

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD ON 10TH NOVEMBER, 2021
AT NELSON TOWN HALL**

PRESENT –

Councillor J. Purcell (Chairman – in the Chair)

Councillors:

*F. Ahmad
M. Aslam
M. Adnan
M. Iqbal (Substitute for E. Ansar)*

Officers in attendance:

*W. Iqbal Licensing Officer (Pendle Borough Council)
E. Barker Principal Legal Officer (Burnley Borough Council)
L. Rowland Committee Administrator*

Observers:

*M. Ali Licensing Administration Officer (Pendle Borough Council)
J. Robinson Committee Administrator*

(Apologies for absence were received from Councillors E. Ansar, M. Hanif, D. Lord and K. McGladdery.)



15. DECLARATIONS OF INTEREST

Members were reminded of the legal requirements concerning the declaration of interests.

16. MINUTES

RESOLVED

That the Minutes of the meeting held on 13th October, 2021 be approved as a correct record and signed by the Chairman.

**17. THE LICENSING ACT 2003 –
APPLICATION TO VARY A CLUB PREMISES CERTIFICATE, EARBY CRICKET CLUB,
THE APPLGARTH, WILLIAM STREET, EARBY**

The Planning, Economic Development and Regulatory Services Manager submitted a report for Members to consider an application to vary a Club Premises Certificate for the premises at Earby Cricket Club, The Applegarth, William Street, Earby. The application requested a variation to allow the Club to serve alcohol until 1.00 a.m. on no more than 10 occasions per calendar year and to have live and recorded music until the same time.

Representations had been made by Pendle Borough Council (Environmental Health) under the 'Public Safety' and 'Prevention of Public Nuisance' licencing objectives. Thirteen representations had also been made by interested parties (being local residents) under the 'Prevention of Crime and Disorder' and 'Public Nuisance' licensing objectives. There had been three further

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anonymous representations sent in to Pendle Borough Council. However, these could not be taken into consideration, as persons making representations must disclose their details.

The Members and all relevant parties had received a copy of the report which included a copy of the application and the representations received.

The application had been submitted by Earby Cricket Club who were represented at the meeting by Mr Lee Parkinson.

William Lewis and Michael Duck (Pendle Borough Council Environmental Health); Anthony Mees; William Heald; and Linda Middleton who had made representations, attended the hearing.

RESOLVED

That, having listened to the representations made with regard to the application to vary a Club Premises Certificate under the Licensing Act 2003 (the Act) in respect of "Earby Cricket Club", The Applegarth, William Street, Earby, the application be granted in part, being restricted to Friday and Saturdays only and until midnight, subject to the following conditions being added: -

- (1) All external windows and doors must be kept closed after 11 p.m. when regulated entertainment is being provided.
- (2) Doors may be opened for the normal entrance and egress of people but must be closed immediately afterwards.
- (3) Signage will be on prominent display inside the premises requesting that patrons leave the premises quietly.
- (4) There will a clear customer dispersal policy in place. Such a policy should minimise noise disturbance and potential disorder from customers leaving the premises. A policy should clearly set out measures to control the exit at the end of the evening.
- (5) 15 minutes before closing, music volume shall be reduced / lighting increased / alcohol sales cease.
- (6) A basic noise assessment must be carried out whenever regulated entertainment is being provided.
- (7) A suitably experienced adult member of the club shall walk up and down William Street and Hartley Street whenever regulated entertainment is being provided at hourly intervals. If the music is audible at any point, it must be turned down until it is at such a level that it is no longer audible.
- (8) A basic log of the noise assessments above must be kept.
- (9) If any complaints are received about noise, a suitably experienced adult member of the club should visit the resident's property and if the music is audible then it should be turned down until it is no longer audible.
- (10) A log of any complaints received must be kept.
- (11) A sufficiently experienced named adult will be present to supervise and control the access and egress of the children from the main premises building (area where the bar is and music is played), to ensure their safety and prevent nuisance.

REASONS

- (a) ***There are concerns about ongoing noise nuisance from regulated entertainment and patrons at the Cricket Club premises.***
- (b) ***This has the effect of undermining the licensing objective of the prevention of public nuisance.***

- (c) ***In the circumstances it is considered that the restriction on days and hours and the addition of the conditions on the licence serves to promote the prevention of public nuisance objective.***
- (d) ***Paragraphs 9.42 to 9.44 of the government guidance issued under section 182 of the Licensing Act 2003 and section 9 of the Council's Statement of Licensing Policy have been considered together with all the powers available to the licensing authority under section 85 of the Act and the Committee concludes that the restriction on the days and hours and the addition of the conditions on the licence is both necessary and proportionate in the circumstances.***

18. GAMBLING ACT 2005 – PENDLE BOROUGH COUNCIL DRAFT POLICY 2022/2025

The Planning, Economic Development and Regulatory Services Manager submitted a report which advised that, under the Gambling Act 2005 s.349, local authorities were required to publish a statement of the licensing principles (Policy Statement) that they proposed to apply in exercising their functions under the Act. This statement was put out to public consultation and had to be renewed every three years.

Pendle Council's current policy was valid from January, 2019 and was due for renewal in January, 2022. It was noted that, since its previous consultation, there had been no major changes in the Gambling Act 2005 which impacted the Pendle Council Policy. It was therefore proposed that a consultation period of four weeks was sufficient

A draft policy, which included only minor changes, was submitted at appendix 1 to the report. The existing policy was provided at appendix 2.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be authorised to commence a four week consultation on the draft Statement of Principles 2022-2025 to allow members of the public, service users and other relevant organisations to make comments.

REASON

- (1) ***The Gambling Policy of Pendle Council must be renewed every three years in accordance with the Gambling Act 2005 s.349.***
- (2) ***As there are no major changes, a period of four weeks is sufficient.***

CHAIRMAN _____