

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Licensing Sub Committee

Date: **Tuesday, 18th October, 2022**

Time: **10.00 am**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

Licensing Sub Committee

Membership

Chairman: Councillor Warren Nuttall

Councillors:
Dale Grounds
Arnie Hankin
Caroline Wilkinson (Substitute Member)

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

SUMMONS

You are hereby requested to attend a meeting of the Licensing Sub Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. **Application to Review a Club Premises Certificate: Hucknall Liberal Club, 12 West Street, Hucknall.** 5 - 40

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Report To:	LICENSING SUB-COMMITTEE
Date:	18TH OCTOBER 2022
Heading:	APPLICATION TO REVIEW A CLUB PREMISES CERTIFICATE: HUCKNALL LIBERAL CLUB, 12 WEST STREET, HUCKNALL, NOTTINGHAMSHIRE, NG15 7BW
Executive Lead Member:	DEPUTY LEADER – OUTWARD FOCUS
Ward/s:	HUCKNALL CENTRAL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

For Members to consider evidence produced at a public hearing taking into account the details contained within this report and any representations made at this meeting for an application to Review a Club Premises Certificate in relation to Hucknall Liberal Club; and to determine the application by taking such of the steps set out below as the Committee considers necessary for the promotion of the licensing objectives.

Recommendation(s)

Members having regard to the application and any relevant representations, take such of the following steps (**if any**) as they consider appropriate for the promotion of the licensing objectives:

- a) **to modify the conditions of the Club Premises Certificate;**
- b) **to exclude a licensable activity from the scope of the Club Premises certificate;**
- c) **to suspend the Club Premises Certificate for a period not exceeding three months;**
- e) **to revoke the Club Premises Certificate.**

and for this purpose the conditions of the Certificate are modified if any of them are altered or omitted or any new condition is added.

Where the Sub-Committee decide to take a step mentioned in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Otherwise the modification of conditions or the exclusion of a licensable activity will be permanent.

Reasons for Recommendation(s)

Members must consider all evidence offered at the Hearing and make an unbiased decision on the evidence offered. In making any decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 (which can be found online at):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf

and the Council's own Statement of Licensing Policy (which can be found online at):
<https://www.ashfield.gov.uk/media/5265/statement-of-licensing-policy-2019-2024.pdf>

Alternative Options Considered

None

Detailed Information

The Licensing Act 2003 came in to force in September 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities :

- **The sale by retail of alcohol;**
- **The supply of alcohol by or on behalf of a club or to the order of a member of the club;**
- **The provision of regulated entertainment; and**
- **The provision of late night refreshment.**

The licensing objectives are:

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

Section 51 of the 2003 Act, allows interested persons, and responsible authorities, to make representations in favour or against the review of a premises licence / club premises certificate. All review applications must be determined by a Licensing Committee or Sub-Committee Hearing.

Other Relevant Considerations

The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Ashfield District) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the all parties to this Hearing.

Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.

Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

Summary of Application

On 5th September, the Licensing Authority received an application from Amanda Stevenson to review the Club Premises Certificate for the Hucknall Liberal Club, 12 West Street, Hucknall, Nottinghamshire, NG15 7BW following an accumulation of alleged incidents that she believes show that the Club have failed to uphold the licensing objectives of:

- **The prevention of public nuisance**
- **The promotion of public safety**
- **The protection of children from harm**

and that these incidents relate to a failure by those responsible for the establishment to comply with the conditions attached to the current Club Premises Certificate.

The application submitted by Mrs Stevenson is attached at **Appendix A**.

Prior to Mrs Stevenson submitting her Review application, a timeline of incidents and actions taken by both Mrs Stevenson, the Hucknall Liberal Club, and the Licensing Enforcement Officer is provided below, in order that all parties to this Hearing have sight at what the concerns raised have been, and what steps have been taken to try and overcome these concerns.

DATE:	FROM:	CONTENT:	FOUND AT:
23.05.2022	Mrs Stevenson	Allegation of loud music emanating from Club on night of 19.05.2022, and that when visited Club to request volume be turned down, felt that person she made request to did not care about the concern raised.	APPENDIX B
23.05.2022	Licensing Team	Issue of Stage 1 Noise Advisory Letter informing club of complaint, and seeking details as to steps that are being taken and will be taken to prevent further disturbances.	APPENDIX C
06.06.2022	Hucknall Liberal Club	Response detailing Mrs Stevenson entering the Club on 19.05.2022 requesting music be turned down, and other occasion since 19.05.2022 of Mrs Stevenson entering the Club making further requests for the volume levels of amplified music to be reduced. Details provided of extensive steps in place to ascertain if any amplified entertainments may cause a disturbance.	APPENDIX D

06.06.2022	Licensing Team	Response provided to Club thanking them for details of steps being taken, but highlighting areas that require addressing to adequately prevent potential further noise disturbances.	APPENDIX E
15.07.2022	Mrs Stevenson	Allegation of loud music on 14.07.2022 causing a disturbance.	APPENDIX F
27.07.2022	Hucknall Liberal Club	Response to Licensing Officer (email sent re: 14.07.2022 disturbance) stating that no calls had been received from Mrs Stevenson regarding any disturbances since first occurrence.	APPENDIX G
09.08.2022	Licensing Team	Meeting convened by Licensing Enforcement Officer with Mrs Stevenson and the Club to establish procedure should amplified entertainments continue to cause a nuisance to Mrs Stevenson. Actions agreed by all parties.	APPENDIX H
28.08.2022	Mrs Stevenson	Further allegations of noise from 2 previous weekends. Sent to an individual Officer who was on leave and had left an “out of office” response requesting any emails be forwarded to licensing@ashfield.gov.uk – email was not forwarded by Mrs Stevenson, and therefore not seen until the Officer returned to work on 05.09.2022. In light of the Review application being submitted, this further allegation of noise disturbances can be discussed at the Licensing Sub-Committee Hearing.	APPENDIX I
29.08.2022	Mrs Stevenson	Review Application sent to an individual Officer who was on leave and had left an “out of office” response requesting any emails be forwarded to licensing@ashfield.gov.uk – email was not forwarded by Mrs Stevenson. Therefore Review Application was officially received by the Licensing Authority on 05.09.2022 when the Officer who was on leave returned to work.	

The Club Premises Certificate currently in force is attached at **Appendix J** to assist all parties; and a map detailing the general location of the premises is attached at **Appendix K**.

During the 28 day representation period the Licensing Team received no representations from Interested Parties in support of the Review application.

Implications

Corporate Plan:

Licensing Act 2003 is a statutory duty of the Council.

Ensuring that Premises and Clubs operate with the correct Licence, having regard to the Council’s Statement of Licensing Policy on alcohol, regulated entertainment, and late refreshment licensing, will contribute towards the reduction of crime and disorder within the district and to improve community safety and environmental quality.

Legal:

Legal advice will be given at the hearing.

Finance:

No financial implications for the Council.

This report is effective from 18th October 2022 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
It is important that due process is followed in considering this application to ensure that the correct decision is reached which could not be challenged on the grounds that the specified procedures have not been followed.	The hearing has been organised to ensure that due process is followed, with appropriate support from the Council's legal representative to ensure this.

Human Resources:

There are no direct HR implications contained within this report

Environmental/Sustainability

Statutory requirement of the Licensing Act 2003, there no diversity or equality implications.

Equalities:

There are no equalities implications contained within this report.

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Appendix A: Review Application

Appendix B: Noise Complaint relating to 19.05.2022

Appendix C: Stage 1 Noise Advisory Letter issued 23.05.2022

Appendix D: Response from Hucknall Liberal Club 06.06.2022

Appendix E: Response to Hucknall Liberal Club 06.06.2022

Appendix F: Noise Complaint relating to 14.07.2022

Appendix G: Response from Hucknall Liberal Club 27.07.2022

Appendix H: Summary of meeting held with all parties 09.08.2022

Appendix I: Club Premises Certificate

Appendix J: Local Map

Report Author and Contact Officer

Julian Alison
Licensing Manager
julian.alison@ashfield.gov.uk
01623 457364

Sponsoring Director

Robert Docherty
DIRECTOR OF PLACE & COMMUNITIES
robert.docherty@ashfield.gov.uk
01623 457183

APPENDIX A

<i>M[Insert name and address of relevant licensing authority and its reference number (optional)]</i>	
Application for the review of a premises licence or club premises certificate under the Licensing Act 2003	
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST	
<p>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.</p>	
Mrs Amanada Stevenson <i>(Insert name of applicant)</i>	
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)	
Liberal Club	
Part 1 – Premises or club premises details	
Postal address of premises or, if none, ordnance survey map reference or description 12 West Street	
Hucknall	Post code (if known) NG15 7BW
Name of premises licence holder or club holding club premises certificate (if known)	
Number of premises licence or club premises certificate (if known)	

Part 2 - Applicant details	
I am	
	Please tick ü yes
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	Yes
2) a responsible authority (please complete (C) below)	

3) a member of the club to which this application relates (please complete (A) below)	
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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ü yes


Mr	<input type="checkbox"/>	Mrs yes	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title	<input type="checkbox"/>
									(for example, Rev)

Surname Stevenson		First names Amanda

	Please tick ü yes
I am 18 years old or over	yes

Current postal address if different from premises address	6 West Street Hucknall Nottingham NG15 7BW
--	---

Post town	Hucknall	Post Code	NG1 5 7BW
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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

Telephone number (if any)

E-mail address (optional)

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

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

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

Prevention of crime and disorder:

Ever since I have started to complain about the club I have been subjected to harassment upon multiple occasions which include banging on the door distressing 21 month old grandchildren that reside here. hearing and witnessing members stood outside my property pointing and discussing the complaints, I feel like I am being targeted by known members of the liberal club after the nature of our complaints have been cascaded down from committee members.

As I have stated to the licencing officer that certain people that I know are members of the club have been banging on my door every since I have made a complaint about the club. But on the 20th/08/22 was worrying to the point that I have had to phoned the police and I am now waiting for an officer to come to take a statement. At about 11.40 I was sorting my 21month old granddaughter out when I heard two men talking oh don't do that number 6 will be ringing up. This is getting really worrying because I don't know what their intentions were. An officer has rang me and gave me a crime number 0205_20082002 and told me to ring 999 if we feel at danger.

Public Nuisance : On Thursday 19TH May I had to go round to the club at 23,26 to request that they turn the music down because we had Vera Lynne and love train thumping through my house. The response that I received was that they didn't care that they was disturbing myself my grandchildren etc. This is not the first time I have had to go round it as been on a number of occasions . I have spoken to my neighbour and her son had an exam on the Friday and couldn't sleep because of the noise also this isn't the first time he has been disturbed and he had to take his mattress into the front bedroom so that he could sleep. Their building is at the bottom of our garden about 13 yards from our house.

: From the last review where the club had some restrictions put on their license and one of these restrictions was that noise from regulated entertainment will be inaudible at the nearest noise sensitive property after 23.00. This condition has been constantly broken as we hear them well after this time . I have attached evidence to show you of the times that I have been disturbed by the club. And contrary to what as been said that I haven't contacted the club I have evidence on my call log of times and dates . Contrary to what has been said by liberal that I didn't contact them about the noise . Me and Jane came to an agreement that I would contact the club if they was noisy which I did but this proved to be a fruitless task as they didn't turn it down and I also contacted licensing about the noise and told them and the club that I wasn't prepared to contact them if it was loud as it was a waste of my time. The licensing officer asked me to start contacting them again which I did but still no joy and Jane saying that I haven't contacted the club after the 2nd of June 2022 is not true because I have my phone log Of times and dates. The club as caused me and my neighbours a disturbance on a Thursday Friday and Saturday night by having live bands artists and karaoke for a number of years . ect . This is having a deprimental effect on my health and my family's wellbeing. I don't see why I should have to be dictated to when and what time I can go to sleep in my own home.

Protect children from harm :

Due to the liberal club playing music this stops me putting my 21 month old grandchildren to bed as the music bass and sometimes the singing keeps them awake. My neighbors son had to move his mattress into the front bedroom because the music was so loud he couldn't sleep and he had a exam in the morning this is unacceptable. Not only does this effect when I can put them to bed but also it sometimes frightens them if they are woken by the music. Children need their sleep to improved attention, improve behaviour , learning and memory,and overall mental and physical health which I feel is being effected by the liberal club noise disturbance. And as I have stated that members are banging on my front door and the men late at night saying don't do that number 6 will be ringing.

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

Please tick ü yes										
Have you made an application for review relating to the premises before	Yes									
If yes please state the date of that application	<table border="1"> <tr> <td style="text-align: center;">Day</td> <td style="text-align: center;">Month</td> <td style="text-align: center;">Year</td> </tr> <tr> <td style="text-align: center;">□</td> <td style="text-align: center;">□</td> <td style="text-align: center;">2 0 □</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0 6</td> </tr> </table>	Day	Month	Year	□	□	2 0 □			0 6
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If you have made representations before relating to the premises please state what they were and when you made them

The application was made by Paddy Tipping then MP on our behalf.

And these conditions were put on

ANNEX 2

Conditions consistent with the Operating Schedule

- 1.A door steward will be on duty at all times the club is open to members.**
- 2.Signs are to be erected and placed in a prominent position to remind customers to leave in a quiet and considerate manner.**
- 3.Children under the age of eighteen years are not permitted in the club premises except on special occasions when they must be accompanied and supervised by an adult.**
- 4.All external doors in the premises must be closed after 23.00 or when the nature of regulated entertainment may give rise to a public nuisance (as defined in paragraph 7.40 of the Guidance issued under section 182 of the Licensing Act 2003), except for the duration of access and egress or in an emergency.**
- 5.Noise from regulated entertainment will be inaudible at the nearest noise sensitive property after 23:00.**

yes	Please tick ü
<ul style="list-style-type: none"> 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 	
<ul style="list-style-type: none"> 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
Mrs A Stevenson.....

Date
29/08/2022.....

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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

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

From: noreply@ashfield.gov.uk <noreply@ashfield.gov.uk>

Sent: 23 May 2022 12:29

To: Licensing <Licensing@ashfield.gov.uk>

Subject: The form 'contact the licensing team' has been submitted

Ashfield Website Contact Form

A form has been submitted on the Ashfield.gov.uk website, please see the submission details below.

Form Results

Name

Amanda Stevenson

Email

[REDACTED]

Message

I spoke to an officer about the problems that we are having with the Liberal Club in Hucknall and that I want a licencing review. On Thursday 19TH May I had to go round to the club at 23,26 to request that they turn the music down because we had Vera Lynne and love train thumping through my house. The response that I received was that they didn't care that they was disturbing myself my grandchildren etc. This is not the first time I have had to go round it as been on a number of occasions . I have spoken to my neighbour and her son had an exam on the Friday and couldn't sleep because of the noise also this isn't the first time he has been disturbed and he had to take his mattress into the front bedroom so that he could sleep. Their building is at the bottom of our garden

about 13 yards from our house. I look forward to your response.
Many thanks Mrs A Stevenson

Consent for storing submitted data

True

Spam protection

Contact: Licensing Team
Direct Line: 01623 457589
Email: licensing@ashfield.gov.uk

Our Ref: 1564
Your Ref: Club Premises Certificate
Date: 23rd May 2022

Ms Jane Dean
Club Secretary
Hucknall Liberal Club
10 12 West Street
Hucknall
Nottinghamshire
NG15 7BW

Dear Ms Dean

RE: HUCKNALL LIBERAL CLUB, 10-12 WEST STREET, HUCKNALL.

It has been brought to my attention that during an event held on Thursday 19th May 2022 at approximately 23:25 hours that the volume levels of the amplified music being played were alleged to have been excessive giving rise to residents lodging complaints with the Licensing Authority.

The complainant has stated that when they visited the premises to request, they turn it down, the response they received from the club was that they didn't care if it was causing a disturbance.

Whilst I note that your Premises Licence permits the playing of live and recorded music indoors, Annex Two of your Premises Licence clearly lists the conditions applicable to prevent a public nuisance when regulated entertainment is held at the venue, and I have listed these specific conditions below for your attention:

- 1. All external doors in the premises must be closed after 23.00 or when the nature of regulated entertainment may give rise to a public nuisance (as defined in paragraph 7.40 of the Guidance issued under section 182 of the Licensing Act 2003), except for the duration of access and egress or in an emergency.**
- 2. Noise from regulated entertainment will be inaudible at the nearest noise sensitive property after 23:00.**

The Licensing Authority is keen to promote a vibrant night-time economy within the Ashfield District, however, I must ensure that breaches of licence conditions or failures to uphold the licensing objective of the prevention of public nuisance are recorded and highlighted to you in a transparent manner by way of this **Stage 1 Advisory Letter**.

Having reviewed the matters that have been reported, I should advise you that I shall be instructing the Licensing Enforcement Officer and the Community Response

Address: Council Offices, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA
Tel: 01623 457589 **Email:** licensing@ashfield.gov.uk **Web:** ww.ashfield.gov.uk/licensing
Page 21

If reasonable adjustments are needed to fully engage with the Authority contact **01623 450000**

Officers to carry out impromptu visits to your establishment, in order that the concerns that I have expressed in this communication are addressed by you and those who work at the Hucknall Liberal Club.

Should I receive further information that would lead me to have concerns that noise related matters are not being adequately risk assessed and as such causing residents to lodge additional complaints, and / or that regulated entertainments are taking place outside of the permitted hours, further enforcement action may be taken.

I trust that you will ensure that any future regulated entertainment held at the premises will be in accordance with these conditions, so as to prevent further complaints from being received.

I also request that you provide me (in writing) with details as to what steps you currently have in place and what more can be done to prevent the noise of amplified entertainment held at the premises from causing a disturbance to nearby residents who have a rightful expectation to enjoy the peace of their property.

Please ensure that you provide me with your written comments within 7 days of the date of this letter (please email to **licensing@ashfield.gov.uk**)

A copy of this letter has been passed to the Environmental Protection Team, being the Responsible Authority charged with upholding the licensing objective of the prevention of public nuisance. An Environmental Health Officer may be in contact with you to discuss the matter further.

Furthermore, the Environmental Health Officer may seek to install noise monitoring equipment in the complainant's property during the course of the investigation in order to ascertain the level of noise and this may be used as evidence should further action be required.

Should you have any queries relating to this matter, please feel free to contact me at the above address.

Yours sincerely



Joanne Lindley
Licensing Enforcement Officer

Cc: Janet Young, Environmental Health Team Leader, Ashfield District Council
Julian Alison, Licensing Manager, Ashfield District Council

From: Jane Dean
Sent: 06 June 2022 03:37
To: Joanne.Lindley <Joanne.Lindley@ashfield.gov.uk>
Subject: Noise Complaint

This message originated from outside your organization

Good Morning,

I acknowledge receipt of your letter detailing a noise complaint in respect of the Hucknall Liberal Club.

Before addressing the complaint specifically, I will provide some background to it.

The Club has been a Members Club since 1906 when the building was given to its members for their recreational use and that remains the case today. At that point the building fronted South Street and though our Club name remains emblazoned on the wall facing the Half Moon, in September 2016, the members voted to sell that part of the building. At that point the Club went from hosting 5 separate bars on 3 floors to just 2 bars (usually referred to as The Concert Room and The Bar or Pool Room) on a single floor with its main entrance and a small car park on West Street. The part of the building which was sold, housed two shops which have been renovated by the new owner, and aside from a bar on one of the upper floors which the new owner retained as a bar, the remainder of the building is now flats. There are 3 houses on West Street which back on to the Club but are separate from it.

Since I became Club Secretary on 1st March 2017, I have therefore always been acutely aware that we have residents very close at hand whom we need to consider in our choices for the Club. I speak regularly to the owner of the nearest house who's wall makes up our car park boundary, to ensure that we do not disturb them and have been reassured on each occasion that we don't- even though they have a toddler!

In the five years or so that I have been Club Secretary, I have had about 5 complaints in total which have all been from either Mrs Stevenson or her husband who live in one of the houses on West Street. I have never received any complaint from any other resident. These five complaints include the one on Thursday 19th May subject of your letter, a second on the following Thursday and one again last Thursday 2nd June.

On the 19th May, Mrs Stevenson entered the Club at around 11.20pm and demanded that the music was switched off or she would unplug it. At the time I was in the office behind the bar cashing up as the bar closed at 11pm and didn't immediately realise that there was a problem. When I came out to investigate, I heard Mrs Stevenson being told that 'this was the last song after which the music would be completely switched off'. This did not seem to satisfy her and as she continued to shout, I went over to her and tried to speak to her but she refused to do so and turned to leave the building so I followed her out but she refused to engage with me at all. Mrs Stevenson knows who I am because she came into the Club on a previous occasion (I think pre Covid) when I was in on duty in the Doorman's office and asked for the music to be turned down, which I immediately did - she remembers this because she mentioned it last Thursday when she again visited the Club.

After the first occasion Mrs Stevenson again came into the Club to complain about the noise, this time it was around 8.15pm and I was in the room. I immediately went over to speak to her - again she was angry and demanding that we turn the music down. I asked to speak to her and we left the room and stood just outside the main door. She continued to tell me that she was unhappy about the noise and wanted it to stop as she had two babies (her grandchildren) who she couldn't get to sleep because of it. At this point we were standing outside of the main entrance with the door closed and i couldn't hear the music at all. When I said this to her she said that in her house it was really loud - at this point she was still very agitated and I asked her to calm down so that we could find a compromise which suited us both. She just kept reiterating that it was really loud at her house and despite the fact that I couldn't hear it outside the Club door, I asked her to show me. So myself and the Club President then went with her into her back yard where I found that the music was audible though I couldn't tell what the song was. Almost immediately we arrived the church bells at St Mary's started to ring and drowned the sound out completely so I said to her that I would be more concerned about the bells than the music but she just said 'oh we've got used to that'. Whilst we stood outside, both her son and husband were shouting at me and being verbally abusive and her husband was threatening 'to find out where I lived', she however, became less agitated and more reasonable. I told her that I recognised that she had a right to not be disturbed by us but that I had a business to run and we needed to find a compromise which suited us both. I asked why she rarely complains on Friday and Saturdays when we have entertainment both nights and she again said that they had got used to it and rarely noticed it.

After further discussion she agreed that it was probably the 'bass' which caused most disruption in her house so I agreed to turn down both the music and to moderate the bass immediately and she agreed that in the future and regardless of whether it was a Thursday, Friday or Saturday night that she would simply need to ring me and I would immediately turn the volume down if she was disturbed. I felt that this was a sensible approach in the circumstances and I returned to the Club and did what I had agreed to do. Since last Thursday I have received no further contact from her and having reached the agreement with her, I was very surprised to receive your letter.

After giving the matter some thought, it's my belief that it is our entertainment on Thursday which has caused a problem rather than the weekend nights whose arrangements pre date me by a considerable number of years. Pre covid Thursday was a very quiet night with only half a dozen or so members attending and hardly a viable night at all. Post covid it was even worse and the Committee took the decision some time ago to temporarily close until we could find something to tempt members back in and make it a viable night.

I should say at this point that in common with most pubs and clubs our business has not returned to anything like normal since Covid Lockdown and whilst Friday and Saturday are not too bad now, we have had to close on Sundays because the local Connect bus service now finishes at 6pm so members can't get here without paying for taxi's which on a pension is cost prohibitive for most. Monday to Thursday is dire thus leading to our closure on Thursday. We desperately needed to find a new attraction for members (and to find new members) or otherwise risk complete closure of the Club.

About a month ago, some members asked if they could have a Karaoke night each week and I said that I would consider it if they found someone willing to run it which they did. After

discussion with her it was agreed to start on Thursday 19th May 2022. Thus I believe that this was the catalyst for the complaint - sound on a previously silent night.

What follows is a description of the actions taken since receiving the first verbal complaint:

I spoke to you on Friday 20th May to get your advice which I have been following.

I held a Committee Meeting on Tuesday 31st May 2022 specifically to discuss the complaint and what follows is a list of the actions we agreed to undertake.

Every Thursday, Friday and Saturday evening I monitor the sound levels in the room and outside all evening. About every half an hour or so I do a complete circuit from the main door on West Street passed the front of all the houses and flats on both West Street and South Street, into the small courtyard on South Street which brings me to the back wall of Mrs Stevensons house and within a few feet of her back door. I then walk from the courtyard back into South Street and into the alley leading to the Clubs rear entrance where there are also two further flats.

At 11pm every evening I also check that the doors and windows are closed and I walk to the nearest house outside to check sound levels which I then log in a diary.

The Entertainment leader on the Committee meets and greets each artist on arrival and among other things informs them that they will be requested to turn down the music if it is perceived to be too loud or if we receive complaints internally or externally.

An email has been sent to the Entertainment Agency we use asking them to notify all artists at the point of booking and a poster is being prepared by the agency for the wall in out artists dressing room as a reminder.

I have spoken to a specialist sound company to ask their advice about a decibel monitor.

I have reviewed the whole of our building to try to ascertain where any sound outside could be emanating from to cause the disturbance she alleges and I have found that windows on the side facing Mrs Stevensons house and the other properties, do not open but are not double glazed consequently the curtains at these two windows are now closed on entertainment nights. There is also a brick wall between the Club and the West Street houses.

The only opening windows on the West Street side of the building are the small toilet windows - the ladies window is never open but the gents toilet window is always open.

There are two other windows on the opposite side of the Bar which can open but we rarely do.

The Concert Room has no opening windows at all but does have a fire door which is opened in the summer on the hottest nights but hasn't been open yet this year.

There are a number of signs in our entrance so I have replaced our 'Quiet please' sign by the main entrance for one with a different design so that people notice it more readily and I have repositioned it so that members have look at it as they leave the building.

Members have been made aware of the complaint.

Our stage is at the opposite end of the building from Mrs Stevenson house and is as far away as it's possible to get however since I believe that the Thursday Karaoke is the catalyst to this complaint, the Committee agreed that we should try to position the speakers differently on this night and came up with 3 different positions. On Thursday 2nd June for example, we had both speakers facing the back wall of the Club towards the Church and churchyard of St Mary's church, away from all the properties described above.

On Thursday 2 June I did around a dozen walk rounds as described above and detected absolutely no sound whatsoever on any of them despite walking past Mrs Stevensons front window and being adjacent to her back wall, neither was there any bass vibration but despite this Mrs Stevenson rang me as previously agreed and I had the Karaoke leader reduce the sound as agreed.

On Friday 3 June usual walk rounds, no noise into West Street but could hear music in the courtyard so I personally spoke to the artists and asked them to turn it down which they did. One call from Mrs Stevenson.

On Saturday 4th June usual walk rounds, no noise at any point. No phone calls from Mrs Stevenson.

In conclusion, I am convinced because of the walk rounds I have done over the last 3 weeks that the issue isn't noise from the Club because I have detected hardly any yet despite that I have acted in good faith and turned the music down on each of the occasions she has telephoned but how do we take this forward. If I am not detecting any noise from us in the vicinity of her house yet she is adamant that she is being disturbed by us, where do we go from here. I would welcome a visit by Council officials to discuss this matter further.

Kind Regards

Jane Dean
Club Secretary
Hucknall Liberal Club

APPENDIX E

From: Joanne Lindley

To: Jane Dean

Mon 06/06/2022 13:40

Good Afternoon Jean

Thank you for your response to my letter and we are more than happy with what you are doing, however, having read through what you have provided us, it would appear that these, areas listed below, still leave you exposed to further noise complaints.

1. Single glazing to one side which faces Mrs Stevenson's property – though she states that she has closed the curtains on these windows it may be noise curtains that are needed.
2. Some windows being left open until certain times – they need to close them when amplified events take place to prevent risk of noise complaint.
3. Fire Doors wanting to be opened in hot weather – they need to consider what other steps could be taken (i.e. air con), or simply not put amplified events on when they need the Fire Doors to be open otherwise they will get noise complaints made against them.
4. It seems that each time they put entertainment on, whoever hosts the entertainment puts it on at whatever volume they choose (despite the pre-event warning about not setting volumes too high), rather than all amplified entertainments being played on the same volume/bass levels which would immediately prevent Mrs Stevenson from complaining if once the levels were set, no noise could be heard at her residential boundary. This can easily be achieved by playing recorded music, whilst checking the noise at the residential boundary, and then reducing the volume / bass until it cannot be heard/felt at that noise sensitive boundary – marking the settings on the console and making it impossible for someone to increase them.

It is our understanding that Mrs Stevenson has some challenging family issues to constantly contend with and therefore it is understandable that when she experiences noise disturbance that it causes her stress because these disturbances add to the matters that she is trying to cope with at home.

Whilst we appreciate that the Club needs to be commercially viable and we are aware that it may not be a simple one size fits all way to stop Mrs Stevenson being disturbed, these above matters are the areas that would still lead to noise disturbances being experienced by Mrs Stevenson and we would suggest you look at ways over a period of time to rectify them.

The Council does not side with either party, we want the Club to be a success and we want Mrs Stevenson to not feel the need to make a complaint, and obviously the less frequent the complaints, the easier it is to manage everybody's expectations moving forward.

Kindest Regards

Joanne Lindley
Licensing Enforcement Officer

From: Amanda Stevenson

To: Joanne Lindley

15/07/2022 12:13

This message originated from outside your organization

Hi Joanne hope you are well I am still being disturbed by music from the liberal club which is still going on later than their licensing conditions allow I have been away at my sons for two weeks from the 25/6/2022 so I don't know what it was like during that time but I have some dates when it was really loud after our last emails last night 14/7/2022 they were loud going on well past 11pm obviously we couldn't have the windows open because of the music so you can imagine what the heat was like in my house so could please tell me in reference to your last email when and how are the noise levels are going to be preset kind regards Mrs stevenson

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APPENDIX G

From: Hucknall Liberal Club

To: Joanne Lindley

27/07/2022 07:56

Morning Joanne

Further to you're email and our two conversations in recent days.

No, not messed about with at all. I was in the Club all evening on the 14th/15th/16th and did my usual checks outside our front door, outside Mrs Stevenson's front door and at the boundary wall which is part of her property and is only about 6 feet from her back door and there was no noise at all.

Other Committee members also do spot checks every Thursday, Friday and Saturday from the same vantage points and report to me if they hear anything too.

Since our last correspondence I have received no such reports about music emanating from us but have had a single report about music from a flat adjacent to Mrs Stevenson's property and several from the Half Moon. In addition to which, on one of my 'walk rounds' at 8.20pm on Thursday 7th July I noted some low sound at Mrs Stevenson's boundary wall and immediately returned to the Club and asked for the music to be turned down which was done immediately.

The lady who runs the Karaoke also checks herself on Thursdays such is the paranoia within the Club to ensure we are not flouting the rules.

If you recall, I also have an arrangement with Mrs Stevenson to ring me if she can hear anything from us - I have received no phone calls since 2 June, when I turned down the music as per our agreement.

When we have artists on at the Club they all bring their own kit as does the Karaoke lady - all they need from the Club is the power.

As for windows being closed, as I have said previously, there are no windows open - at the time we last spoke there was one small window in the gents toilet which was open but it has been closed for weeks now.

In all the time since Mrs Stevenson's first report neither I (aside from the incident described above) nor any of the Committee Members doing the walk round checks have ever heard anything and I cannot understand how Mrs Stevenson indicates that she can. I am also absolutely flabbergasted that she claims to hear me calling bingo numbers - when we play bingo there is absolutely no other sound except my voice.

This Thursday 21 July is the Clubs birthday, it's been here on the same site for 116 years, Mrs Stevenson told me that she'd lived in her house for 40 years. Though I have only been involved with the Club for just over 5 years, from what long standing members have told me, artists and bingo have been an ongoing attraction at the Club for a considerable number of years so why is there an issue now? No structural changes have occurred inside

the Club during my time with the Club. Indeed, it should be quieter as in September 2016 (just prior to my arrival in March 17) the management of the day sold the front of the building which housed 3 more bars to which music and bingo used to be 'piped' into so that members could play/hear from all bars.

The Club has no desire to cause distress to any of our neighbours and will do all we can to ensure they are not adversely affected by us but, having spoken to several of our near neighbours, they report no issues at all.

I look forward to meeting you on 9 August 2022 to discuss and try to find a resolution which suits all parties.

Kind Regards
Jane Dean

Club Secretary
Hucknall Liberal Club



Contact: Licensing Team
Direct Line: 01623 457589
Email: licensing@ashfield.gov.uk

Our Ref: 1564
Your Ref: Club Premises Certificate
Date: 9th August 2022

Ms Jane Dean
Club Secretary
Hucknall Liberal Club
10 12 West Street
Hucknall
Nottinghamshire
NG15 7BW

Dear Ms Dean

RE: HUCKNALL LIBERAL CLUB, 10-12 WEST STREET, HUCKNALL.

Thank you for meeting with me today to try and resolve the noise allegations moving forward with all parties.

If I do not hear anything from either party with the next two weeks, I will assume that the measures put in place have succeeded.

I have listed below the agreed steps:

- Using the decibel meter app an agreed reading of 65 – 95 maximum inside.
- Foam to be applied to windows in the bar room.
- On Wednesday evenings when Bingo is on to turn the pa system down.

I would re iterate my advice to the premises that it would be advisable for them to invest in their own sound system to be able to control the volume of music and base frequency.

It is the responsibility of the Club Premises Certificate holder to ensure that a robust approach with entertainers providing their own sound systems to ensure by using their own equipment does not give rise to further complaints.

Should Mrs Stevenson experience any further noise disturbance if she could firstly contact Jane Dean at the Club, and if there is no satisfaction when doing this, if she would make contact with the Licensing Team.

Address: Council Offices, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA
Tel: 01623 457589 **Email:** licensing@ashfield.gov.uk **Web:** www.ashfield.gov.uk/licensing

The Council are pleased that both parties are working together on this matter and hope that these measures will resolve any future noise disturbance.

Yours sincerely

A handwritten signature in black ink that reads "Joanne Lindley". The signature is written in a cursive, flowing style.

Joanne Lindley
Licensing Enforcement Officer

Cc: Mrs Stevenson, West Street, Hucknall, Nottinghamshire. (by email)
Julian Alison, Licensing Manager, Ashfield District Council
Janet Young, Environmental Health Team Leader, Ashfield District Council

APPENDIX I

From: Amanda Stevenson
Sent: 28 August 2022 14:08
To: Joanne.Lindley <Joanne.Lindley@ashfield.gov.uk>
Subject: Re: Liberal club licensing review request

This message originated from outside your organization

Thursday/Friday/Saturday of this week and Thursday/Friday/Saturday of last week the liberal club were loud unable to have the windows open each of these days they were audible after 11pm so that is six breaches of their license in two weeks are you actually going to come out and hear it for yourself?

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**The Licensing Act 2003 (Premises licence and club premises certificates)
Regulations 2005
Schedule 13 – Part A**

CLUB PREMISES CERTIFICATE

Club Premises Certificate Number	CL/0521 V1
Name of Club in whose name this certificate is granted and relevant postal address of club.	Hucknall Liberal Club 10-12 West Street Hucknall NOTTINGHAM NG15 7BW
Telephone Number	0115 9630227
If different from above, the postal address of club premises to which this certificate relates, if any, or if none, Ordnance Survey map reference, or description	Not Applicable
Telephone Number	Not Applicable
Where the Club Premises Certificate is time limited the dates	Not Applicable
Qualifying Club activities authorised by the licence	Supply of Alcohol Provision of Regulated Entertainment
Times the certificate authorises the carrying out of qualifying club activities	Supply of Alcohol Monday to Sunday 00.00 to 00.30 10.00 to 00.00 Provision of Regulated Entertainment Films, Live Music, Recorded Music, Performance of Dance and anything of a similar description to Live Music, Recorded Music or the Performance of Dance Monday to Sunday 00.00 to 01.00 10.00 to 00.00
Opening hours of the club	Opening hours are at the discretion of the club but qualifying club activities may only take place during the times indicated above.
Where the certificate authorises supplies of alcohol whether these are on and/ or off supplies	Supply of Alcohol ON and OFF the premises

ANNEX 1

Mandatory Conditions

SUPPLY OF ALCOHOL OFF THE PREMISES (Section 73)

1. Alcohol may only be supplied off the premises when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in sealed containers.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

EXHIBITION OF FILMS (Section 74)

The admission of children to any exhibition of any film is restricted as follows:

- U Universal – suitable for audiences aged four years and over.
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older, or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over.
- 18 – Passed only for viewing by persons aged 18 years and over.

Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds, in such a manner so as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

ANNEX 2

Conditions consistent with the Operating Schedule

1. A door steward will be on duty at all times the club is open to members.
2. Signs are to be erected and placed in a prominent position to remind customers to leave in a quiet and considerate manner.
3. Children under the age of eighteen years are not permitted in the club premises except on special occasions when they must be accompanied and supervised by an adult.
4. All external doors in the premises must be closed after 23.00 or when the nature of regulated entertainment may give rise to a public nuisance (as defined in paragraph 7.40 of the Guidance issued under section 182 of the Licensing Act 2003), except for the duration of access and egress or in an emergency.
5. Noise from regulated entertainment will be inaudible at the nearest noise sensitive property after 23:00.

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

None

ANNEX 4
Plans

See attached



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