

From: Karen Benson
Sent: 04 December 2023 13:11
To: licensing
Subject: [UNCLASSIFIED] Wolstanton Social Club Licensing Representation
Attachments: Appendix 1 Location Plan.pdf; Appendix 2 Copy of CPW.pdf; Appendix 3 Copy of CPN.pdf

[Classification: NULBC UNCLASSIFIED]

Good afternoon,

The issues raised in the review application are linked to a current live investigation with respect to potential offences under the Anti-Social Behaviour Crime and Policing Act 2014.

These comments are made on behalf of Regulatory Services of Newcastle under Lyme Borough Council in its capacity as a Responsible Authority under the Licensing Act 2003.

Regulatory Services wishes to make a representation in respect of the application submitted to review the licence of Wolstanton Social Club on the basis of the licensing objectives concerned with the Prevention of Public Nuisance and Prevention of Crime and Disorder.

Environmental Health issued a Community Protection Warning on the 29 June 2023 following an investigation into complaints of anti-social behaviour on the premises. This was followed by the issue of a Community Protection Notice on the 13 October 2023 following ongoing evidence received of anti-social behaviour on the premises. The Community Protection Notice has been appealed with no date set at present for the court hearing.

Background

Wolstanton Social Club is situated on a minor road in a residential area off the main high street in Wolstanton surrounded by residential dwellings.

The premises has been subject to complaints of anti-social behaviour in the form of raised voices and shouting from patrons and visitors to the premises. Such activity has been complained of and Environmental Health have evidence of disturbance from visitors and patrons on the car park of the premises late at night from a number of occasions. This resulted in the issue of a Community Protection Warning on the 29 June 2023 which was a formal notification to address the conduct identified in the warning letter.

Complaints and evidence continued to be received following the service of the Community Protection Warning which resulted in the issue of a Community Protection Notice issued on the 13 October 2023.

An appeal against the Community Protection Notice has been made but a date for the hearing has yet to be arranged.

The Environmental Health Department through the requirements of the Community Protection Notice are requiring the club to take all necessary steps to manage the external area of the premises and, egress and entry to ensure that neither them, any patron or visitor to the premises acts in such a manner as to cause nuisance, annoyance, harassment, alarm or distress to the public whilst qualifying club activities and licensable activity is taking place on the premises and immediately after the activities have ceased.

The council's Licensing Policy 2020-2025 states that the Licensing Authority's intention is to ensure that licensed premises are well run and managed and that '*licence holders take positive action with regard to their responsibility to promote the licensing objectives*'. The requirements of the Community Protection Notice support the intentions of the Licensing Policy and the licensing objectives. The requirements specified in the notice are elements expected

of a licensed premises to prevent/reduce the detrimental effect from the conduct of individuals accessing the premises impacting on the quality of life of those living in the locality of the premises.

If the Committee seek to apply conditions to the licence in light of the review I would recommend that conditions are applied that mirror and support the requirements set out in the Community Protection Notice.

Environmental Health will provide the following evidence to support this representation:

- Location plan
- Copy of the Community Protection Warning dated 29 June 2023
- Copy of the Community Protection Notice dated 13 October 2023

Kind regards

**Karen Benson MCIEH CEnvH
Environmental Health Officer
Regulatory Services Division**

Sustainable Environment and Operations Directorate
Newcastle-Under-Lyme Borough Council
Castle House, Barracks Road, Newcastle under Lyme. ST5 1BL
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Chartered Environmental
Health Practitioner



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Classifier Attachment List:

[Appendix 1 Location Plan.pdf - No Marking]

[Appendix 2 Copy of CPW.pdf - No Marking]

[Appendix 3 Copy of CPN.pdf - No Marking]



Online mapping
export

Wolstanton Social Club



Newcastle Under Lyme
Borough Council
Castle House
Barracks Road
Newcastle Under Lyme
ST5 1BL

01/12/2023

Scale: 1:4,000

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Our ref: APPU:005717 /
Regulatory Services
Date: 29th June 2023

Wolstanton Social Club Limited
Pitgreen Lane
Newcastle under Lyme
Staffordshire
ST5 0DQ

Dear Sir/Madam

**Community Protection Warning Letter
Anti-Social Behaviour (Crime and Policing) Act 2014 – section 43**

I am satisfied on reasonable grounds that conduct listed below, which is persistent and continuing is having a detrimental effect on the quality of life of those in the locality. This conduct is also considered to be unreasonable.

The nature of the conduct is as follows:

Allowing patrons and visitors to your premises at Wolstanton Social Club to act in such a manner to cause nuisance, annoyance, alarm and distress to others, including raised voices, shouting and urinating in public whilst using the external areas of your premises during the late evening and night when licensable activity is taking place.

This warning must be considered as formal notification to address the conduct identified. Please note the following actions and timescales advised.

| Action(s) advised | Timescale for Action(s) |
|--|--|
| 1. Take all necessary steps to ensure that neither you or any patron or visitor to your premises at Wolstanton Social Club shall act in such a manner as to cause nuisance, annoyance, harassment, alarm or distress to the public, which includes raised voices, shouting and urinating in public whilst licensable activity is taking place on your premises. | 1. Immediately and ongoing thereafter |
| 2. Provide a manned contact telephone number for complaints during all times that the premises is open. | 2. Immediately and ongoing thereafter |
| 3. Record and retain complaints received and action taken in writing, to be produced on request and to provide such details within 7 days of a request being made by an Officer of Newcastle under Lyme Borough Council or Staffordshire Police | 3. Immediately and ongoing thereafter |
| 4. Advise the local authority in writing how you have implemented these measures. | 4. 7 days |

If you have any questions about the content of this warning or believe that the things that are being asked of you are unreasonable please contact the undersigned in writing.

THE WARNING WILL REMAIN IN PLACE UNTIL: 29/06/2024

If you fail to do the above actions within the timescales given then the appropriate agency within the Community Safety Partnership will consider serving you with a Community Protection Notice (CPN). This notice will tell you the things that you must do to put these problems right – if you fail to do so without reasonable excuse:

- (i) You may be issued with a fixed penalty notice of £100 (payable within 14 days)
- (ii) You may be prosecuted. If you are prosecuted and convicted the maximum penalty is a fine not exceeding level 4 on the standard scale for an individual (currently £2,500) or unlimited fine in the case of a body;
- (iii) The court may make whatever order the court thinks appropriate for ensuring that what the notice requires to be done is done.
- (iv) An order under this section may in particular require you
 - (a) to carry out specified work, or
 - (b) to allow specified work to be carried out by on behalf of a specified local authority
- (v) The court may require you to surrender possession of any item(s) used in your failure to comply with the Notice, to a constable or to a person representing the local authority. The court may require this item to be destroyed or disposed of. A justice of the peace may issue a warrant, authorising a constable or authorised person to enter your premises to seize the item(s).

We will also consider what other action may be required to stop the problems which may include criminal action, if a criminal offence has been committed, another form of civil action, such as applying for an ASB Injunction, or notifying your landlord (where relevant) if we feel that breaches of your tenancy agreement/lease has occurred.

Issuing officer: 
Mrs Karen Benson
Environmental Health Officer
Direct Line: 01782 742523
Email: karen.benson@newcastle-staffs.gov.uk

Issue Date: 29 June 2023

Data Protection.

Newcastle under Lyme Borough Council is committed to protecting the privacy and security of your personal information. We aim for full transparency on how we gather, use, and share your personal information in accordance with the Data Protection Act 2018 and General Data Protection Regulations (EU 2016/679) and are registered as a Data Controller. Further details can be found at <https://www.newcastle-staffs.gov.uk/data-protection-freedom-information-1/data-protection>

Where necessary for the Council's Regulatory, Public Health and Community Safety functions, e.g. Building Control, Environmental Health, Licensing, Planning, Anti-Social Behaviour, Crime Prevention and Reduction, Safeguarding; information obtained about you and persons connected with you may be held and processed by the Council. This may also be shared with others under information sharing protocols or where required or allowed by law. Such information will only be held by the Council for as long as necessary and in line with our published Retention Policy. For more information on how your data is handled please see the Privacy Notice on our website: <https://www.newcastle-staffs.gov.uk/privacy-notices/privacy-notice>

**Community Protection Notice –
Anti-Social Behaviour Crime and
Policing Act 2014 - section 53**

To: **Wolstanton Social Club Limited
Pitgreen Lane
Newcastle under Lyme
Staffordshire
ST5 0DQ**

TAKE NOTICE, that I, **Mrs Karen Benson**, being an Officer authorised by Newcastle-under-Lyme Borough Council under the provisions of section 53 of the Anti-Social Behaviour, Crime and Policing Act 2014, am satisfied that the persistent and continuing unreasonable conduct of the business named above has had a detrimental impact on the quality of life of those living in the locality of **Wolstanton Social Club, Pitgreen Lane, Newcastle Under Lyme, Staffordshire, ST5 0DQ** hereby requires by way of this Notice that you:

1. Must comply with the following prohibitions/positive requirements/specified actions that are believed necessary to:
 - (i) Prevent the detrimental effect your conduct is having on the quality of life of those in the locality from continuing or recurring; and/or
 - (ii) Reduce the detrimental effect your conduct is having on the quality of life of those in the locality; and/or
 - (iii) Reduce the risk of continuance or recurrence of your conduct that is having a detrimental effect on the quality of life of those in the locality

| Requirements | Timescale for completion (if required) |
|---|---|
| 1. Take all necessary steps, including the use of appropriately licensed SIA staff to manage the outside of the premises and, egress and entry to ensure that neither you or any patron or visitor to your premises at Wolstanton Social Club shall act in such a manner as to cause nuisance, annoyance, harassment, alarm or distress to the public, which includes raised voices and shouting, whilst qualifying club activities and licensable activity is taking place on your premises and immediately after the activities have ceased. | 1. Immediately and ongoing thereafter |
| 2. Provide a manned contact telephone number for complaints during all times that the premises is open. | 2. Immediately and ongoing thereafter |
| 3. Record and retain complaints received and action taken in writing, to be produced on request and to provide such details within 7 days of a request being made by an Officer of Newcastle under Lyme Borough Council or Staffordshire Police | 3. Immediately and ongoing thereafter |

2. The conduct and detrimental effect to which this Notice applies is specified briefly in the schedule which is attached to this Notice
3. If you fail without reasonable excuse to comply with the requirement(s) in paragraph 1:
- (i) You may be prosecuted. If you are prosecuted and convicted the maximum penalty is a fine not exceeding level 4 on the standard scale (currently £2,500);
 - (ii) The court may make whatever order the court thinks appropriate for ensuring that what the notice requires to be done is done.
 - (iii) An order under this section may in particular require you:
 - (a) to carry out specified work, or
 - (b) to allow specified work to be carried out by or on behalf of a specified local authority.
 - (iv) The court may require you to surrender possession of any item used in your failure to comply with the Notice, to a constable or to a person representing the local authority. The court may require this item to be destroyed or disposed of by the council or the police force. A justice of the peace may issue a warrant, authorising a constable or authorised person to enter your premises to seize the item.

4. Appeals against this Notice

You can appeal against this Notice if you believe that any of the following apply:

- (i) That the conduct specified in the community protection notice:
 - (a) did not take place
 - (b) has not had a detrimental effect on the quality of life of those in the locality
 - (c) has not been of a persistent or continuing nature
 - (d) is not unreasonable, or
 - (e) is conduct that the person cannot reasonably be expected to control or affect.
- (ii) That any of the requirements in the notice, or any of the periods within which or times by which they are to be complied with, are unreasonable.
- (iii) That there is a material defect or error in, or in connection with, the notice.
- (iv) That the notice was issued to the wrong person

You should lodge your appeal at your local Magistrates Court within 21 days of receiving this Notice

Dated 13 October 2023

Signed


(the officer appointed for this purpose)

Mrs Karen Benson
Environmental Health Officer

Please address any communications to quoting **Notice Ref: APP U:005760**
Newcastle under Lyme Borough Council.
Environmental Health Division
Castle House, Barracks Road
Newcastle-Under-Lyme, Staffordshire
ST5 1BL



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

**Community Protection Notice –
Anti-Social Behaviour Crime and Policing Act 2014 – section 53**

Notice Ref: APP U:005760

Schedule

Address to which this notice relates:

**Wolstanton Social Club, Pitgreen Lane, Newcastle under Lyme, Staffordshire, ST5
0DQ**

The conduct and detrimental effect to which this Notice applies:

1. Allowing patrons and visitors to your premises at Wolstanton Social Club to act in such a manner to cause nuisance, annoyance, alarm and distress to others, including raised voices and shouting whilst using the external areas of your premises during the late evening and night when qualifying club activities and licensable activity is taking place on your premises and immediately after the activities have ceased.

Dated 13 October 2023

Signed

(the officer appointed for this purpose)

**Mrs Karen Benson
Environmental Health Officer**

Please Note:

A copy of this Community Protection Notice has been shared with Staffordshire Police.

