

Blackpool Council

14 November 2014

To: Councillors Doherty, Hunter and M Mitchell

The above members are requested to attend the:

LICENSING PANEL

Thursday, 27 November 2014 at 2.00 pm
in Committee Room B, Town Hall, Blackpool

A G E N D A

1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- MARTON INSTITUTE (Pages 1 - 50)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Marton Institute
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Marton Institute

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	27 th November 2014

APPLICATION TO REVIEW A LICENCE – MARTON INSTITUTE

1.0 Purpose of the report:

- 1.1 Marton Institute, Oxford Square, Blackpool has the benefit of a Premises Licence permitting the sale of alcohol and provision of regulated entertainment. Alcohol may be sold 11.00 until 02.00. Regulated entertainment is permitted indoors and outdoors 11.00 – 01.00. The licence holder is Kerry Anne Boyd. The designated premises supervisor is Lynda Newton.
- 1.2 On 30th September 2014, the licensing service received an application to review the licence on the grounds of public nuisance.
- 1.3 The review application was submitted by the Licensing Authority. Representations in support of the licence holder have been received.

2.0 Recommendation(s):

- 2.1 The panel is requested to determine the review application.

3.0 Reasons for recommendation(s):

- 3.1 This application must be determined by a panel.
- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes
- 3.3 Other alternative options to be considered:
None

4.0 **Background Information**

4.1 **Annex 1 - Mandatory conditions**

Alcohol

- 1 No supply of alcohol may be made under the premises licence -
 - a) At a time when there is no designated premises supervisor in respect of the premises licence,
 - or*
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. Games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);
- b. Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined by section 159 of the Act);
- c. Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a

- period of 24 hours or less;
- d. Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependant on -
- i. The outcome of a race, competition or other event or process,
 - or
 - ii. The likelihood of anything occurring or not occurring;
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 The responsible person shall ensure that -
- a. Where any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. Beer or cider: ½ pint;
 - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml; and
 - b. Customers are made aware of the availability of these measures.

Exhibition of films

- 8 Where the film classification body is specified in the licence, unless the following applies, admission of children must be restricted in accordance with any recommendations made by that body
- 9 Where -
- a) The film classification body is not specified in the licence,
- or

- b) The relevant licensing authority has notified the holder of the licence that this condition is applied to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4.2 **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 No entertainment of an adult nature will take place on the premises.
- 2 The premises operate as a private members club. Guests may attend the premises but must be signed in by a member and pay the entrance fee.
- 3 Non members can attend the premises for open days, private functions and entertainment taking place in the concert room. On these occasions non-members must sign in and pay the entrance fee.
- 4 On New Year's Eve alcohol may be supplied from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- 5 In the lounge bar children under 16 must be supervised at all times and are only permitted until 20.00 hours. Young people aged 16-17 can remain in the lounge bar after 20.00 hours if they are accompanied by a responsible adult.
- 6 Children under 16 are not permitted in the first floor bar at any time. Young people aged 16-17 can use this room to play snooker as long as they are supervised by a responsible adult.
- 7 Notices will be displayed in prominent positions reminding members and guests to keep noise levels to a minimum when entering and leaving the premises.
- 8 Doors and windows will be kept closed when live bands are performing at the premises to control the escape of noise.
- 9 A door person will be on duty at peak times to check persons entering the premises. Entry will not be permitted to anyone who appears aggressive or drunk. On occasions when no door person is on duty, the committee and staff can view the entrance on CCTV monitors located in the office and behind the bar. Only members can gain entry with their membership card. There is a buzzer at the entrance which allows patrons to talk to and be seen (on CCTV) by the office and bar staff who then decide whether to allow entry to non

members.

- 10 Empty glasses and bottles will be frequently collected from the premises.
- 11 The premises has a health and safety policy that is reviewed regularly.
- 12 Regular checks will be made of the fire alarm system and the electrical equipment in the premises.
- 13 CCTV, which complies with the following criteria, will be installed both inside and outside at the premises:
 - a. The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary.
 - b. The system shall display on any recording the correct time and date of the recording;
 - c. The system shall be recording during all hours the premises are open to the public;
 - d. VCR tapes or digital recording shall be held for a minimum of 31 days and 21 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - e. The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
 - f. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police, or any officer acting for a Responsible Authority, recent data or footage with the absolute minimum of delay when requested.
- 14 The licence holder shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
- 15 At least one personal licence holder (whose identity will be known to all other staff engaged in the sale or supply of alcohol) will be available whilst the sale or supply of alcohol is being undertaken, except in the case of emergency.
- 16 The premises will operate a zero tolerance drugs policy.
- 17 Any drugs found shall be confiscated, stored, disposed of or transferred in accordance with procedures agreed with the Lancashire Constabulary.

- 18 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be made available to the Police for inspection upon request.
- 19 Security arrangements will be sufficient to discourage the sale and consumption of drugs: such arrangements to include regular checks of toilet areas.
- 20 An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises. All staff involved in sales will be at least 18 years of age and will receive training to promote the licensing objectives. All training to be documented and records made available on request to Lancashire Police or any authorised officer.
- 21 There will be a "Challenge 25" scheme in operation at the premises, requiring any individual who appears to be under the age of 25 to provide identification to prove that they are over the age of eighteen. In the event that the individual is unable to provide said identification, then the sale of alcohol will be refused. The only forms of identification which will be accepted as proof of age are:
- a valid UK Passport;
 - a valid UK photocard driving licence;
 - A PASS card; and / or,
 - any other form of identification previously agreed with representatives from the Blackpool Police Licensing Unit.
 - any other nationally or locally approved form of identification which may be introduced in the future

Signs promoting this policy shall be prominently displayed at public entrances and alcohol sales areas.

- 22 All staff to have received suitable training in relation to the Proof of Age Scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.
- 23 An incident book will be maintained, in which shall be recorded :
- (a) All incidents of crime and disorder
 - (b) Refused sales to suspected under age / drunken persons
 - (c) A record of any person refused admission or asked to leave the premises
 - (d) Details of occasions upon which the Police are called to the premises
 - (e) The use or discovery of drugs

That book shall be available for inspection by a Police Officer or authorised person.

4.3 Does the information submitted include any exempt information? No

4.4 **List of Appendices:**

Appendix 4a: Application Form for Review

Appendix 4b: Support Representations

6.0 **Legal considerations:**

6.1 Please see local and national policy in the background information.

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 None

9.0 **Financial considerations:**

9.1 None

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Blackpool Council

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

**Review
requested by:**

Licensing Authority



Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372

www.blackpool.gov.uk

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. You may wish to keep a copy of the completed form for your records.

I	Mark Marshall
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[insert name of person requesting review]

apply for the review of a premises licence under section 51 or 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.

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.			
Premises Name and Address	Marton Istitute		
	OXFORD SQUARE		
	BLACKPOOL	Post Code	F 4 4 4 R
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)			
Premises Licence or Club Premises Certificate Reference Number (if known)			

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	<small>Please tick</small> <input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

(2A) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick					
							Yes	No				
Forenames					Surname							
Home address												
					Post Code							
Telephone Number					Mobile Number							
E-Mail Address												

(2B) Other Applicant or Representing Body

Name												
Address												
					Post Code							
Telephone No.												
Email Address												

(2C) Responsible Authority applicant

Name	MARK MARSHALL											
Address	BICKERSTAFFE HOUSE											
	BICKERSTAFFE SQUARE											
	TALBOT ROAD				Post Code							
Telephone Number												
Email Address												

Part 3 – Reason for Review

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

	Please tick
1) the prevention of crime and disorder	
2) public safety	
3) the prevention of public nuisance	√
4) the protection of children from harm	

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

During the weekend of the 22nd to the 24th August 2014 the premises held an event which was authorised in part by the official granting of a Temporary Event Notice.

Complaints were received over the entirety of the weekend and without doubt the interference of residents rights to enjoy quiet possession of their homes was obvious.

To date 4 official complaints have been received with at least a further 2 to be obtained.

A representative of the Council ,namely Mark Marshall was called out to attend the area on both Friday 22nd August, Saturday 23rd August and Sunday 23rd August 2014.

The circumstances of the call out on Friday were in response to a call from Tim Coglan, service manager who had received complaints regarding loud noise believed to be emanating from Marton Mere caravan park.

At 21.50hrs on the 22nd August I attended the vicinity of Marton Mere, at the junction of Kipling Drive and Lawnswood Crescent, music could be heard but it was definitely not coming from Marton Mere, I drove onto the site moments later to confirm this and it was silent around all the entertainment complexes on the site.

I then established that the noise I heard at Lawnswood Crescent was coming from Marton Institute, this location is about 1.5 miles away but as I approached the Marton Institute nothing could be heard until I was 500 metres, clearly the wind direction was playing a part in pushing and dispersing the noise in different direction.

At or about this time I also received a call from Karl Bishoff, a college who lives in the vicinity of the Marton Institute, he disclosed his anger with the situation and explained that he had contacted the Institute and was largely ignored by the staff and his complaint fell on deaf ears.

At approximately 23.00hrs I contacted the Licence Holder Kerry Boyd and left a message, I explained the problems I had witnessed and the complaints received and asked to be contacted the following morning.

At 10.15 on the 23rd August 2014 I spoke to Kerry Boyd and explained what I had had witnessed with the noise the night previously and how far it was emanating from the premises, I suggested that if the nuisance was repeated on Saturday I would seek assistance from the police to explore

LS/F/009/14/3

the possibility of a Section 161 Closure (Licensing Act 2003) on the grounds of Public Nuisance.

Kerry was very co-operative and undertook to do her very best to monitor the situation and minimise disruption to residents in the vicinity.

I checked the area on Saturday evening, the entertainment could be heard but did not appear as bad as the night before.

On Sunday 24th August 2014 I was contacted by Norman Cowell, the call was made at approximately 14.30hrs, I said I would attend as soon as I could, I arrived at this address which is approximately 30 metres away from the Marton Institute. From within his lounge with the kitchen door closed the base beat reverberated through the whole of the house, watching TV would have been impossible, indeed just sitting in this room was verging on unbearable. I was satisfied without doubt that Mr Cowell would be incapable of putting up with the level of disturbance coming from the Marton Institute.

I approached the premises and spoke with Kerry Boyd, again she was cooperative and the volume levels were adjusted to the satisfaction of the complainant.

I returned back to the complainants address where his neighbour Teresa Cresswell had joined who also expressed her anger of the weekends noise disturbance.

A week or so after the event I was contacted by Cllr Haynes who said she had been inundated with complaints at her surgery and provided a series of names and addresses of her constituents who wished to complain.

To date the following statements have been obtained and make part of this application to demonstrate the Public Nuisance over the weekend of the 22nd-24th August 2014.

- 1.Amanda Jones
- 2.Karl Bischoff
- 3.Joan Collier-Baker
- 4.Geoffrey Bromley
- 5.Norman Cowell.

Other addresses were passed but we were either unable to make contact or the complainants were unwilling to provide formal complaints.

The clear message from the complainants is that outdoor entertainment such as amplified music should not be permitted at any time, this Authority seeks this requirement and requests that the prohibition of all types of amplified music and live bands should not be permitted in any outdoor location around this premises.

[Empty rectangular box for providing information]

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

[Empty rectangular box for providing information]

Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick		
	Yes	No	
		<input checked="" type="checkbox"/>	
If yes please state the date of that application	Day	Month	Year

If you have made representations before relating to this premises, please state what they where and when you made them.

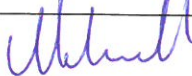
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I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	Please tick <input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected	<input checked="" type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – 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 the behalf of the applicant please state in what capacity.**

Signed	
Print Name	Licensing + Health + Safety Manager (MARK MARSHALL)
Capacity	As above.
Date	30th September 2016

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)

LS/F/009/14/3

Title:	Mr	Mrs	Miss	Ms	Other							
Forenames					Surname							
Address for Correspondence associated with this application												
						Post Code						
Telephone Number					Mobile Number							
E-Mail Address												

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 that we shall use to correspond with you about this application.

Witness Statement

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of **Amanda Jones**

Age if under 18 over 18 (if over 18 insert "over 18"). Occupation **Housewife/Carer**

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 30th day of October 2014

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature A Jones

I am Amanda Jones and I make this statement and complaint about the Marton Institute at Oxford Square, Blackpool. The complaint is about the noise from the Marton Institute Pub Beer Festival on Friday 22nd and Saturday 23rd August 2014. On both nights I heard the music around 7.30 pm and it ended around 11.00pm. On the Friday evening I drove round to the Oxford Square area at 8.00 pm and confirmed that the music was coming from the entertainment at the beer festival at the Marton Institute. The music was so loud that even with all the windows and doors closed in my home I could feel the beat of the music and it was so intrusive that I wore my headphones to watch the Television on both evenings.

The level of noise was ridiculous and the music should not have been so loud that it could affect me in my own home and my enjoyment of my own home.

Signature A Jones

STATEMENT OF WITNESS


(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Karl Bischoff

Age if under 18 (if over 18 insert 'over 18) over 18

Occupation: Public Protection Officer

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true

Signature  Dated 30.09.2014

I am employed by Blackpool Borough Council as a Public Protection Officer in the Trading Standards Enforcement Section based at Bickerstaffe House, Talbot Road, Blackpool.

On Friday 22nd August 2014, I had reason to contact the Marton Institute, Oxford Square, Blackpool via telephone with regards to amplified noise that I believed to be coming from the venue.

In addition to this, not only was the music clearly audible within my home with all windows closed, but the base from the music could be felt in the vibration of my house.

Making a telephone call to the institute on or around 21:45hrs, a female answered the phone however failed to provide her name.

Raising my concerns, I explained that I welcomed the venue holding such a beer festival and other events and that that I am not the type of person that would complain unnecessary, however I felt that the level of amplified music was unacceptable.

I further raised the fact that my property was not in close vicinity and in fact approximately 500 metres away in a westerly direction to the venue.

I further added that I had even observed other neighbours of mine in the street, attempting to

Signature  Signature witnessed by

work out where the music was coming from.

At that same time, the current noise nuisance was also trending on the social internet site Facebook, where people were commenting that the level of noise was a disgrace.

It was at this point that the female who remains unknown appeared to speak to a male about my complaint. I could hear this conversation down the phone.

I do not recall the conversation verbatim, however I do clearly remember the unknown male saying, "We have a licence until 11, for all weekend so tough"

Overhearing this comment, I explained that they may well have such a licence, however this does not mean that they can cause such a statutory nuisance to the neighbourhood.

I further offered for someone to visit my street if required to help appreciate my concerns, however I was told that my complaint would be passed on. I never received any return call.

I made great effort to encourage the venue to address this issue as a member of the public with at no point explaining that I was an officer of Trading Standards Enforcement (Weights and Measures) and a former officer of Environmental Protection and its noise nuisance abatement team.

Due to my concerns that this issue would persist over the weekend, I decided to call a colleague of mine, Mark Marshall on or around 22:15hrs.

The purpose of this call was to ascertain if he was on duty and if so would be able to look into the matter.

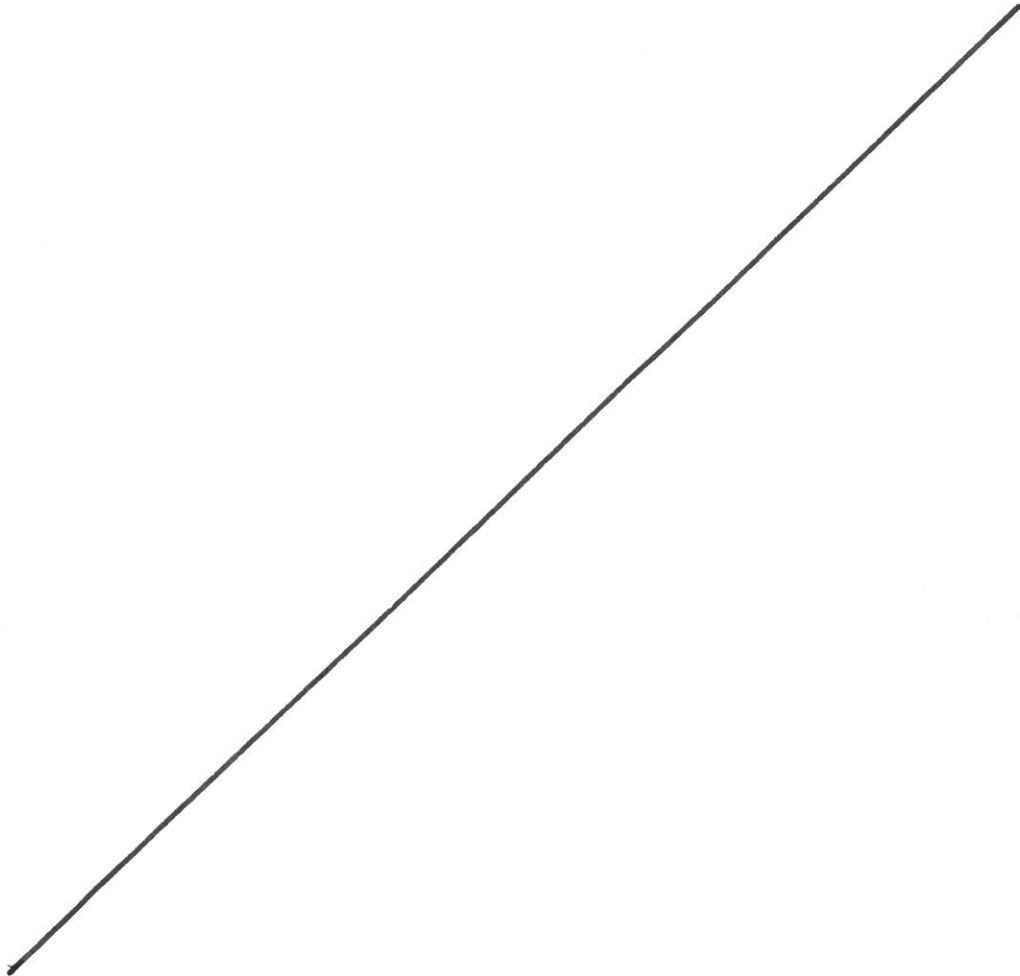
He informed me that he was aware of such noise nuisance in the area and that he had been tasked to look into the disturbance.

Signature  Signature witnessed by.....

Following on from my discussion with Mark Marshall, it appeared that the noise discontinued around 23.00hrs.

Other than this occurrence, I have never had any reason to address any other noise nuisance or disturbance with the venue.

I had no further dealing with this venue about any other issues.



Signature  Signature witnessed by.....

Witness Statement

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of **JOAN COLLIER-BAKER**Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **PENSIONER**

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the **3rd** day of **SEPTEMBER 2014**Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

This is my account of witnessing and experiencing noise nuisance affecting my health and well-being.

I shall now introduce the people that I will be making mention to in my statement. I am Joan Collier-Baker, a seventy year old female, a disabled pensioner, currently residing at [REDACTED] [REDACTED] Blackpool, of which I have lived there for eighteen years. I would describe my address at [REDACTED] as a dormer bungalow on two levels. I would further describe the property as fully double glazed and in a residential area. The second place that I would make mention to is Marton Institute, a licensed premises located at The Oxford, in close proximity to Preston New Road, Waterloo Road and Newhouse Road. The Institute is approximately 300 meters distance from my property. On Friday, 22nd August 2014 at approximately 1900 hours to 2000 hours while watching television in my front room, I heard a loud noise, a continual thumping, Thump, Thump, Thump, which made me turn the television volume up in order to hear the programme I was watching. I eventually went around my house closing windows which had been left open to eliminate the loud noise but I could still hear the continual Thumping noise until midnight.

Again the following evening at about 1900 hours to 2000 hours the noise started to be heard again, this was Saturday, 23rd August 2014. It was so bad that while I was in bed at approximately 2230 hours and the noise got louder, to such an extent that I felt that the bed was vibrating with the constant Thump, thump, thump and was a lot louder than the previous

Signature

Signature witnessed by

evening. I closed my bedroom window to lesson the noise but on doing so it was still a continuous thumping.

No person in my opinion has any lawful right or authority to unlawfully affect my health and well-being through noise pollution and I wish to complain about this matter.

I am willing to attend court or Licensing Committee hearing and give evidence in relation to the content of my statement and complaint made.

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Signature

Page 23 Signature witnessed by

Witness Statement

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of JOAN COLLIER-BAKER

Age if under 18 ~~over 18~~ (if over 18 insert "over 18"). Occupation PENSIONER

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 22nd day of Sept 2014

Tick if witness evidence is visually recorded (supply witness details on rear)

Signature *J Collier-Baker*

This is my account of witnessing and reporting noise nuisance affecting my health and well being. I shall now introduce the people that I will be making mention to in my statement. I am Joan Collier-Baker, a seventy year old female, a disabled pensioner, currently residing at [redacted] Blackpool of which I have lived there for eighteen years. I would describe my address at [redacted] as a dormer bungalow on two levels. I would further describe the property as fully double glazed and in a residential area. The second place that I would make mention to is Marton Institute, a licensed premises located at the Oxford, in close proximity to Preston New Road, Waterloo Road and Newhouse Road. The institute is approximately 300 meters distance from my property. On Friday, 22nd August 2014 at approximately

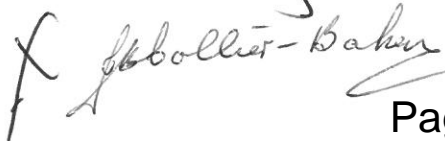
Signature *J Collier-Baker*

Signature witnessed by

1900 hours to 2000 hours while watching television in my front room, I heard a loud noise, a continual thumping, thump, thump, thump which made me turn the television volume up in order to hear the programme I was watching. I eventually went around my house closing windows which had been left open to eliminate the loud noise but I could still hear the continual thumping noise until midnight.

Again the following evening at about 1900 hours to 2000 hours the noise started to be heard again, this was Saturday 23rd August 2014. It was so bad that while I was in bed at approximately 2230 hours and the noise got louder, to such an extent that I felt that the bed was vibrating, with the constant thump, thump, thump and was a lot louder than the previous evening. I closed my bedroom window to lessen the noise, but on doing so, it was still a continuous thumping. No person in my opinion has any lawful right or authority to unlawfully affect my health or well being through noise pollution and I wish to complain about this matter. I am willing to attend Court of Licensing.

Signature



Signature witnessed by

Committee hearing and give evidence in relation to the content of my statement and complaint made.

Signature [Signature]

Signature witnessed by

Witness Statement

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of **GEOFFREY JAMES BROMLEY**Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **RETIRED**

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 3rd day of **SEPTEMBER 2014**Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

This is my account of witnessing and experiencing noise nuisance affecting my health and well-being.

I shall now introduce the people that I shall be making mention to in my statement. I am Geoffrey James Bromley, a sixty-seven year old male, married with two children and now retired. My current address is [REDACTED] Blackpool, Lancashire.

I would describe my address at [REDACTED] as a two storey property at the junction of Arnott Road and Acton Road in close proximity to the location known locally as Lane Ends, junction of Hawe Side Lane, Waterloo Road, Ansdell Road and Marton Drive. This area is predominantly a residential area.

The second area, location I would wish to make mention to is Marton Institute, a working man's club, a licensed premises located at the location known as The Oxford, in close proximity to Preston New Road, Vicarage Lane and Waterloo Road. The Institute comprises of the Institute building, a bowling green to the rear and a car park to the front and side of the main building close to the junction of Vicarage Lane. This building is approximately 300 meters from my address.

At approximately 1930 hours on Friday, 22nd August 2014, while at home with my wife relaxing watching television, we could hear loud music, which seemed to be very heavy based and was so loud that I could actually feel my chest vibrate due to the noise heard. Although we have double glazed windows throughout the property and on closing all opening lights, the

Signature

Signature witnessed by

noise experienced was horrendous, it was so bad that I decided to go out and locate where it was coming from. I made my way on foot, a distance of approximately 100 meters to Lane Ends to see if the noise was coming from Waterloo Road School or licensed premises on Hawe Side Lane, I found nothing noise wise coming from this area. I was aware of the Beer Festival and large tent on the car park of Marton Institute and live music over the weekend and on making enquiries to a friend and member of the Institute, established that the noise was coming from the Institute. I did not make contact by any means to the Institute regarding the noise which continued at a very high level until approximately 2300 hours later that evening.

No person or organisation in my opinion has any lawful right or authority to unlawfully affect my health and well-being or that of my family and I wish to complain about this matter.

I am willing to attend court or Lisensing Committee hearing and give evidence in relation to the content of my statement and complaint made

.....

Witness Statement

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of Geoffrey James BromleyAge if under 18 21 (if over 18 insert "over 18"). Occupation Retired

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 5th day of Sept 2014Tick if witness evidence is visually recorded
(supply witness details on rear)Signature G J Bromley

This is my account of witnessing and experiencing noise nuisance affecting my health and well being. I shall now introduce the people that I shall be making mention to in my statement. I am Geoffrey James Bromley, a sixty-seven year old male, married with two children and now retired. My current address is [REDACTED], Blackpool Lancashire

I would describe my address at [REDACTED] as a two storey property at the junction of Arnott Road and Acton Road in close proximity to the location known locally as Lane Ends, junction of Hawes Side Lane, Waterloo Road, Ansdell Road and Marton Drive.

This area is predominantly a residential area. The second area location I would wish to make mention to is Marton Institute, a working man's club, a licensed premises located at the location known as the Oxford, in close proximity to Marton New Road, Vicarage Lane and Waterloo Road. The institute comprises of

Signature

G J Bromley Page 29

Signature witnessed by

The institute building, a bowling green to the rear and a carpark to the front and side of the main building close to the junction of Vicarage Lane. This building is approximately 300 meters from my address. At approximately 1930 hours on Friday, 22nd August 2014 while at home with my wife relaxing watching television we could hear loud music, which seemed to be very heavy based and was so loud that I could actually feel my chest vibrate due to the noise heard. Although we have double glazed windows throughout the property and on closing all opening lights, the noise experienced was horrendous. It was so bad that I decided to go out and locate where it was coming from. I made my way on foot, a distance of approximately 100 meters to Lane Ends, to see if the noise was coming from Waterloo Road School or licensed premises on Howe Side Lane, I found nothing noise wise coming from this area. I was aware of the Beer Festival and large tent on the carpark of Marton Institute and live music over the weekend and on making enquiries to a friend and member of the Institute, established that the noise was

Signature

G J Blaney

Signature witnessed by

Page 30

coming from the Institute - I did not make contact by any means to the Institute regarding the noise which continued at a very high level until approximately 23.00 hrs late that evening. No person or organisation in my opinion has any lawful right or authority to unlawfully affect my health and well being or that of my family and I wish to complain about this matter. I am willing to attend Court or Licensing Committee hearing and give evidence in relation to the content of my statement and complaint made

Signature

J. G. Blomey

Signature witnessed by

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Norman Cowell

Age if under 18 (if over 18 insert 'over 18) over 18

Occupation: Retired

This statement (consisting of 5 pages each signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true

Signature N. Cowell Dated

I am Norman Cowell and currently reside on Vicarage Lane, Blackpool approximately 50 metres from the Marton Institute. I have lived here for 25 years and certainly in the last 5 years or so I have noticed the disturbance caused by the Marton and Institute and its customers.

Issues such as disturbance from customers as they leave the premises, car doors banging on the car park and loud music from the premises are my main concern.

I would describe myself as very tolerant and understand that customers who ^{Nb} ~~a~~ ^{are} touch rowdy when they leave the premises is not necessarily the Institutes fault, likewise they can't really be held responsible for irresponsible motorists who use excessive force to close their car doors but what I do take exception too is the ^{manner Nb} ~~many~~ in which the entertainment noise spills out and causes an extreme nuisance. I am regularly disturbed, on average 2 or 3 times per week; often the noise disturbance starts at around 8pm and goes on through the evening.

Signature N. Cowell Signature witnessed by

The noise from the premises is from loud bands and DJ's, usually when I am disturbed I take a look out of my kitchen window and very often see the fire exit and the windows wide open on the West Elevation of the building, the connection with the noise nuisance and the windows being left open is clear, and things are definitely worse when the windows are open.

I have attached a photograph of the westerly elevation to demonstrate the location of the windows and doors and to exemplify the proximity of my house to the premises; this photo is exhibited as NC01.

I have never complained to the management up until very recently, I am concerned I have to live in the area and don't want any bad feeling if that can be avoided, however recent events have caused me to formulize my concerns and I am now willing to support a formal complaint.

*nb
me
^*

The incident which has forced to take action was the outside Beer Festival event that was held over the bank holiday weekend 22nd to the 24th August 2014. Large outside tents were erected on the car park along with large banners advertising the event.

My Concern was raised as I was walking back for a physiotherapy appointment on Whitegate Drive, my appointment was from 1.30pm to 2..30pm but I was delaying getting in as the therapist had over run with a patient, as a result I was back along Whitegate Drive at about 3.15pm. When I reached the Saddle Pub which is close to the junction with Preston Old Road and Whitegate Drive I could clearly hear the bands from the Institute carrying out sound tests etc.

Signature *M. bowell* Signature witnessed by

I was unnerved hearing this as it was loud in the extreme and at that time I must have ¹⁶ been 500metres or so from the premises, bearing in mind my house is less than 50 metres from the premises I began to fear the worst.

On my return home I phoned the main Council switch board number and asked if anything could be done, I was initially told that someone would call me back.

About 4 pm the same day I was re contacted by Mark Marshall, who gave an overview of the event , stating that the music would finish by 11pm but that I should not put up with being unreasonably disturbed, an example of turning the TV up full blast and still struggling to hear it would be unreasonable disturbance.

I was also advised to go and introduce myself to the management and lodge my concerns with them and perhaps obtain a contact number of someone I could speak to if things got out of hand. I was given the name of Kerry Boyd as the point of contact.

I went round to the premises shortly after my conversation with Mr Marshall, and found Kerry Boyd and explained that I had been advised to make contact with her, she was very pleasant but didn't really offer any re assurance with regards to the noise levels , she just said the event would finish at about 11pm she also added that a n 8 piece band would be playing in the large outdoor tent on the car park so there would no doubt be some noise but perhaps I could come along, I was also offered free drinks. I am not a big drinker and the event wasn't really my cup of tea so I politely declined and went back home.

Signature N. Bowell Signature witnessed by

Friday evening was noisy, very noisy, it began at about 8pm, the whole house was shaking vibrating with the base and the music could be heard very clearly, I had the TV turned right up along with all my windows and internal doors closed in attempt to drown out the noise but it was a futile exercise,

I later measured the distance from the tent to my house and it was about 30 metres, A live band playing at full blast in a tent 30 metres away, it's no wonder I had one of the worst evenings in 25 years.

I have a heart condition, although I am active and healthy in every other respect I can get stressed and feel physically tense, and the noise from this event was making me really stressed and worried. I suffered in silence on Friday, although Mr Marshall left me his details and told me not suffer and call him if there was a problem and decided not to trouble anyone as the things did quieten down at 11pm. With hindsight I really regret not calling and complaining about Friday's noise nuisance.

On Saturday I returned home about 8pm as I had been out all day walking in the Lakes, things started getting bad again from 8.30pm, it was the same situation with an overbearing base beat, the band was playing in the tent on the car park and once again I struggled to hear the TV and had a very disturbed evening.

Signature *N. Bowall* Signature witnessed by

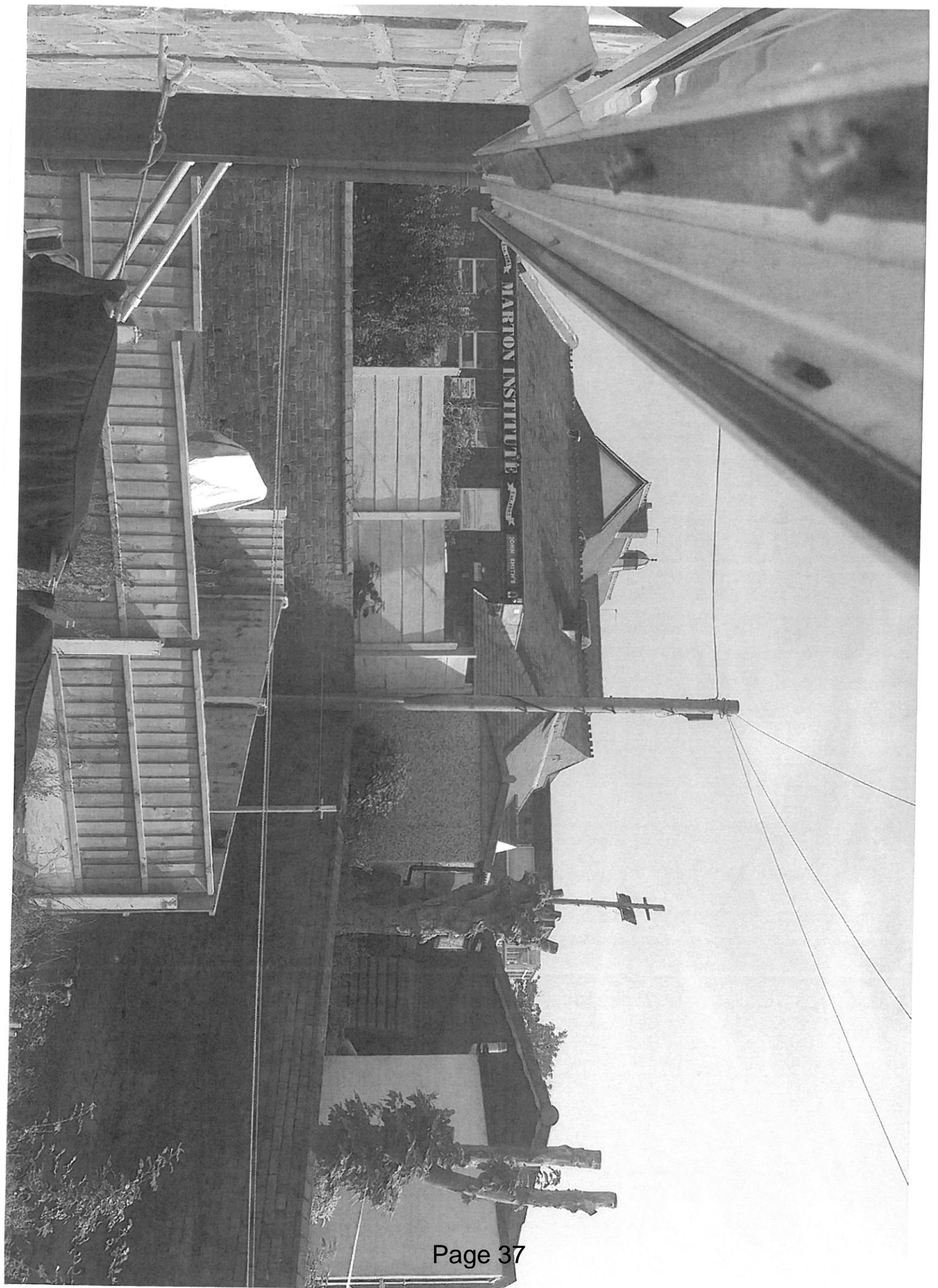
The following day , Sunday 24th August 2014 was horrendous, this time I decided to call Mr Marshall, he arrived at my house at about 4pm and heard the noise levels for himself, he was present in my lounge and phoned the Institute where upon the volume was turned down to a more reasonable level.

Prior to me calling My Marshall I walked round to the Institute and saw Kerry, she looked at me and said " You're not happy are you "? I said No, I'm not, and she replied "we can't persuade you to join us then. I didn't really respond to this as Kerry appeared pre occupied with sorting customers out and seem un interested. I felt ignored and went back home, hence my call to Mr Marshall

On the Sunday evening the entertainment was held inside the premises and things were a lot better, I am of the view that entertainment outside should not be permitted, the noise intrusion is simply too bad, other measures to limit the problems should also be considered but I will be content for the Council to explore those alternatives with the premises. *N B*

N. Bovell
.....

Signature witnessed by



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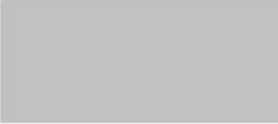
23 OCT 2014

Blackpool Council

Licensing services

PO Box 4

Blackpool


20th October 2014.

To Whom it may concern

THE MATON INSTITUTE PREVENTION OF PUBLIC NUISANCE NOTICE

I live with my wife and 3.5 year old son in a property overlooking the rear of THE MARTON INSTITUTE. I have seen your notice fixed to a lamp post.

I did not attend the Beer Festival.

However over the Summer months, I have attended several Families Days and BBQs held in the gardens. The days have been well attended by the locals.

Music/DJs have hosted these days and they were excellent and open to all.

Where else can you take a child, let them play in a four walled environment, enjoy a drink, listen to music and just enjoy life. And no entrance fee!

On the August Beer Festival weekend nothing stopped us from our normal activities including putting our son Dexter to bed at 7.45pm.

I believe that the Marton Institute should be allowed to continue providing a much needed, low cost social service.

Yours faithfully

Andrew Adams.



CC:

Marton Institute.

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27 OCT 2014

Mr and Mrs B. Butcher



13th October 14

Dear Sir or Madam,

We would like to express our opinion that the Marton Institute Beer Festival did not create excessive noise levels and the Club is to be congratulated on its conduct in organising outdoor events for the people of Marton

Yours sincerely

B. Butcher

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27 OCT 2014

Mr. & Mrs Sutton



13th October 2014

To whom it may concern,
with regard
to the recent Beer Festival at
Morton Institute. We live at the
edge of the Bowling Green and
can honestly say that the noise
generated by the festival was in
no way excessive and did not
create a nuisance and are happy
that events at the club continue.

Yours faithfully

D Sutton

TEL



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27 OCT 2014

Mr D V Maddocks

[REDACTED]
Membership Number [REDACTED]

To The Marton Institute Committee and Whoever they Wish to Pass it on to

Dear Sir

I live at the above address and to give more clarity my home is situated next to St Georges School and across the road from Asda

During any normal year I can hear all the Fire work displays and some other council run activities that are conducted between the Tower and Central Pier together with the crowd from Bloomfield Road watching the football.

I was at home on the evenings of the Marton Institute Beer and Cider Festival and did not experience any noise or disturbance from this event nor have I ever been disturbed in this location by any other activity that has been conducted by the Committee of Marton Institute

Yours Sincerely



Ex Northern Sales Director – Communications

Retired December 2013

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27 OCT 2014

William Holt



Monday 13th October 2014

To whom it my concern,

I am writing in support of Marton Institute, Blackpool regarding the noise levels at the beer festival in August. I believe that you have received four complaints, one I believe as far away as Marton Mere. I, myself, live on Hemingway, Blackpool and heard nothing. I appreciate that if you live within the close proximity that you could be affected and I am led to believe you received a complaint from close by which I understand must be looked in to. Although when you consider how many houses are in the area of the Marton Institute, I find this a very small percentage in the area.

The Marton Institute is a magnificent institution giving a fantastic amount of pleasure to many of the residents of Marton and beyond. Organising fun days for children and adults alike outside on the grounds in the summer months also charity days i.e. Help the Heroes and help for the sick children and for three nights in August, a fantastic free entry beer festival with live bands, all finishing at 11 o'clock on the dot, which I feel is not unacceptable and is within the school holiday time, therefore not disruptive to children at school time. When you consider that Blackpool Council gave a huge thumbs up to the recent fantastic Rod Stewart concert which noise levels could be heard by half of Blackpool.

I hope that when a decision is made on the Marton institute license, you look into the good work Marton institute does for the community and find their in their favour to hold events in the future.

Yours faithfully

William Holt

William Holt

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27 OCT 2014

To whom it may Concern

I AM lead to beleive that the Marton institute is possibly going to have its license reviewed due to Complaints from a small Minority of residents about noise from entertainment during the beer festival that was held there. I reside less than 100 yards from the institute & the noise emanating from the premises was no louder than a normal house party & caused me no inconvenience what so ever. The Marton is a hub for the local Community, it caters for all ages, holding family days OAP's parties, themed evenings i.e halloween, xmas, easter etc it brings people of the local area together. There is never any trouble you see more Police at the local takeaways than at the institute. In this day & age clubs like this should be encouraged as most are closing, the club has been open since 1895 & that is an achievement in its own.

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