

# HALTWHISTLE & DISTRICT WMC Ltd.

Industrial & Provident Socs. Act 1965 Reg. No.: 6797R Northumberland. VAT Reg. No.: 176 7487 12.

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RECEIVED  
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LICENSING SECTION

Chairman: D Perry, Secretary: D Smith, Treasurer: J Stratton

8<sup>th</sup> July 2019

The Licensing Manager,  
Housing and Public Protection Service,  
Northumberland County Council,  
Stakeford Depot,  
East View,  
STAKEFORD  
NE62 5TR

## REVIEW OF A CLUB PREMISES CERTIFICATE – INTERESTED PARTY SUBMISSION

We make this submission as an interested party on behalf of the Management Committee of the Club that is the holder of the Club Premises Certificate put forward for Review by Mr Liam Joseph Howley of Northumberland County Council (“the Council”).

### CLUB BACKGROUND, LOCATION AND PURPOSE

Haltwhistle and District Working Men’s Club and Institute Limited (“the Club”) was formed in 1919. It was, and remains, a Club where members, guests and CIU Affiliated club members could go for a drink, and to enjoy leisure facilities and entertainment.

The Club moved to its present location, Bank House (previously occupied by a high street bank), in 1960. The premises were significantly extended to the South in 1972, the extension including a lounge, games room and toilets on the ground floor and a concert room on the first floor.

The location of the Club is in the commercial/business/retail area of the town of Haltwhistle (as indicated by the Club address). Across the road (Main Street) from the Club is a Comrades of the Great War club. Adjoining that on one side is a Fish and Chip shop and on the other side a Water Treatment Business and a Hairdresser. Adjoining the Club to the East are a row of 3 commercial/former commercial buildings including a Clock Repair Shop and Timepiece Museum that is in the process of relocating. The other two such buildings were previously occupied by a bookmaker and a newsagent. Adjacent to these is a Motor Body Repair Shop and Garage. The club is unattached to the South and the West. Across a side road to the West is the unused and derelict former Church Hall.

Current facilities offered by the Club include a bar and lounge for the consumption of drinks, a games room that includes the town’s only full-size snooker table and a pool table, dart boards in all three said rooms and the previously referred to concert room. The Club has a Quiz Night each Tuesday in the bar and bingo each Friday and Sunday, primarily for more mature members and guests for many of whom the bingo is their only entertainment, and reason to leave their houses and socialise.

The Club concert room, primarily, and Club generally are available to use for charity fundraising events, celebrations following weddings and Christenings, and celebrations of people’s lives following funeral teas.

Since the concert room has a stage, it is also used, for example, by the Haltwhistle Boardwalkers, a theatrical group who put on a well-received pantomime in various venues in the local area every year. The Club also arranges a day out each year for retired people at no cost to them and holds a children's Christmas Party every year at no cost to children attending, or their parents. The Club's facilities are well used for all of these purposes and the Club is thus at the heart of the Haltwhistle and District community.

The Club is a significant employer in Haltwhistle. It is run by a volunteer Committee of ten male and female Club members and three officials; a Chairman (David Perry); a Secretary (Dryden Smith); and a Treasurer (Jonny Stratton). The officials receive a token salary. The Chairman and Treasurer have full time jobs elsewhere and the Secretary is above state retirement age.

### THE PRESENT GROUNDS FOR REVIEW

The grounds for review stated on the Notice of Application for Review of a Club Premises Certificate are dealt with here:

*Noise from the club premises creating a public nuisance to local residents;*  
*Representatives of the Committee have failed to engage with and work with Northumberland County Council in order to promote the licensing objectives; and*  
*The operation and management of the licensed premises by the representatives of the Committee has been poor and seriously undermined the licensing objectives.*

The Club has faced significant difficulties in dealing appropriately, and in a timely manner, with issues arising from the Club's external cellar cooling fan ("the fan" or "unit") by consequence of significant failings on the part of the Council in terms of responses to communications within a reasonable timescale and in relation to disclosure requests within a reasonable timescale or at all.

By letter dated 14<sup>th</sup> August 2018, the Council raised issues relating to the fan on an informal basis. The Club considered these issues and secured the services of Carlisle Refrigeration Limited to assist. Carlisle Refrigeration were the original suppliers (though under a different trading name) of the fan and have subsequently maintained the fan and other cooling equipment in the Club. Carlisle Refrigeration are one of the leading suppliers and servicers of commercial cooling equipment in Northumberland, Cumbria and South Scotland. Carlisle Refrigeration serviced the fan, noted that the condenser was partly blocked and cleaned it with Nitrogen. They commented that noise reducing insulation in the condenser unit housing was intact.

By email dated 17.9.18 (14.01), the Club notified the Council of steps taken set out above and indicated that the said steps should result in quieter operational noise and less frequent operation of the fan. The Club awaited the Council's response to this email, in particular whether the Council agreed that the steps taken had alleviated the issue of noise. No response was received in a timely manner. Indeed, no response has been received at the time of writing.

The Club did receive an Abatement Notice in respect of statutory nuisance with regard to the fan under cover of a letter dated 17<sup>th</sup> October 2018 from the Council. However, since it seemed that the Council had not undertaken any review of the noise position following Carlisle Refrigeration's initial work set out above, the Club continued to await a response to their 17.9.18 email. These issues were aired by the Club in an email of 18.12.18 (18.14), along with a request that the Council disclose a "review of evidence" mentioned in the Council's 17<sup>th</sup> October 2018 letter in the belief that details in the review might assist the Club to resolve the issues raised by the Council. The Council's response, an email dated 21.12.18 (09.30), did not deal with this disclosure request. The request was reiterated in a Club email dated 10.1.19 (13.25). The Council responded to this request by treating it as a Freedom of Information Request as noted in an email dated 10.1.19 (17.47). At the time of writing, there has been no disclosure with regard to the review.

In the meantime, the Club arranged for further input from a senior engineer at Carlisle Refrigeration. The engineer visited the Club on 14.1.19 and duly reported to the Club. The report was disclosed by the Club to the Council by way of email dated 30.1.19 (16.48).



Carlisle Refrigeration recommended some significant works, which would result in the fan operating less often and, with the assistance of a timer, would result crucially in the fan not operating at all between 10pm and 8am. Additional external noise insulation was also added. These works were duly carried out in February 2019 and the conclusion of the works was notified by the Club to the Council. It is worth noting that all of the above works by Carlisle Refrigeration cost the Club in the region of £2,000.00.

Carlisle Refrigeration have stated that there is no external acoustic housing which could be fitted that would not compromise the unit's operating capability. They have also stated that no further works would decrease the noise level from the unit. As has been noted by the Council in their Application dated 19<sup>th</sup> June 2019, "The use of the cooling unit is imperative to the Licensing function for the Club cellar in order to maintain the temperature required...". The Club is in a position where it can do no more in this regard.

#### FREEDOM OF INFORMATION REQUEST

1. The Club would request disclosure of the "review of evidence" mentioned above.
2. The Club would request disclosure of the Council's Legal Department's opinion that resulted from the Officers of Public Protection's approach and consultation referred to in the final paragraph of the Application.

The Club is of the opinion that disclosure requested above would assist both the Club and the Licensing Committee.

#### CONCLUSION

The Council's failures to respond and disclose as set out above have hindered resolution of this matter.

The Club's cellar cooling system has not changed in the past 49 years. It is noted that the system is exactly as it was when the Council inspected the Club's operation and granted the Club's initial Club Premises Certificate following the significant changes in Licensing legislation in 2003. Nothing has changed in this regard so it is contended that the grounds put forward by the Council are not reasonable grounds for a review of the Club Premises Certificate. Indeed, the situation with regard to noise from the fan is now significantly better than it has ever been due to the fact that it no longer operates between 10pm and 8am.

The Club is an integral and well appreciated part of the local community. The fan (as also noted by the Council in its Application) is essential to the operation of the Club.

The Club has undertaken all reasonably practicable steps that it can with regard to noise from the fan. Nothing more can be, or should be required to be, done.

Yours sincerely,

Jonny Stratton (treasurer)  
pp Dryden Smith (secretary), David Perry (chairman) and the Committee  
Haltwhistle and District Working Men's Club and Institute Limited