

NEWARK & SHERWOOD DISTRICT COUNCIL
LICENSING SUB-COMMITTEE

RECORD OF HEARING HELD ON
WEDNESDAY, 11 DECEMBER 2024
10:00 HOURS

MEETING HELD AT
CASTLE HOUSE, GREAT NORTH ROAD, NEWARK NG24 1BY

HEARING TO CONSIDER A REVIEW OF A PREMISES LICENCE

CLUB X
18 CASTLE GATE
NEWARK
NG24 1BG

SUB-COMMITTEE: Councillor J Hall (Chair)
(the Panel) Councillor R Jackson
Councillor P Taylor
Councillor S Michael (Reserve)

ALSO IN ATTENDANCE: Lisa Ingram (Legal Advisor to the Panel– NSDC)
Narelle Plowright (Senior Licensing Officer – NSDC)

Responsible Authority Applicant

Yvonne Swinton (Community Protection Manager)

Aygun Acinik (Licence Holder)
Harry Kohly – Supporting Licence Holder

Representor

Valerie Frank

Presentation by the Senior Licensing Officer

The Senior Licensing Officer presented to the Panel details of the application made by Club X. The report before the Panel presented Members with a summary of the application together with a copy of the application and plan. The details of the current licence were also included and attached were copies of representations made. Since submitting the application, proposed conditions had been submitted to the Licence Holder which included four conditions and a plan.

Responsible Authority Applicant's Case

Mrs Swinton confirmed that discussions had taken place with the Licence Holder and some conditions had been put in place. The noise monitoring equipment had been re-installed, and no noise had been recorded in the outside smoking area. Concern was raised whether when returning to the summer months, the noise would return.

Questions to Responsible Authority Applicant

Councillor Hall sought clarification regarding the changes that had been made. Mrs

Swinton confirmed that the smoking area had been moved away from where the complainant lived. Some noise could be heard but that noise did not reach statutory noise nuisance. Mrs Swinton commented that she was not sure whether customers would stay outside longer in the summer months and that was why she was not sure whether the noise problem had been resolved.

Councillor Taylor sought clarification regarding whether there was any supervision regarding the door staff. Mrs Swinton confirmed that there was supervision in place, which limited the number of customers allowed to enter the outside smoking area.

Councillor Taylor asked whether Mrs Swinton was aware what the limit of customers in that area was. Mrs Swinton confirmed that she did not know the limit.

Mr Kohly confirmed that twenty customers were allowed in the outside smoking area and that door supervision would be in place all the time. The supervisor would monitor that area all the time and if anyone was causing a nuisance, they would be asked to leave the area and go inside. No drinks were allowed to be taken outside at all, that would prevent anyone lingering outside.

Councillor Hall asked whether there was a time limit to go outside. Mr Kohly confirmed that they were allowed outside within the opening times of the premises.

The Senior Licensing Officer confirmed that no drinks were permitted outside.

Mr Kohly confirmed that only smoking and vaping were permitted outside.

Councillor Jackson asked whether vaping was allowed inside the venue. Mr Acinik confirmed that it was not allowed, and door staff were on the front door of the venue as well.

Representors Case

Mrs Frank confirmed that she lived with her daughter and her bedroom was located on the first floor with a roof terrace. She informed the Panel that on many an occasion she did not sleep due to wild parties happening next door. Her eleven-month-old Grandson also resides with them, and the family were also purchasing the premise next door. She commented upon the state of customers leaving Club X was frightening. CCTV cameras had been fitted outside her property which had been viewed frequently by the Police. She informed the Panel that she was eighty-eight years old and would like to sleep at night.

Questions to Mrs Frank

Councillor Taylor commented that since the change in position of the outside smoking area, there was no further noise problems given the noise levels did not reach statutory noise nuisance levels.

Mrs Frank confirmed that when the weather was warm and sunny people could not move in the smoking area. The noise was governed by the weather. Her daughter would not have purchased that property had the Corn Exchange been open. Her property windows had been smashed by customers leaving Club X.

The Council's Legal Advisor informed Mrs Frank that the Panel had been advised that

the smoking area had been moved and customers had been limited into that smoking area.

Mrs Frank confirmed that if it was a freezing night people would not be outside.

The Council's Legal Advisor asked the Licence Holder when the smoking area had been moved.

Mr Acinik confirmed five weeks ago.

The Council's Legal Advisor asked when the limiting of numbers was introduced.

Mr Acinik confirmed at the same time.

The Council's Legal Advisor asked Mrs Frank in the last five to six weeks, have you noticed a difference in the noise.

Mrs Frank confirmed that it depended on the evening, it had not been as bad, but it was still noisy. People screaming at each other. Her room where she slept was overlooking Castle Gate, when people leave there is noise, people screaming and shouting.

Councillor Taylor asked when people are leaving the Club and not necessarily the smoking area.

Mrs Frank confirmed that the noise level was spasmodic in the smoking area.

Councillor Taylor commented that if limited numbers in the smoking area and they are monitored it might be organised.

Mrs Frank commented that 9pm until 3am there was continuous noise and the state that people are in.

Mr Acinik commented that when he opened the club, letters were pushed through neighbour's letter boxes, asking them to contact him if they had problems and that he would sort any problems out. Mrs Frank had never contacted him.

The Council's Legal Advisor asked Mrs Frank why she had not contacted Mr Acinik.

Mrs Frank confirmed that she had.

Mr Acinik commented that she should contact him and say there is a problem. People hanging about outside does not necessarily mean they are customers of Club X.

Club X to Make Representation

Mr Kohly commented that they operated other venues in other cities, reason posted letters to neighbours was to rectify problems. When they found a problem, they reacted to it on every area and dealt with it properly. They wanted to be respectful to their neighbours and wanted to continue trading with right manners. Limiting people to twenty and have door staff in place all the time. They could ensure numbers could

not get out of order when summer was here because numbers were limited.

Questions to Mr Acinik

Councillor Hall asked how do you police people when going outside.

Mr Acinik confirmed that only people smoking go into that area. If not smoking they were not allowed to go there. There was no seating in that area.

Councillor Hall what about customers wanting fresh air.

Mr Acinik yes only in and out.

Mr Kohly confirmed that they would restrict that area for smokers. If customers wanted fresh air, they would go out the front.

Councillor Hall asked whether there was a time limit to allow for smokers.

Mr Acinik confirmed that they had a clicker in and out, which was limited to twenty.

Councillor Hall asked what have you got in place at the front when customers are leaving to respect the neighbours.

Mr Acinik confirmed that there were signs in place.

Councillor Hall asked whether the doormen action that.

Mr Acinik confirmed yes.

Councillor Jackson asked whether there was a provision to put a roof on the smoking area.

Mr Acinik confirmed that the building was listed, and he wasn't allowed to touch much on that building, including a roof on the smoking area, if a roof was put on they would stay longer in that area.

Councillor Jackson commented that if customers were taking drinks out there, they would stay out there, however it was limited to smoking.

Mr Acinik spoke about the closure of the old smoking area which had been moved from that area to prevent noise, if it was raining outside customers would not stay long in that area.

Mr Kohly commented that when the smoking area was on the other side, it was a sheltered building and they had been asked to take that down as it didn't have planning permission and it was a listed building, that was the reason why they could not erect anything else.

The Council's Legal Advisor asked what the normal operating hours were for Friday and Saturday.

Mr Acinik confirmed Friday 10pm to 3am, leaving at 3.30am

The Council's Legal Advisor asked if that normally happens.

Mr Acinik confirmed that we do not want long hours.

Councillor Hall asked whether they were busy at that hour.

Mr Acinik confirmed yes, people leave the pubs.

The Council's Legal Advisor asked what time the Club opened on a Saturday.

Mr Acinik confirmed 10pm until 3am, 3.30am leaving.

The Council's Legal Advisor asked regarding the posted letters to everyone when the Club opened. You said proactive with problems when raised problems with you. What have you done in respect of the Meade family.

Mr Acinik confirmed that he had never spoken to them only on the first day of opening, they said too many people coming around. Mr Acinik asked if they could talk another day, she was shouting. We put letter through with mobile number and email address, we would sort problem out.

The Council's Legal Advisor asked did they contact you.

Mr Acinik answered no they never contacted me.

The Council's Legal Advisor asked about limiting smokers to twenty people, how did you establish the key number.

Mr Acinik confirmed that the numbers of smokers entering the smoking area was recorded over thirty-two days, fifteen to twenty-five people on average were entering the area, that was the reason for twenty as an average and maximum.

The Council's Legal Advisor commented that there would be no difference and asked if they were going to be strict with no more than twenty people. Before there was only twenty to twenty-five.

Mr Kohly commented that sometimes the smoking area was different. The monitoring of Environmental Health proved that it worked for twenty people.

Councillor Taylor asked if the number could be lowered.

Mr Kohly commented that it would be detrimental to the business and would like to stick to twenty.

Councillor Jackson asked what percentage of customers smoked.

Mr Kohly said they had an average of two hundred and twenty-five to two hundred and fifty people, may be 20% was the average who smoked.

Councillor Jackson asked whether the smoking area was always full.

Mr Acinik confirmed that he had never seen twenty people, ten to fifteen people,

twenty people can't fit in that corner.

Mr Kohly commented that on a Friday there was less customers, with one hundred and twenty through the door.

Mr Acinik commented that two hundred and twenty people come at different times and are local people.

Councillor Jackson asked whether there was signage to respect neighbours.

Mr Acinik confirmed yes, it was everywhere.

Mr Kohly commented letting 10% of people to smoke outside and he had not conducted a survey.

Councillor Hall asked how many people were outside smoking.

Mr Acinik confirmed three to four people, sometimes no one outside.

The Council's Legal Advisor sought clarification from Mr Acinik regarding the location of the new smoking area on a plan.

Mr Acinik drew on the plan.

The Council's Legal Advisor asked Mrs Frank to indicate on the plan where her property was on the plan.

Mrs Frank indicated on the plan.

The Council's Legal Advisor asked Mr Acinik regarding the letters of support, how had they come to be in his possession and come to the Council.

Mr Kohly confirmed through his Solicitor and then to the Council.

The Council's Legal Advisor asked how did Flat 47 send their comments through.

Mr Acinik confirmed that they were emailed to his Solicitor. He produced paper copies including the original signatures and handed them to the Council's Legal Advisor.

Mr Kohly asked what the reason was for that as they had been sent through by the Solicitor.

The Council's Legal Advisor confirmed that weight could be placed on that, as the panel could look at the signed documents.

Mrs Frank commented that the outdoor area had been moved along and asked whether it was going to have a roof on it.

Mr Acinik confirmed no.

Mrs Frank commented that she had been on her roof terrace and had seen more than twenty people. Noise will just be moved along.

Summing Up

Mr. Kohly Confirmed that the conditions offered would be complied with to prevent any complaints going forward. There had been no complaints in the last five weeks. Procedures had been put in place to enable trading and they had undertaken changes to meet the conditions.

Mrs Frank Informed the Panel that customers of Club X when using the smoking area do not have a quick smoke outside. A large percentage of people smoke and a large volume of people were outside a long time. Mrs Frank had confirmed that her family had purchased No. 20, which was directly next door to Club X, where her Granddaughter and others would live.

Mrs Y Swinton confirmed that the abatement notice served earlier this year would remain in place. If the noise continued the noise monitoring equipment would be installed. The abatement order would stay in place indefinitely whether there was further noise or not.

Decision

Following consideration of all evidence supplied, verbally and written, the Panel carefully considered the representations made today, the papers contained within the agenda and the additional papers which had been circulated. They have taken into account the S182 licensing act guidance and other relevant legislation.

The Panel considered the impact of the alleged noise on the Meade family but found that the conclusions of Environmental Health following the measures recently put in place by Club X, the proposed conditions and the requirements of the Abatement Notice were sufficient controls to promote the licensing objectives.

The Panel therefore decided that the condition should be modified as proposed by Club X.

The Panel wanted to emphasise the importance of ensuring that the conditions were vigorously enforced by the management, Premise Licence Holder, and the staff they employ. The Panel also encouraged continued dialogue with neighbours.

AGREED (unanimously) to modify the conditions of the licence.

Meeting closed at 11.53 am.

Chair