

Minutes of: LICENSING HEARING PANEL

Date of Meeting: 23 April 2015

Present: Councillor (in the Chair)
Councillors D Jones, S Southworth and J Walton

Also in attendance:

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence:

2 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

3 APPLICATION FOR A CLUB PREMISES CERTIFICATE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF HOLCOMBE BROOK SPORTS CLUB, HAZEL HALL LANE, RAMSBOTTOM

Prior to the Hearing the authority received an application for a Club Premises Certificate under Part 4 of the Licensing Act 2003 in respect of Holcombe Brook Sports Club, Hazel Hall Lane, Ramsbottom.

The application was as detailed in the report which was presented to the Members of the Panel by the Deputy Licensing Officer.

Representations in respect of the application were received within the appropriate period from 1 objector, Mr Turnbull.

All written representations were contained within the report to Panel.

All documentary evidence comprising the application, report provided with the agenda and representations were served on all parties in advance of the hearing, save for an additional site plan which was produced by the Applicant's representative Mr Foley at the hearing, but for which no objection was raised as to their inclusion and consideration.

The Panel heard oral representations from the Applicant's representatives, Mr Foley and Mr Lawson. The Panel also heard from local resident, Mr Turnbull objecting to the application

The Panel heard no other representations.

The Panel asked questions of the Applicant's representatives.

All parties were offered the opportunity to question the Applicant and vice versa.

All parties were allowed the opportunity to sum up their respective cases.

The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in June 2014

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

FINDINGS

The following facts were found:

1. Conditions appended to the report, from the Police and Environmental Protection, had been agreed with the Applicant via its representatives.
2. The Applicant had complied with all necessary procedural requirements laid down by the Licensing Act 2003 including giving public notice within the required timescales.
3. Mr Turnbull was the only objector to the application. The Responsible Authorities were satisfied with the application subject the conditions submitted
4. The licensing history of the current site of the tennis club highlights no issues with the Police or neighbours. This site has been licensed since 1982.
5. The Panel noted that 2 pubs, nearer to the Objectors house, had had restrictions placed on their licence in relation to the provision of regulated

entertainment and music. This was due to non compliance with conditions placed on their licenses.

6. The club premises had recently been purpose built by the Applicant at a cost of £2million.
7. The car park and roadway will be a stone hard compact surface.
8. The Panel noted that the premises would not have air conditioning and small windows would be opened in hot weather.

DELEGATED DECISION

Having heard from the Deputy Licensing Officer, the Applicant's representatives Mr Foley and Mr Lawson, along with the objector Mr Turnbull and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties and in light of the relevant policy and guidance unanimously resolved to grant the application.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found there were no causes for concern so far as the promotion of the four Licensing Objectives were concerned, particularly in view of the fact that suitable conditions would be attached to the licence as agreed with GMP and Environmental Protection.

In relation to the additional licensing conditions proposed by Greater Manchester Police, and Environmental Protection subject to the amendments advised of by the Deputy Licensing Officer the Panel decided that these were appropriate and necessary and that these should be attached to the premises license.

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **To Grant the Application for the Club Premises Certificate.**

**COUNCILLOR
Chair**

(Note: The meeting started at Time Not Specified and ended at Time Not Specified)