

RECEIVED
DATE 19.6.19
LICENSING SECTION

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Liam Joseph Howley

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Haltwhistle & District Working Men's Club and Institute Limited (Company No IP06797R) Bank House Main Street Haltwhistle Northumberland	
Post town Haltwhistle	Post code (if known) NE49 0BZ
Name of premises licence holder or club holding club premises certificate (if known) The Haltwhistle & District Working Men's Club and Institute Limited	
Number of premises licence or club premises certificate (if known) NCP/2	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Northumberland County Council Public Protection Unit Housing and Public Protection Service West Hartford Business Park Cramlington Northumberland NE23 3JP
Telephone number (if any) 01670 623718
E-mail address (optional) Liam.Howley@northumberland.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The grounds for review of the Club Premises Certificate centre on that of noise for the club premises creating a Public Nuisance to local residents. Officers from Public Protection have served an Abatement Notice under Section 79 of the Environmental Protection Act 1990

The statutory noise nuisance is emanating from a large cellar cooling unit at the rear of the Club premises, which is located in very close proximity to residential properties surrounding a common courtyard; that comprises their gardens and patios. The noise from the cooling plant is particularly intrusive to the residents who occupy the dwellings; even during the day, when their windows are closed. The noise emissions from the cooling plant are loud, with a tonal frequency component; which along with its intermittent nature of operation, creates an annoyance and nuisance to the residents inside their dwellings. In addition, the residents are unable to sit out in their gardens and patios to enjoy some peace and tranquility during times of recreation, while the cooling unit is operating.

The use of the cooling unit is imperative to the Licensing function for the Club cellar in order to maintain the temperature required (at all times during the day) as stated by the drink manufacturers, in order to supply alcohol at its optimum quality to its customers.

All through Public Protection's investigation and follow up for a breach of the notice progress has been severely hampered through poor cooperation and inadequate response in reasonable times from the Club Representatives.

The lack of engagement and lack of response from representatives of the Committee has severely affected officers undertaking their statutory duties with undue delays and obstructions and inability to obtain a response to letters etc. It is considered that The Club representatives have disregarded their position with regards the Club Premises Certificate's Legal Licencing obligations.

Please provide as much information as possible to support the application (please read guidance note 3)

In support of this application to review the Club Premises Certificate the following chronology of events illustrates a synopsis of the investigation undertaken by officers of Public Protection which highlights the extreme difficulty officers have experienced in dealing with the Club regarding this matter.

The local authority received a complaint from a member of the public on the 2nd November 2017 concerning noise from a large cooling fan serving the cellar at the Haltwhistle & District Working Mens Club and Institute Limited. This complaint instigated an investigation of the alleged noise nuisance which required the installation of noise monitoring equipment. From the analysis of the recordings made of the cooling plant in a local residents bedroom a statutory noise nuisance was established. As a result of these findings the cooling fan was giving rise to a loud intermittent noise that was operating throughout the day and night: when it was depriving the residents of sleep. The Club was subsequently served with an Abatement Notice under section 79 of the Environmental Protection Act 1990 on the 17th October 2018. The term given to achieve abatement of the Abatement Notice was 3 calendar months. This was to allow sufficient time for the Club members to seek the advice of an Acoustic Consultant to ascertain what measures were required to abate the noise nuisance and allow enough time for contractors to be tendered and engaged to undertake the identified works to abate the noise nuisance. from the cooling fan located in the enclosed courtyard at the rear of the Club premises. This being the course of action we would recommend and expect a business to undertake.

In the last weeks of the stipulated three month period given on the abatement notice, we arranged a meeting at the Club Premises on the 23rd January 2019 where the matter was discussed with Mr Dryden Smith (Club Secretary) and Mr Tony Perkins (Past President of the Club). This involved discussion of the proposals submitted by an Engineering Company and a visible computer demonstration of the noise recordings from which the statutory nuisance was identified. As the 3 months allowed to carry out the works by that time had almost elapsed a months extension of the Abatement Notice was permitted until 25th January 2019. This was to allow for the work to be done by the Engineering Company and also incorporating some extra time in the event this work was not sufficient or effective to enable further subsequent work to be completed, to fully abate the nuisance.

On the 27th February 2019 the Club was revisited to ascertain that the works had been completed by the Engineering Company. Officers were informed that the Engineers had removed the fan blades from the cooling unit and needed new bespoke fan blades to be manufactured to reinstall in the old cooling plant. Another letter was sent to the Club on the 28th February, which recognised the reasons for the potential delay in the manufacture of these component parts but also reiterating that even after the specified engineering repairs and modifications were carried out, the required noise attenuation may still not be achieved. The Club representatives were directed to give real consideration to the fitting of an acoustic enclosure around the fan unit and again were strongly recommended to seek the services of an Acoustic Consultant to suggest the most cost effective and efficient way of achieving this. The Club were also reminded of the continued urgency of fulfilling this obligation

which all the time was detrimental to the neighbourhood and was constantly having to be endured by local residents. In addition The Club members were also reminded of the ongoing difficulty of continually extending the statutory notice. However, it was acknowledged that they were slowly working towards compliance, together with their assurance that this was to be done as soon as possible and in lieu of this information, the notice was extended for a second time until the 25th March 2019. The Club were again warned that if the noise was not abated by this date that there may be no alternative but to refer this to the Councils legal department.

A letter was sent on the 25th March 2019 following the eventual completion of the works by the Engineering Company stating that officers were going to assess if the noise had been abated and the Abatement Notice complied. A noise meter was initially installed in the complainants property and was picked up on 1st April 2019 but after analysis on the 10th April 2019 the data showed that the noise equipment had not operated correctly and had to be reinstalled. The noise equipment was reinstalled on the 12th April 2019 and removed on the 19th April 2019. Analysis undertaken on the 3rd May 2019 identified that the repairs and maintenance had only made minor improvement (between 2-5 dB); depending on the operation of the other coolers, etc. Consequently the noise recordings confirmed that there was still a noise nuisance and the Breach of the Notice was confirmed.

As a result of this, an email was sent to the Club Treasurer confirming the breach of the Abatement Notice and stating that a nuisance still existed on the 3rd May 2019. This was followed up by a letter on the 22nd May 2019 and although I have had a short email reply from the Club Treasurer acknowledging the contact and stating they would get back to me, but we have not received any further contact since this time.

At this point therefore Officers of Public Protection consulted with the legal department in order to prosecute for non-compliance with the Abatement Notice. However it is considered that even if this is successful this will not abate the noise nuisance, and local residents would still have to endure the ongoing intrusion of noise from the cellar cooling unit affecting their personal enjoyment of their dwelling and gardens. In order to meet this requirement therefore the Committee is asked to seek other appropriate measures through the Licensing regime to finally alleviate the ongoing nuisance.

Please tick ✓	
yes	
Have you made an application for review relating to the premises before	<input type="checkbox"/>
If yes please state the date of that application	Da <input type="checkbox"/>

If you have made representations before relating to the premises please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **X**

- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **19th June 2019**

.....

Capacity

Community Safety & Environmental Health Manager

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
As above	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.