

## **LICENSING SUB-COMMITTEE**

**Friday, 30<sup>th</sup> November, 2012 at 10.30 a.m.**

**Conference Room, Council House, Walsall**

### **Present**

Councillor Rochelle (Chairman)  
Councillor Cook  
Councillor Sarohi

### **In attendance**

Steven Knapper - Principal Licensing Officer, Walsall MBC  
Paul Green - Legal Services, Walsall MBC

### **For the applicants**

Peter Lawrenson - Bar Chair  
Chris Edwards  
Sam McFarland

### **For West Midlands Police**

Sergeant Jamie Checkland - West Midlands Police  
WPC Roome - West Midlands Police

### **Objectors**

Mr M Normanton  
Mrs H Daya  
Dr R.W.S. Brooks

### **Appointment of Chairman**

### **Resolved**

That Councillor Rochelle be appointed Chairman of the Licensing Sub-Committee for this meeting only.

## **Councillor Rochelle in the Chair**

### **Welcome**

The Chairman extended a welcome to all persons present at the Licensing Sub-Committee which had been established under the Licensing Act, 2003.

### **Apology**

An apology for non-attendance was submitted on behalf of Councillor Anson.

### **Licensing Application**

Application for a club premises certificate variation under Section 84 of the Licensing Act, 2003 - Walsall Cricket Club, Gorway Road, Walsall WS1 3BE

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

Councillor Rochelle explained the purpose of the meeting and requested the Principal Licensing Officer to explain the application.

The Principal Licensing Officer (Mr Knapper) enlarged upon the report and informed the meeting that the application for a club premises certificate variation under Section 84 of the Licensing Act 2003 in respect of Walsall Cricket Club, Gorway Road, Walsall could be granted as requested, granted with additional/modified conditions or the application could be rejected. He continued that the application had been received on 5<sup>th</sup> October, 2012.

Mr Knapper drew the Licensing Sub-Committee's attention to the current club premises certificate (Appendix 1 refers) and reported that in 2005 when the club had converted its entitlement from the provisions of the 1964 Act to the Licensing Act, the club were issued with an incorrect license and were allowed to supply alcohol beyond their actual entitled hours (Sunday - Thursday 11:00 - 24:00; Friday - Saturday 11:00 - 01:00). The error was not identified and rectified until 2010 when a corrected certificate was issued to the club.

Mr Knapper then drew member's attention to paragraph 3.5 of the report which set out the proposed activities and times and added that the variation application also sought to extend the licensable area to the whole of the occupied site. Non-standard timings in respect of possible fund raising events on Friday/Saturday were also applied for under the variation application. He added that although the club had also requested authorisation for the provision of facilities for making music/dancing, these were no longer licensable activities under the provisions of the Licensing Act 2003 since April, 2012. The application had been advertised in the correct manner and a representation had been received from West Midlands Police on 2<sup>nd</sup> November, 2012 (Appendix 4 refers). No other representations had been received from responsible authorities but 5 representations had been received from 'other persons' (Appendix 5 refers).

There were no questions for Mr Knapper from those present.

Sergeant Checkland (West Midlands Police) was invited to address the Licensing Sub-Committee and reported that having discussed the application with the Cricket Club the police required the club to provide CCTV coverage on the entrances and exits to the club as a minimum requirement to meet the prevention of crime and disorder objective. He added that this was now a basic requirement for all premises selling alcohol to the public. The CCTV footage could also be used to protect the club if someone made a malicious allegation against it.

Peter Lawrenson (Walsall Cricket Club) asked if all premises were asked to provide CCTV by West Midlands Police. Sergeant Checkland replied that they were.

Peter Lawrenson asked how often existing CCTV had been useful in preventing crime at the Cricket Club. Sergeant Checkland replied never. However, if CCTV had been in use it might have helped with general crime in the area.

Councillor Cook asked if the Cricket Club had assisted the police over the application. Sergeant Checkland replied that the club had been co-operative with everything but the CCTV request. He added that the club were concerned at the expense of providing CCTV at the site.

Councillor Sarohi asked how helpful CCTV would be to the police. Sergeant Checkland replied that in August 2012 an alarm had been activated and someone had been seen running away from the club house. If CCTV had been in operation it might have helped to identify him. In August 2011 two metal beer casks were taken from outside the club house. Again CCTV might have helped catch the perpetrator.

Councillor Rochelle asked if introducing CCTV into an area had helped reduce anti-social behaviour. Sergeant Checkland replied that, in his opinion, CCTV helped to act as a deterrent. He added that 20 of 49 social clubs in the borough had CCTV and only one application had been agreed where CCTV was not requested since 2005.

The Objectors were invited to speak and Mr Normanton stated that he and other nearby residents were concerned about noise in the early hours of the morning if the application was granted. He stated that at present there was only one event a year which went on until 1.00 a.m. and residents were happy to put up with that but the proposals were to have a number of late night events and also non-standard timings which would be too much for elderly neighbours to bear. He requested the Licensing Sub-Committee to limit the number of night time events to 2 or 3 per annum and that the club should notify nearby residents when they were to be held.

Mr Normanton stated that currently he was disturbed by noise from discos held at the club. He also suffered disturbance from shouting, car doors slamming, cars starting and horns sounding as members left the Cricket Club. He felt that the proposed extensions were too long and the club should be restricted to opening hours of 11.00 a.m. to 11.00 p.m. on weekdays and 11.00 a.m. to 11.30 p.m. on Friday and Saturday evenings.

Mr Knapper reported that the current hours of operation at the club were 11.00 a.m. to 11.00 p.m. Monday – Saturday and Noon to 11.00 p.m. on Sunday.

Councillor Rochelle asked if the sale of alcohol ended at 23:00 hours was there a further 30 minutes drinking up time. Mr Knapper replied that the Licensing Unit do not control this but drinking up time was permitted.

Peter Lawrenson conceded that there was some noise generated by the Summer Ball but he regretted that local residents suffered disturbance and apologised for inconvenience caused. He informed the meeting that the club could apply for up to 12 temporary event notices annually with extended operating hours. The club had in fact held 10 temporary event notices in the last 2 years and there had been no complaints from local residents as far as he was aware.

Mr Normanton stated that he slept at the back of the house so it was only noise from the disco which disturbed him.

Mrs Daya indicated that she slept at the front of the house. She was a light sleeper and was regularly disturbed by members leaving the club on or after midnight. She added that if she was advised of a late night event then she would not bother going to bed until after members had left the club.

Peter Lawrenson indicated that he would be happy to inform neighbouring residents when the club was holding a night event. He added that when there had been concerns in the past, the club had met with local residents and sorted out problems.

Dr Brooks (Objector) reported that of the 10 temporary events held he had been aware of noise from 5 of them. He added that he slept at the back of the house so he was usually only disturbed by the disco music.

Chris Edwards (Walsall Cricket Club) indicated that the club made sure that bands always finished on time when live music was played. Outside the club boundary members had no way of preventing nuisance to adjoining residents. He added that he himself lived opposite the club entrance and had had no problems with the cricket club's members. He suffered more nuisance from the students attending Wolverhampton University's Walsall Campus.

Peter Lawrenson informed the meeting that Walsall Cricket Club was celebrating its 200<sup>th</sup> Anniversary this year and had been at the Gorway Road ground since 1927. He indicated that each event held there was risk assessed and action taken accordingly. He added that the club did not hold 18<sup>th</sup> or 21<sup>st</sup> birthday parties as they could get out of hand. He stated that the club did hold 40<sup>th</sup> and 50<sup>th</sup> birthday parties and wedding anniversaries and the club liaised with the participants to ensure the events went successfully.

Chris Edwards advised members that the Summer Ball which went on until 1.00 a.m., was held every 2 years as it would be too onerous to arrange annually. Councillor Cook asked if any of the objectors had ever complained to the cricket club over noise and disturbance. Mrs Daya replied that she had complained to her husband, who was himself a member, but nothing had been done.

Mr McFarland (Walsall Cricket Club) stated that there had been a complaint 4 years ago when the club had met with local residents and Councillor Arif and the difficulties had been resolved amicably. There had been no complaints since then and as far as he was aware the relationship between the club and its neighbours was productive.

Councillor Cook asked if the club had a noise limiter on stage. Peter Lawrenson stated that the club did not have a stage. He indicated that when the licence was transferred from the 1964 Act the club did not have any entertainment. To regularise the situation regarding entertainment the club had applied for this Premises Certificate Variation. At present the club could only have entertainment when a temporary event notice had been granted. He continued that the club had been in discussion with the Licensing Authority and the police since 2010. The club had found it very difficult to raise the money needed to make improvements. It had tried to accommodate all of the police's demands but it could not afford to provide CCTV. He added that the club simply wanted to return to the hours of operation it had enjoyed between 2005 and 2010 when the licence had been incorrect.

Councillor Cook asked how the club regulated noise from the disco. Peter Lawrenson replied that when music was playing the club made every attempt to keep all doors and windows closed. Mr Knapper informed the meeting that Environmental Health Officers were consulted on premises applications and they had made no representations so noise was not a major problem. Referring to temporary event notices, Mr Knapper stated that since April, 2012 Environmental Health Officers could make comments or object to them. He added that Environmental Health Officers did not think much of noise limiters and preferred managed programmes by club officials. Mr Knapper then drew the Licensing Sub-Committee's attention to Paragraph 4.2 of the report and to the fact that the Live Music Act, 2012 amended Section 177 of the Licensing Act, 2003 such that live unamplified/amplified music ceased to be classed as regulated entertainment between the hours of 08:00 and 23:00 at premises permitting 'on sales' of alcohol and before an audience of less than 200 (if amplified).

WPC Roome stated that noise limiters were expensive and did not control noise from premises very well. They had little or no effect and often created more problems than they solved. Chris Edwards informed the meeting that the club had provided a smoking shelter at the rear of the club house. When staff went out to smoke they regularly walked the boundary of the site to ensure that noise was not excessive. If they felt that a problem was likely to occur then on re-entering the building they would ask the musicians to turn the volume down. He added that as they were a member's club they did their best to keep noise nuisance to a minimum.

Councillor Sarohi asked if the objectors had reported noise from car doors slamming and taxis sounding their horns to attract passengers to the police. Mrs Daya replied that in the past she had reported problems from 18<sup>th</sup> birthday parties to the police and as a result the club no longer held them.

Mr McFarland reported that as far as he was aware there had been only 2 complaints to the club in the last 7 years.

Peter Lawrenson stated that when he knew there were objections to the Premises Certificate Variation he had asked the police and Licensing Authority to list the complaints made against the club. Mr Knapper had supplied information concerning 3 incidents. One related to the wrong paperwork supplied in applying for an event; this was corrected. In October 2007 there was a complaint of excessive noise from people leaving the club at night and in July 2009 from noise from a band. Environmental Health Officers had been despatched to take noise readings at the club but the band had already ceased playing when the officers had arrived.

Mr Knapper reminded the meeting that the current application sought licensable activities between 09:00 and 24:00 hours Sunday - Thursday and 09:00 - 01:00 hours on Friday and Saturday. If additional hours were required then a temporary events notice could be applied for. The club had also asked for non-standard timings for occasional fund raising events to 02:00 hours. The police had to be advised 21 days before a temporary event took place.

Chris Edwards reported that the Cricket Club had never applied for an extension to 2.00 a.m. The Summer Ball was the latest event held and that ended at 1.00 a.m.

Mrs Daya expressed concern that she would be woken at 00:45 a.m. or 1.00 a.m. by people leaving the club after sale of alcohol ended at midnight.

All parties were invited to sum up and the objectors and the West Midlands Police indicated that they had nothing further to add.

Peter Lawrenson reiterated the fact that Walsall Cricket Club was a private members club and community based. It was a small club with the majority of the public only attending on Saturdays and Sundays to watch matches. There had been no issues of crime or disorder from the club in the last 7 years so CCTV was not necessary and the money it would cost could be used much better elsewhere in the club. In terms of the objectors' comments the club were happy to take them on board and act as good neighbours. Two complaints in 7 years confirmed this. He added that there was little turnover in membership and most members were in their later years. He asked the Licensing Sub-Committee to grant the application in full.

All parties withdrew from the meeting at 12.10 a.m.

The Licensing Sub-Committee considered carefully all the written evidence submitted and the representations made at the hearing, following which it was

## **Resolved**

That the application for a club premises certificate variation in respect of Walsall Cricket Club, Gorway Road, Walsall, WS1 3BE be granted as set out in the report but that CCTV as requested by West Midlands Police on all entrances and exits be not required.

The Licensing Sub-Committee also recommended that the club should provide adjoining neighbours with a telephone number which they could use to advise the club of concerns over excessive noise from discos or loud music.

All parties were re-admitted to the meeting at 12.35 p.m. and advised of the Licensing Sub-Committee's decision and informed of their right of appeal to the Local Magistrates Court within 21 days of receipt of the decision letter.

**Termination of Meeting**

There being no further business the meeting terminated at 12.40 p.m.

Chairman .....

Date .....