

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LICENSING ACT 2003

LICENSING SUB-COMMITTEE (SMDC) MEETING

DECISION NOTICE

FRIDAY, 19 JULY 2024



LICENSING ACT 2003
LICENSING SUB-COMMITTEE

DECISION NOTICE

Greenway Hall Golf Club, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ

Meeting: Friday July 19th 2024. 10:30am
Present: Councillor K Hoptroff (chairman)
Councillor L Swindlehurst
Councillor J Garvey

Applicant: Ms Deborah Jane Burton represented by Ms Sarah Clover of Counsel together with Mr Brett Barlow and Mr Adam Gregory.

Objectors: Mr Colin Salmon, Mr Stephen Cooper, Ms Kate Rose and Mr Wesley Machin (speaking) together with Mr Martin Willis, Mrs Claire Vernon and Mrs Hancock

For the Licensing Authority: Mrs S Bradbury, Licensing Officer

Also present:

N de Bruin - Senior Legal Officer, and
S Beech, Democratic Services Officer.

Introduction

The hearing was called to consider an application by Greenway Hall Golf Club, Stanley Road, Stockton Brook, Staffordshire, ST9 9LJ under the provisions of the Licensing Act 2003.

No interests were declared.

The Sub-Committee considered the written report, relevant legislation, s182 guidance and Staffordshire Moorlands Statement of Licensing Policy as well as verbal submissions made at the meeting before coming to a decision.

Caselaw referred to by the applicant namely the cases of R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) and R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 31 were noted.

Decision

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That the application be granted in accordance with the application subject to the following conditions:

1. Notices to be displayed prominently requesting patrons to disperse quietly from the premises.
2. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
3. The licence holder or his representative shall conduct assessments of noise coming from the premises on every occasion the premises are used for licensable activities at 11pm and then half-hourly at monitoring points to be agreed with the Environmental Health Department of the council until such time as the premises close. The noise to be monitored includes noise from music, car movements, from people or any other noise associated with use of the premises after 11pm. A written record of the assessment shall be made at the time it is carried out and kept for 12 months. The assessments shall be made available for inspection by the Licensing Authority on request within 5 working days.
4. Where the noise assessment reveals that noise is emanating from the premises which is audible at the agreed monitoring points then steps must be taken and recorded on the assessment record to reduce noise from the licensed premises to a level at which noise from the premises is no longer audible at the monitoring points.
5. A complaint procedure shall be drawn up and agreed with the Licensing Authority. The complaint procedure shall contain an agreed protocol for dealing with and recording all noise complaints received. All records of complaints shall be retained for 12 months and made available for inspection by the Licensing Authority on request within 5 working days.
6. A dispersal policy shall be drawn up and agreed with the Licensing Authority. The policy shall include steps to be taken in order to ensure that car park noise is minimised and that customers do not cause a noise nuisance while in the outside areas or vacating the premises, a requirement to have a car park attendant(s) for larger events and for ensuring drivers, including taxis, are not sounding their horns or leaving their engines running. The agreed dispersal policy shall be complied with at all times.
7. The dispersal policy shall be provided to all taxi companies regularly operating to and from the premises
8. A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all regulated amplified music played at the premises must

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pass through this sound limiter at a level agreed by the Council's Environmental Health Department. The noise-limiting device referred to above shall be set up by a competent person (i.e. professional installer of such equipment). The noise limiter shall not be altered without prior agreement with the Council's Environmental Health Department.

9. No speakers or tannoy systems shall be fixed to the outside of the buildings under this licence.

10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to nuisance to the nearest residential properties.

Reasons for the decision

The Sub-Committee noted that essentially the terms of the application were the same as the current existing licence save for the addition of Christmas Eve to the non-standard timings, the addition of the new proposed extension and the removal of the area known as the driving range. However, that did not prevent them from considering the impact of the premises as a whole being capable of accommodating a larger number of people and the likely impact that could have on neighbouring residents.

Although some of the objectors had mentioned concerns regarding use of the surrounding roads and bridge that was not something the Sub-Committee could take into account because the Sub-Committee could only consider the four licensing objectives in its determination. Highways matters would also have been considered as satisfactory as part of the planning application process for the proposed extension in any event.

In so far as concerns were raised regarding crime and disorder or public safety the Sub-Committee noted the concerns but did not consider that there was sufficient evidence that these licensing objectives would be undermined in this way as a result of the increase in size of the premises and, significantly, it was noted the police did not object to the application.

Accordingly the Sub-Committee focused on whether or not grant of the licence would undermine the licensing objective of prevention of public nuisance.

It appeared to be a matter of dispute between the objectors and the applicant as to when complaints were said to have been made previously and what the applicant had or had not done to address concerns relating to noise disturbance. There was also a lack of specific evidence, days and times of nuisance for example.

The Sub-Committee did not accept that it was likely that operation of the premises would change so as to increase the number of events as objectors feared to 24/7. Save Christmas Eve, operating days and times remained as they are for the existing premises.

The Environmental Health section of the Council had not made an objection because it was considered that conditions agreed with the applicant and the Environmental Health Officer would overcome the objections. Those conditions could be enforced by law or by forming the basis of reason to call the licensee back for a review of their licence and gave more control over the premises than if they were operating without a licence under the provisions of the Deregulation Act 2015.

Whatever the operator/licensee may or may not have previously agreed to or reneged on, they would now have to comply with conditions on pain of prosecution or review.

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The conditions require a complaints procedure to be adopted that would form the means to log and record complaints so that in future complaints are recorded and resolved. Those records could also be produced if complaints are not resolved. It was accepted that residents would have to report issues if there were any, but unfortunately that was unavoidable. Neighbours were best placed to know how operation of the premises affected themselves.

The remaining conditions to be imposed directly addressed the concerns and issues the residents stated they had experienced.

The Golf Club plays an important role in the community, economically and as a golf club, with licensed facilities for its members, which should be supported so far as possible in the context of it's location.

With the additional conditions the Sub-committee were satisfied that the premises could operate in a way that would not undermine the licencing objectives.

The additional conditions, which had been amended slightly from those agreed, to improve certainty and enforceability, would replace the ones put forward in the application at part 18(d).

Right of Appeal

The objectors and/or the applicant may appeal against this decision.

Any appeal must be made in writing to the Staffordshire Magistrates Court within 21 days from the date of receipt of this Decision Notice.

The meeting closed at 12:10pm

Dated 19.7.24

Chairman of the Licensing Sub-Committee

6 ADDITIONAL INFORMATION

The meeting closed at Time Not Specified

_____ Chairman _____ Date