

NORTHUMBERLAND COUNTY COUNCIL

LICENSING HEARING

At a meeting of the **Licensing Subcommittee** held in the Council Chamber, County Hall, Morpeth, Northumberland, NE61 2EF on Tuesday, 14 August 2019 at 10:00 am.

PRESENT

Councillor R Gibson
(in the Chair)

COUNCILLORS

T Cessford
B Crosby (reserve)

W Pattison

OFFICERS IN ATTENDANCE

M Bulman
T Hardy
K Norris

Solicitor, Regulation
Licensing Manager
Democratic Services Officer

ALSO IN ATTENDANCE

Cllr I Hutchinson (Ward Member)

L Dodds, Senior Environmental Health
Officer
G Beattie, Senior Environmental
Health Officer
N Audsley, EHO/EPO/TO

On behalf of Applicant
(Northumberland County Council)

Haltwhistle & District Working Men's
Club and Institute Ltd:
J Stratton, Treasurer
D Perry, Chairman
D Smith, Secretary

(Interested Party)

1. ELECTION OF CHAIR FOR THE MEETING

RESOLVED that Councillor R Gibson be elected as Chair for the duration of the meeting.

Ch.'s Initials.....

2. REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

Review of club premises certificate in respect of Haltwhistle & District Working Men's Social Club and Institute Ltd, Bank House, Main Street, Haltwhistle, Northumberland, NE49 0BZ

Tasmin Hardy, Licensing Manager, advised that the Subcommittee had been called to determine the review of a club premises certificate from Northumberland County Council's Public Health Protection Unit with regards to Haltwhistle & District Working Men's Club and Institute Ltd, Bank House, Main Street, Haltwhistle relating to the prevention of public nuisance.

Members were informed of an amendment to the report in relation to Paragraph 2, Determination of Review 1) which should read:

*Modify the conditions of the certificate subject to conditions consistent with the operating schedule to such extent as the Subcommittee considers **appropriate** for the promotion of the licensing objectives.*

All parties present confirmed they had received and read the documentation attached to the agenda and the additional information circulated regarding cellar and product coolers. Reference was made to an email dated the previous day regarding assessed sound recordings and these recordings were available at the meeting. Reference was also made to two amended proposed conditions as follows:

The large cellar cooling unit shall be turned off by the operation of the installed timer between 22:00 and 08:00 hours and should never be overridden manually to exceed these times.

A continuous A-weighted Sound Pressure Level of 35dB $L_{Aeq(15\text{ mins})}$ (i.e the average A-weighted sound pressure level in decibels over a 15 minute period) measured one metre from 2 Central Place, Haltwhistle; shall not be exceeded between 08:00 and 22:00 hours, when the large cellar cooling unit is in operation.

The Interested Party confirmed that they agreed to the first amended proposed condition but not the second.

It was noted that the Chronology of events the entries for the 29th March 2019 should have read the **29th May 2019**.

The Applicant's representatives gave detailed verbal submissions to explain the circumstances leading to the request for a review of the club premises certificate, the procedure followed and findings.

Members then asked questions of the applicant's representatives and a number of points were clarified.

The Treasurer of Haltwhistle & District Working Men's Club and Institute Ltd also asked questions.

Following a 5 minute comfort break, the Club Treasurer gave a presentation on behalf of the Interested Party, assisted by the Chairman of the Club. Questions were put forward by Members of the Subcommittee and then by the applicant's representatives.

Members of the Subcommittee remained in the meeting to deliberate and make a decision and all others, except the legal advisor, left the room.

When all were asked to return to the meeting the legal advisor and the Chair presented the Subcommittee's findings and decision as follows:

The Subcommittee has determined to:-

Impose additional conditions to those already existing on the licence to deal with the issue of noise nuisance occurring from the premises.

The conditions to be attached to the licence are:-

The large cellar cooling unit shall be turned off by the operation of the installed timer between 22.00 and 08.00 hours and should never be overridden manually to exceed these times.

The licence holder will appoint an acoustic consultant in respect of the public nuisance comprising of noise nuisance emanating from the large cellar cooling unit at the rear of the club premises. The acoustic consultant is to be appointed by the 30th September 2019.

The acoustic consultant will be instructed to propose solutions to resolve the noise nuisance and must liaise with the Council's Environmental Health Officers as to suitable sound levels required to abate the noise nuisance. A schedule of works required to abate the noise nuisance must be agreed by the acoustic consultant and an Environmental Health Officer of the Council by the 31st October 2019.

The agreed schedule of works shall be carried out and completed by the 31st January 2020.

Reasons for the Determination:-

The conditions are necessary to promote the licensing objective of the prevention of public nuisance.

There is a right of appeal to the Magistrates' Court against this decision which must be lodged within 21 days of the date of the written notification of the decision.

CHAIR _____

DATE _____