

Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on 20 June 2019

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence
3.1 Application Reference	098920
3.2 Sub-Committee Members	Councillor Azher Iqbal Councillor Coles Councillor Hogg
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Nathan Higgins - The Grange Peterborough Limited
3.5. Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p><u>Authorisations and Times Applied For</u></p> <p>Sale of alcohol for consumption on the premises only Sunday to Thursday 11:00am to 11:00pm Friday and Saturday 11:00am to 11:00pm Christmas Eve and New Year’s Eve 11.00am to 02.00am</p> <p>Provision of Films, Indoor Sporting Events, Live and Recorded Music and Dancing Sunday to Thursday 11:00am to 11:00pm Friday and Saturday 11:00am to 11:00pm Christmas Eve and New Year’s Eve 11:00am to 02:00am</p> <p>Opening hours of premises Sunday to Thursday 11:00am to 11:00pm Friday and Saturday 11:00am to 11:00pm Christmas Eve and New Year’s Eve 11:00am to 02:00am</p> <p><u>Summary of New Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for The Grange Peterborough Limited, The Grange, Mayors Walk, Peterborough, PE3 6HH which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p>

	<p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> ● Increase in both vehicle and pedestrian movements to or from the premises. ● Unsuitability of the access road for use by persons using the premises both to and from the premises. ● Increase in risk to residents, children and pets due to uncaring drivers driving to and from the premises. ● Increase in anti-social behaviour, fuelled by alcohol, from customers of the premises. ● The lack of demand for the licensed premises from local residents. ● Potential of trouble due to the mix of football and alcohol at the premises which could affect the amenity and property values of local property.
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>Prevention of Crime and Disorder Prevention of Public Nuisance Protection of Children from Harm lic Safety</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>The applicant Nathan Higgins, The Grange Peterborough Ltd.</p> <p>The applicant's representative Joyce Seddon.</p> <p><u>Other Persons</u></p> <p>William Watson, Barry McCann, Sally Boylan, Romel Meneses, Shaleena Hussain and Jawaid Hussain.</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>3.9 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regard to the application. The key points raised in the address included the representation submitted against the application by local residents and that:</p> <ul style="list-style-type: none"> ● A petition had been received containing 112 signatures. ● There were no representations from other Responsible Authorities. ● There were no representations in support of the application. ● The application was similar to those currently in place with the addition of showing of films and changes to the times alcohol would be on sale. <p><u>Applicant - Nathan Higgins The Grange Peterborough Ltd</u></p> <p>Nathan Higgins from The Grange Peterborough Ltd addressed the Sub-Committee. The key points raised during his address, and following</p>

questions from the Sub-Committee were as follows:

- The applicant was a local resident and owner of Chef de le Maison in Peterborough.
- Chef de la Maison started business 21 years ago and had recently moved to new premises in Fengate as they had outgrown their previous location.
- The applicant was a local businessman and established caterer, employing local people and had ties to the local area.
- The applicant had been associated with the club for many years as a sports player and had commitments within the lease to fulfil.
- The Grange was a community venue, not a catering venue or public house. The provision of alcohol was a necessity however, the business was intended to be a family and community venue.
- The venue needed to be busier to be a viable business and build on the existing plan and a licence was required to make this happen.
- The club was used by 31 other clubs and was the largest amateur football club in Peterborough and the intention was to develop a viable business with events for people who use the facilities.
- There had been one complaint in nine years which was being addressed under the applicant's tenure and all complaints were taken seriously.
- The current complaint from Mr Watson occurred with 18 people present in the building. The applicant was aware who was in the building at the time and would be surprised if the complaints made had related to The Grange on that occasion, as they were senior people, six of whom were driving that night.
- The applicant respected the complaint and advised the panel his door was always open to local people to express any concerns and learn more about the business.
- The business was committed to a place that was purposely built and structured to the business plan and the licence was necessary to fulfil the duties within the lease. The applicant read sections of the lease to the committee and emphasised that he intended to fulfil his commitment to the local community.
- Current activities included freeplay pool, table tennis and table football for all ages from five years upwards including children after school and matches which supported the community however those were not always profitable and had not always involved the sale of alcohol.
- Community events planned would also include quiz nights, race nights, slug racing for children and X box on the big screen but where children were involved, alcohol was not the priority.
- Provision for better food would be provided together with improved selection of wines and beers.
- Corporate events and hospitality were also proposed including to large companies.
- The licence would be used to its fullest extent.

Other Persons – William Watson and Barry McCann

William Watson and Barry McCann addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- Mr Watson denied making a trivial complaint however the panel were advised by the Regulatory Officer that a letter of complaint had been received regarding The Grange by the Planning Department from a local Ward Councillor on behalf of Mr Watson two months ago. An investigation had been conducted, including reviewing the CCTV, and there was found to be no substance to the complaint. This was a separate issue to the petition received regarding this licensing application.
- The application was made on 30 April to be effective from 1 May and should therefore be considered retrospective as the licensee was already operating under the proposed licence however the panel were advised by the Regulatory Officer that this was not the case as the licensee was acting legally under the license for Netherton United Football Club - Club Premises Certificate.
- This was not a like for like continuation of a licence as the application was to allow activities on a commercial basis.
- When the licence was first granted the neighbouring properties in Charlotte Way had not been built.
- The decision to associate a commercial business with a football club was questionable.
- The business plan was built around holding events however these would not be focused on the residents of Charlotte Way and prospective customers would be brought into the estate which has only one access through Charlotte Way from Westfield Avenue.
- A local Ward Councillor had made a request for air quality monitoring and traffic volume recording on behalf of residents.
- The committee were advised at this point by Barry Macann that he had witnessed three road traffic accidents at the junction of the car park and Charlotte Way when cars were leaving the car park during the day and that there were no road markings. He was advised by the panel to raise the issue with his local Ward Councillor as this was not a licensing issue.
- There was an existing issue with vandalism and social behaviour in the school grounds and local area, which the police had been alerted to. Whilst these were not accredited to The Grange, it was felt that inviting the public in would exacerbate the problem.
- Concerns were expressed regarding 150 people leaving the club at 2:00am in an anti-social manner.
- The Barcelona Institute for Global Health Report confirmed exposure to exhaust fumes was detrimental to children's cognitive development.
- On one weekend over 1,000 movements into and out of the Grange car park had been recorded, which was felt to contribute to the pollution problem, fumes and brake dust in the area, however; the panel felt that this was not a licensing consideration.
- Any additional traffic would be over and above that attending to play football.
- As there was no demand locally, business would be attracted into the area, increasing the number of vehicles and pollution and there may be an issue with drink driving.
- The Regulatory Officer confirmed that the police and environmental health had made no representations.
- The Regulatory Officer reported that only one complaint had been received regarding the site reported at 2:00am one morning which had not been substantiated as there was no-one in the club at the time.

The Applicant's Representative – Joyce Seddon, Club Secretary Netherton United

Joyce Seddon addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- Ms Seddon advised the panel she had run the clubhouse since 2009 under the current licence.
- Netherton United was a successful club in Peterborough, which had been in existence for 28 years.
- The car park was planned by the Council and the club met regularly with Councillors regarding traffic issues.
- The sub-lease had been arranged to enhance that element of the club.
- Some planned events mentioned in the applicant's earlier address had been running for ten years such as quiz nights, race nights and big screen football.
- The club would not be adverse to a different access route to the car park and would be happy to discuss further with residents.
- The car park had been repainted to maximise parking spaces and discussions had recently taken place regarding the installation of speed bumps.
- Discussion had been ongoing for two years to arrange the sub lease.
- There were 30 teams, including five adult teams.
- The club felt that the applicant was a local person who was passionate about football values and would move the club forward. It was felt that the applicant was the right person to operate the sub-lease and the club would endorse the application.
- The club set up an environmental group of 20 residents to clean up the area and any undesirable items were removed.

Summing Up

All parties were given the opportunity to summarise their submissions.

Other Persons

Mr Watson agreed the football club was very successful and the residents wanted to keep that rather than a successful entertainment club. He hoped the scheduling of matches could be adjusted to ease the flow of traffic.

3.10 Written representations and supplementary material taken into consideration

Applicant

Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.

Other Persons

Consideration was given to the written petition signed by 112 local residents and an accompanying letter submitted and attached to the Sub-Committee report.

3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
4. Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>The Sub-Committee considered the representations made in objection as follows:</p> <ul style="list-style-type: none"> ● Increase in both vehicle and pedestrian movements to or from the premises. ● Unsuitability of the access road for use by persons using the premises both to and from the premises. ● Increase in risk to residents, children and pets due to uncaring drivers driving to and from the premises. ● Increase in anti-social behaviour, fuelled by alcohol, from customers of the premises. ● The lack of demand for the licensed premises from local residents. ● Potential of anti-social behaviour due to the mix of football and alcohol at the premises which could affect the amenity and property values of locally. <p>The Sub-Committee believed that the issues raised were not relevant to the application under the Licensing Act 2003.</p> <p>The Sub-Committee believed that the revised operating schedule and the additional conditions offered during the mediation process satisfied the licence objectives.</p> <p>Therefore, the application for a licence for the premises, known as The Grange, Mayors Walk, Peterborough, PE3 6HH was GRANTED.</p>

