

LICENSING ACT 2003

SUMMARY OF DECISION OF THE LICENSING SUB-COMMITTEE

Regarding Thomas Wilson Working Man's Club, Low Fell Temporary Event Notice

Date of Hearing : 22nd October 2021

Chair : Cllr Bill Dick

Member (1) : Cllr Marylin Ord

Member (2) : Cllr Bob Goldsworthy

Licensing Officer : Rebecca Sparrow

Environmental Health Officer: Andrew Ridley

Legal Advisor : Roddy Currie

Democratic Services Officer : Sonia Stewart

Type of Hearing

- Objection to Temporary Event Notice by Environmental Health under s104 Licensing Act 2003

Parties to Hearing

Applicant : Brian Nicholson (Did not Attend)

A Temporary Event Notice was submitted by Brian Nicholson on behalf of Thomas Wilson Working Mens Club. The licensable activities to be authorised by the notice were the sale of alcohol on the premises between 7pm and 11pm and the provision of regulated entertainment in the form of a wrestling evening. The premises has a club premises licence so is only permitted to sell alcohol and provide regulated entertainment to members.

An Objection was made by a Relevant Person, Gateshead Council's Environmental Health team, relating to the Licensing Objectives of –

the prevention of public nuisance

THE DECISION

The Sub Committee decided to give the premises user a counter notice under section 105 of the Licensing Act 2003 as it considers it appropriate for the promotion of the licensing objectives.

THE HEARING

The Sub Committee :

- Considered the Agenda papers dated 21st October 2022
- Considered the opening remarks of the Licensing Officer
- Considered the submissions of Mr Nicholson
- Considered the National Guidance issued under s182 of the Licensing Act 2003 and Gateshead Council Statement of Licensing Policy as outlined in the Licensing Officer's Report
- Heard – The Relevant person

REASONS

The Sub-Committee is aware that it has to act to promote the Licensing Objectives as set out in the Licensing Act 2003 and that any decisions which it takes, or conditions which it attaches to a Licence must be appropriate to achieve those objectives. In reaching its decision it has taken into account :

Relevant parts of the Council's Statement of Licensing Policy

Paragraphs 7.8-7.11

Relevant parts of the Statutory Guidance issued under section 182 of the Licensing Act 2003

Chapter 2.15- 2.21, Chapter 7, Chapter 16

The committee found that the previous event on 15/10/21 authorised by a Temporary Event Notice resulted in noise nuisance, which was observed by an EHO. There have been previous complaints by neighbours of noise nuisance and that was the reason that the EHO was present. They found that nuisance had been caused to people living in neighbouring properties by the event on 15/10/21 and on previous occasions. They also found that the noise was caused not just by the fire door but also because of the failure to manage the noise coming from the club, both from the sound system and from people leaving the premises.

The Committee decided that to allow the event to go ahead would be likely to cause further nuisance to members of the public living in the vicinity of the club.

For this reason the committee is satisfied that the public nuisance licensing objective will be upheld by issuing a counter notice.