not acceptable to have this level of noise pollution in a

residential area - not acceptable at all and it HAS TO STOP.

Please can you do something to help.

Regards

RM3



South Manchester Function Suite



5 Oct 2021 ·

We are recruiting. Bar and Function Staff required. On an ongoing basis for events and functions at our venue.

We require experienced staff who can work weekends, evenings and late hours in line with our 3am licence.



1 Comment • 1 share



Like



Comment



Share

EXHIBIT RM1



**MANCHESTER
CITY COUNCIL**

**Licensing & Out of Hours Compliance
The Neighbourhoods Service**
PO Box 532, Town Hall
Manchester, M60 2LA

To reply please contact [REDACTED]

Tel 0161 234 1220

Email [REDACTED]

Ref 704867

Date: 3rd June 2021

Dear Sir / Madam

**Communication Station, Burnage Cricket And Social Club, Mauldeth Road, Manchester,
M19 1AB**

Environmental Protection Act 1990, Licensing Act 2003, Health Act 2006

Receipt of a Complaint

I write to you following receipt of a complaint concerning loud music from external speakers.

I am writing to you to make you aware of this complaint to ask you to consider if this problem is or has been occurring. At this stage I have not carried out any other investigation. However, if the alleged problem has been occurring I would ask that you take the necessary steps to ensure that it does not happen in the future.

I would like to take this opportunity to remind you of your obligations under the Licensing Act 2003 to uphold all of the "Licensing objectives." The licensing objectives are the prevention of public nuisance, public safety, the protection of children from harm, and the prevention of crime and disorder.

Under the Licensing Act 2003 any responsible authority or interested party, including local residents, can request a Review of a premises license if it is felt that any of the Licensing Objectives are not being upheld in relation to the premises. As a result of any review that may take place, additional conditions, changes in licensable activities or a restriction in a premises operating hours may be imposed.

I enclose a copy of the Premises Licence for your premises.

Please review this document and ensure you comply with all its terms and conditions. You should be aware that under Section 136 of the Licensing Act 2003 subsection it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary

event notice. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

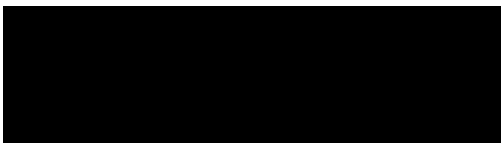
You should be aware that we may now carryout monitoring visits to your premises or the area around it to assess levels of music

The Environmental Protection Act 1990 allows the Council to serve a Statutory Nuisance Abatement Notice where it is satisfied that a Statutory Nuisance exists. A Statutory Nuisance Abatement Notice is a legal document that requires those responsible for the nuisance to abate it. Failure to comply with such a Notice is a criminal offence. Should we obtain satisfactory evidence that a Statutory Nuisance is being caused by external speakers we will not hesitate to take this enforcement action.

You should be aware that under Section 136 of the Licensing Act 2003 subsection it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event notice. In other words you must comply with all the terms and conditions of your premises licence and failure to do so is a criminal offence. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

If you have any questions about this letter or wish to discuss this further please contact me on the number above or alternatively using the email address provided.

Yours sincerely

A black rectangular box redacting the signature of the Licensing & Out of Hours Officer.

Licensing & Out of Hours Officer

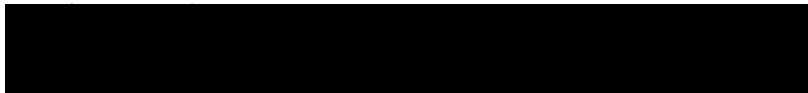
EXHIBIT RM2

8/ 8/2021 12:57 DSO

Dear MP Smith

I am writing to you in relation to Burnage Sports and Social Club M19 1AB. They often play very loud music until late which causes a real disturbance to the neighbouring properties.

Last night the club was playing extremely loud banging/bassy music UNTIL 3AM. This combined with the noise of people shouting and screaming is just unacceptable in the middle of a residential area.



I have complained to Manchester City Council and reported a noise problem. All they seem to do is visit the premises, have a chat with them and then leave. NOTHING GETS DONE AND NOTHING CHANGES.

I am sick and tired of the noise pollution coming from this venue. It is not acceptable to have this level of noise pollution in a residential area - not acceptable at all and it HAS TO STOP.

Please can you do something to help.

Regards

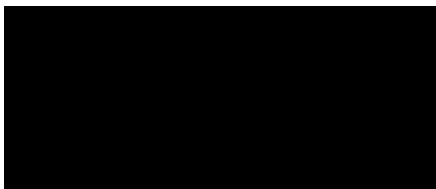


EXHIBIT RM3

 51

15 comments 43 shares

Appendix 8, Item 4

 Like

 Comment

 Share



South Manchester Function Suite



5 Oct 2021 · 

We are recruiting. Bar and Function Staff required. On an ongoing basis for events and functions at our venue.

We require experienced staff who can work weekends, evenings and late hours in line with our 3am licence.

 3

1 comment 1 share

 Like

 Comment

 Share



South Manchester Function Suite



3 Oct 2021 · 

EXHIBIT RM4



**MANCHESTER
CITY COUNCIL**

Mr Lee Pepper
Burnage Cricket And Social Club
Mauldeth Road, Manchester
M19 1AB

**Licensing & Out of Hours Compliance
The Neighbourhoods Service**
PO Box 532, Town Hall
Manchester, M60 2LA

To reply please contact [REDACTED]

Tel: 0161 234 1220
[REDACTED]

Ref 716409

Date: 3rd September 2021

Dear Sir / Madam

Burnage Community Sports and Social Club, Burnage Cricket And Social Club, Mauldeth Road, Manchester, M19 1AB
Licensing Act 2003, Health Act 2006

I write to you following receipt of a complaint concerning excessive loud music. The problem is reported to be generally occurring on Fridays and Saturday's

Following a pro-active monitoring visit

I write to you following a visit to the area around your premises by Council officers at 00.50 on 28th August 2021. During this visit Officers witnessed breaches of the following conditions attached to your licence,

Condition 10, No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Condition 12, After 2200 patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

In the opinion of the Officer present during the visit music volume and base were a major cause for concern. This concern constituted a breach of the prevention of public nuisance licensing objective. I would remind you of your responsibilities under the Licensing Act 2003 to prevent problems of this kind and uphold all of the licensing objectives. The licensing objectives are the prevention of public nuisance, public safety, the protection of children from harm, and the prevention of crime and disorder. I would ask you to take the steps necessary to ensure this problem does not occur again.

Under the Licensing Act 2003 any responsible authority or interested party, including local residents, can request a Review of a premises license if it is felt that any of the Licensing Objectives are not being upheld in relation to the premises. As a result of any review that may take place, additional conditions, changes in licensable activities or a restriction in a premises operating hours may be imposed.

Please review your premises licence and ensure you comply with all its terms and conditions. You should be aware that under Section 136 of the Licensing Act 2003 subsection it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event notice. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

You should be aware that we may now carry out further monitoring visits to your premises or the area around it in attempts to witness any further nuisance.

If you have any questions about this letter or wish to discuss this further please contact me on the number above.

Yours sincerely

A black rectangular box redacting the signature of the Licensing & Out of Hours Officer.

Licensing & Out of Hours Officer

EXHIBIT RM5



**MANCHESTER
CITY COUNCIL**

**Licensing & Out of Hours Compliance
The Neighbourhoods Service
Hammerstone Road
Depot, Gorton M18 8EQ**

Mr Lee Pepper


To reply please contact:


Office. 0161 234 1220


Date: 20th September 2021

Our ref: M/229126

Dear Mr Pepper

Premises Licence Pre-Review Outcomes

Further to the meeting you attended via Microsoft teams on the 16th September 2021 with representatives of both the Licensing and Out of Hours Team and Greater Manchester Police

During the meeting we discussed the recent noise complaints received by Manchester City Council. We outlined the fact that the following breaches of your premises licence had also been witnessed by officers,

Annex 3 – Conditions attached after hearing by the licensing authority

10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. After 2200 patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

You stated that you felt the recent complaints and also breaches which had been witnessed by our officers were due to the manager who was in place at the time being inexperienced at running a premises. You also stated that you have been struggling recently to be a visible presence at the premises as you have been spending extended periods in Spain

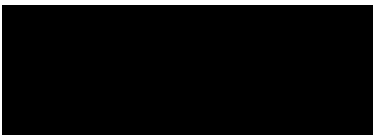
As a result of the recent noise complaints and breaches which have been witnessed you have confirmed that the following actions will be taken,

- A new DPS (Designated premises supervisor) to be brought into the premises with immediate effect.
(You stated this variation to DPS has been applied for and the new DPS is already now working at the premises)
- New DPS contact details to be sent to [REDACTED] immediately and a meeting is to be arranged in order to discuss recent issues
- All external noise monitoring which is undertaken by the DPS or staff is to be documented including dates, times, locations of monitoring and any issues of note.
- Noise monitoring documentation is to be made available at the request of licensing out of hours officers.
- Premises risk assessment document to be sent to [REDACTED] no later than Friday 25th September 2021.

Under the Licensing Act 2003 any responsible authority or any other person, including local residents, can request a Review of a premises license if it is felt that any of the Licensing Objectives are not being upheld in relation to the premises. The licensing objectives are the prevention of public nuisance, public safety, the protection of children from harm, and the prevention of crime and disorder. As a result of any review that may take place, additional conditions, changes in licensable activities or a restriction in a premises operating hours may be imposed

If you have any questions about this letter or wish to discuss this further please contact me on the number above.

Yours sincerely



Licensing & Out of Hours Compliance Officer

EXHIBIT RM6



**MANCHESTER
CITY COUNCIL**

**Licensing & Out of Hours Compliance
The Neighbourhoods Service**

PO Box 532, Town Hall
Manchester, M60 2LA

To reply please contact. [REDACTED]

Tel 0161 234 1220
[REDACTED]

Ref: 733506

[REDACTED]
Burnage Cricket And Social Club
Mauldeth Road
Manchester
M19 1AB

Date: 17th February 2022

Dear Sir

**Burnage Cricket And Social Club, Mauldeth Road, Manchester, M19 1AB
Environmental Protection Act 1990, Licensing Act 2003**

Receipt of a Complaint

I write to you following receipt of a complaint concerning loud music. The problem is reported to be generally occurring on weekends 22:00 to 02:00hrs

I am writing to you to make you aware of this complaint to ask you to consider if this problem is or has been occurring. At this stage I have not carried out any other investigation. However, if the alleged problem has been occurring I would ask that you take the necessary steps to ensure that it does not happen in the future.

I would like to take this opportunity to remind you of your obligations under the Licensing Act 2003 to uphold all of the "Licensing objectives." The licensing objectives are the prevention of public nuisance, public safety, the protection of children from harm, and the prevention of crime and disorder.

Under the Licensing Act 2003 any responsible authority or interested party, including local residents, can request a Review of a premises license if it is felt that any of the Licensing Objectives are not being upheld in relation to the premises. As a result of any review that may take place, additional conditions, changes in licensable activities or a restriction in a premises operating hours may be imposed.

I enclose a copy of the Premises Licence for your premises.

Please review this document and ensure you comply with all its terms and conditions. You should be aware that under Section 136 of the Licensing Act 2003 subsection it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event notice. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both

You should be aware that we may now carryout monitoring visits to your premises or the area around it to ensure the licensing objectives are being upheld.

Yours sincerely

A black rectangular box redacting the signature of the Licensing & Out of Hours Officer.

Licensing & Out of Hours Officer

EXHIBIT RM7



MANCHESTER
CITY COUNCIL

Licensing & Out of Hours Compliance
The Neighbourhoods Service
PO Box 532, Town Hall
Manchester, M60 2LA

To reply please contact: [REDACTED]

Ref 736648

[REDACTED]
Burnage Cricket and Social Club
Mauldeth Road
Manchester
M19 1AB

Date: 31st March 2022

Dear Sir

Burnage Cricket And Social Club, Mauldeth Road, Manchester, M19 1AB
Environmental Protection Act 1990, Licensing Act 2003

Receipt of a Complaint

I write to you following receipt of a complaint concerning excessive noise from music. The problem is reported to be generally occurring most weekends

I am writing to you to make you aware of this complaint to ask you to consider if this problem is or has been occurring. At this stage I have not carried out any other investigation. However, if the alleged problem has been occurring I would ask that you take the necessary steps to ensure that it does not happen in the future

I would like to take this opportunity to remind you of your obligations under the Licensing Act 2003 to uphold all of the "Licensing objectives." The licensing objectives are the prevention of public nuisance, public safety, the protection of children from harm, and the prevention of crime and disorder.

Under the Licensing Act 2003 any responsible authority or interested party, including local residents, can request a Review of a premises license if it is felt that any of the Licensing Objectives are not being upheld in relation to the premises. As a result of any review that may take place, additional conditions, changes in licensable activities or a restriction in a premises operating hours may be imposed.


Please review your premises licence and ensure you comply with all of its terms and conditions. You should be aware that under Section 136 of the Licensing Act 2003 subsection it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event notice. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both

Monitoring for an Offence

You should be aware that we may now carryout monitoring visits to your premises or the area around it in attempt to witness any such disturbance

If you have any questions about this letter or wish to discuss this further please contact me on the number above.

Yours sincerely

A solid black rectangular box used to redact the signature of the Licensing & Out of Hours Officer.

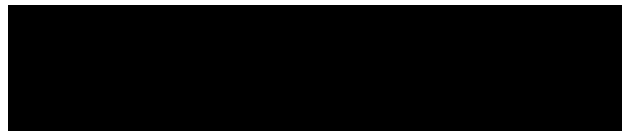
Licensing & Out of Hours Officer

EXHIBIT RM8



Burnage Cricket And Social Club
Mauldeth Road
Manchester
M19 1AB

The Neighbourhoods Service
Growth & Neighbourhoods



Date: 14th April 2022

Our ref: 272999

Dear Sir / Madam

Licensed Premises Inspection
Licensing Act 2003

Following my visit to your premises on 13th April 2022 it was found that you were not fully complying with all the conditions within your premises licence. I have enclosed a copy of your licence and highlighted the relevant conditions which were not being upheld at the time of my visit. It was agreed that you would take the necessary steps to ensure that you fully comply with the highlighted conditions following my inspection visit.

Annex 3

2. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice.

3. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

7. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.

You should be aware that under Section 136 of the **Licensing Act 2003** it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event

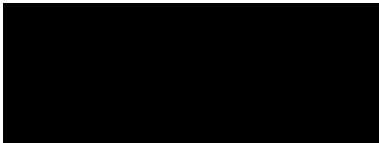
notice A person found guilty of these offences is liable on conviction to 6 months imprisonment and an unlimited fine.

You were advised that I would be revisiting your premises to ensure that the above matters have been addressed and I would like to inform you that I intend to visit your premises again on the 27th April 2022 at 12:00hrs to confirm that you are now complying with all the conditions within your licence

If you will be unavailable for the above proposed revisit, please contact me using the above details at your earliest opportunity to arrange a more mutually convenient time and date.

In the meantime, may I thank you for your anticipated cooperation and I look forward to seeing you on the 27th April 2022.

Yours Sincerely



Neighbourhood Officer
City Wide Compliance

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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