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## LICENSING SUB COMMITTEE

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**Thursday, 6th March, 2025**

**Present:** Councillor Clare Yates (in the Chair), Councillors Stephen Button and Danny Cassidy

**Apologies** None

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**374 Apologies for absence, Substitutions, Declarations of Interest and Dispensations**

There were no apologies of absence, substitutions, declarations of interest or dispensations.

**375 Licensing Hearing Procedure**

**376 Application for Review of Premises Licence under Section 51 of the Licensing Act 2003**

The Chair read out the procedure for the committee and outlined the purpose of the hearing and the premises to which it relates, and introductions were made around the table at the start of the meeting. The following people were present:

Cllr Clare Yates, Chair  
Cllr Stephen Button  
Cllr Danny Cassidy  
Daniel Hoyle, Solicitor  
Wendy Redfern, Licensing Manager  
Paul Thwaites, Environmental Protection Manager  
Adam Birkett, Head of Planning and Transportation  
Applicant  
Representative 2  
Representative 3  
Representative 4  
Gill Sherrat, ASFC Representative, Licensing Matters  
Warren Eastham, ASFC Director  
Karen Gettins, ASFC Events Manager  
Lesley Goodall, Millar Goodhall Acoustics

There were 3 representatives that did not attend and the committee agreed to proceed in their absence.

It was agreed by the committee to allow those other persons (other than a representative) to appear at the hearing as requested by the ASFC Representative.

It was agreed by the committee to hold the meeting in public.

The Licensing Manager presented the application for review of the premises licence for Accrington Stanley Football Club, Livingstone Road, Accrington under section 51 of the Licensing Act 2003. A person other than a responsible authority, namely a resident living in the vicinity of the premises, submitted the review application.

The premises was first issued with a licence in June 2007. The licence at the time covered an older smaller building on the grounds of the club. The licence had been subject to several variations and covers the whole of the club grounds including the building that was erected in March 2022, which incorporates Coleys Bar and the 1968 Lounge.

Accrington Stanley Football Club holds the current licence and the current Designated Premises Supervisor (DPS) is David Presley Burgess.

The licensable activity was listed in 3.5 of the report and a copy of the current licence was attached at Appendix 1.

The application was received on the 14<sup>th</sup> January 2025, and then the application was amended and accepted on the 30<sup>th</sup> January 2025. The grounds for the review is that the following licensing objective is in danger of not being upheld: - The Prevention of Public Nuisance.

A copy of the amended review application was attached at Appendix 2.

The application was advertised on the Council's website and representation had to be made by the 27<sup>th</sup> February 2025. The representations were attached at Appendix 3 in the report.

Members were informed of the Live Music Act 2012 and how it affects the condition on the licence, all the information was listed at 4.6 of the report.

A google earth map was attached at Appendix 5 in the report. Members were then presented with the options on how to progress the determining of the application once all representations had been heard.

The applicant spoke to the committee and the following points were raised:

I requested this application for a Licensing Review for the function rooms due to the public nuisance.

Since March 2022 there has been major problems as the floor space is over a wider space than what planning permission was granted for.

There has been no attempt to install the insulation within the building.

A noise abatement order was put in place but no action taken by Hyndburn Borough Council.

The Planning inspectorate gave Accrington Stanley a financial claim at the appeal.

Accrington Stanley do not want to work with the residents and it should not have had to come to this.

There are daytime events taking place now.

The worst event to date was the bingo night on the 31<sup>st</sup> January 2025.

The building needs soundproofing.

The Council's ward Councillors and Paul Thwaites have been a good support to the residents.

It feels like groundhog day and that Accrington Stanley have a free pass with Hyndburn Borough Council, it's all one sided.

I received the email from Gill Sherrat yesterday (with a list of licence conditions being proposed by ASFC), which I wish I had 2 years ago.

The fear of conditions being imposed is them not being acted on if any conditions are broken.

Representative 2 spoke to the committee and raised the following points:

My representation in the agenda was quite long so I will not go through it all, however this has been 3 years of suffering.

Article 8 states that everyone has the right to respect human rights.

I should be able to read a book, make dinner, watch TV and have my home as a sanctuary.

I have had more strangers in my bedroom completing noise tests than loved ones.

The noise has affected my mental health, with stress; I do not live for the weekends anymore.

I work in Manchester and have studied whilst working which I am surprised I have completed.

I have to sleep on the sofa.

My Mother is a nurse; she cannot unwind or relax after work due to the noise and it has caused sleep deprivation.

I have a lot of respect for Paul Thwaites in Environmental Health.

I feel the proposed conditions are insulting, the building is not compatible, needs soundproofing, and this will be the 3<sup>rd</sup> summer of hell.

*(A sound recording was played to the committee, having previously been circulated to all parties as part of the submitted representation, that was recorded from the resident's house on the 31<sup>st</sup> January 2025.)*

All noise complaints had been logged through the noise app provided by Hyndburn Borough Council, there was 114 in total.

Representative 3 spoke to the committee and raised the following points:

I have lived next to Accrington Stanley for 27 years and should not have to suffer this noise, it is really bad.

The 2 representatives that have spoken have done this review justice, we do not want to close Accrington Stanley Football Club down. They should have done what was needed in the first place.

Representative 4 chose not to speak to the committee

Mr Adam Birkett, Head of Planning and Transportation presented his report to the committee:

Adam Birkett read out the Planning report that was in the report at page 173.

He outlined the original planning permission in October 2020, the non-compliance with approved plans in March 2022, the change in use and noise nuisance complaints during March-October 2022, the noise abatement notice in October 2022, the second 'retrospective' planning application in March 2023 and the Accrington Stanley Football Club's appeal and dismissal during April to September 2024.

Accrington Stanley Football Club are in breach of Planning regulations to this day, the venue has demonstrated an inability to comply with noise mitigation measures, repeated breaches of the noise abatement notice and failure to adequately manage noise impact on local residents.

The contact with the Planning department has been limited from the football club, although recently there had been an intention to submit a further planning application, which would be welcomed.

Mr Paul Thwaites, Environmental Protection Manager presented his report to the committee:

Paul Thwaites read out the Licence review report that was in the report at page 79. He covered the following; the background facts of Coleys Bar and the 1968 Lounge, the venue opening in March 2022 and the start of the complaints due to noise, post abatement notices, 16 breaches of the notices were witnessed, the Council did work with the Club and 6 meetings took place to try and resolve the issues.

There had been a number of noise assessments and reports produced as follows:  
Artnovion noise report February 2023 – attached at page 115 of the report.  
Wardle Armstrong noise report July 2023 – attached at page 125 of the report.  
Hann Tucker noise report January 2024 – attached at page 133 of the report.  
ASFC noise management plan January 2024 – attached at page 167 of the report.

Mr Thwaites summarised the licence review to the committee, there had been 9 complainants, 54 dates of noise nuisance complaints, 29 out of hours visits responding to complaints by the night-time noise service and since the abatement noise was served there had been 16 witnessed breaches. The premises is operating without planning permission, and the ASFC noise management plan does not appear to be effective at controlling the noise nuisance. The Environmental Health department are awaiting the Miller Goodall noise assessment report from December 2024 to move forward with a solution for ASFC.

The Chair requested when the Miller Goodall report would be available, Lesley Goodall responded by the end of next week. Then a few options would be put forward to the club following the results of the report.

Mrs Gill Sherrat, Representing the Premises Licence Holder Accrington Stanley Football Club spoke to the committee:

Mrs Sherrat spoke to the committee on behalf of the club, the club understood why this had been brought to a hearing and that it has been a problem for just short of 3 years. It is significant to the club and the failings that have occurred which the club accept and do not dispute. The clubs financial status was discussed and although the financial impact to the club is relevant the club accepted that this had to come secondary to the residents. The task today was to make a decision and resolve the issues, we are confident as a club we can do this and we have dug deep to sort the problems out.

Mrs Sherrat introduced Warren Eastham, Director of ASFC, new to the club from September 2024, Karen Gettins, Events Manager of ASFC and Lesley Goodall from Miller Goodall, Acoustic specialist.

The club offered volunteered conditions to the committee and these were circulated around the table, these included a reduction of hours, the use of rooms, the noise levels, events and regulated entertainment, match day events, monitoring of noise, use and monitoring of outside areas, communication and a change of Designated Premises Supervisor (DPS).

The club resisted the licence being revoked and discussed there being no problems with alcohol, the police had only been called out once to the club in 3 years. The noise nuisance is the concern, the club had been working hard in the background to resolve it, the proof, and advice from the Miller Goodall report showed it was not good enough. Mrs Sherrat then offered to the committee on behalf of the club the removal of all live and recorded music with the exception of match days (23 times per year) to all be suspended until the remedial work on the building to properly soundproof it is completed to the satisfaction of Council officers. The second element would be to revise the licence conditions so on match days

the limitation of hours for live and recorded music would be 12 noon to 19.30pm, the management of outside areas would be improved significantly as historically this had not worked. There would also be a change of DPS as the current DPS David Burgess is due to retire and the club would like Karen Gettins to step up alongside her events manager role.

Mrs Sherratt understood there is an element of trust with the club going forward now; they want to work together with what conditions are applied and look at the wider issues with Planning.

Warren Eastham, ASFC Director, spoke to the committee:

Mr Eastham informed the committee the last event that took place was on the 31<sup>st</sup> January 2025. Following the volunteered conditions put forward, if accepted the club would then seek a fully costed proposal to implement what is necessary to release us from the conditions if imposed and this would need to be financed and agreed by Andrew Holt.

The Chair asked the applicant and the representative for a summary and they were as follows:

Applicant

On the match days the music is in different buildings, I have lived here all this time and up until 3 years ago did not have an issue with the music. The buildings have no soundproofing even if it finishes at 7.30pm. On Monday evening a variation of music was played until 11pm, there are notes in the Planning description that the venue has changed. I have not really had time to digest the volunteered conditions as they were presented at this meeting.

Mrs Gill Sherratt

This is an emotive issue; it is not difficult to digest as the conditions offered remove the problem completely. There is plenty of evidence provided about the noise disruption. The club needs the match days, it is a football club, they need this financial income, supporters having a drink and enjoying it is what matters please allow them that 1 part.

The Chair concluded the committee and informed everyone a decision would be made within the 5-day ruling, due to the important and complex application.

**Resolved – That, in accordance with Section 52 of the Licensing Act 2003, and after considering all of the representations made, the Licensing Sub-Committee resolved:**

**That in accordance with section 177(4) of the Licensing Act 2003 the conditions set out below should be attached to the licence:**

**In accordance with section 177A(3) of the Licensing Act 2003 the exemption under section 177A does not apply to the following conditions added to the premises licence, meaning that any music at the premises is to be treated as regulated entertainment licenced by the premises licence;**

- (1) All live and recorded music is prohibited at the premises, except on men's first team home league match days,**
  - a. Between the hours of 12:00 (midday) and 19:30,**
  - b. Not to be played at a volume higher than 80dB in the part of the premises known as 'Coleys Bar', and 85dB in the part of the premises**

known as 'The 1968 Lounge', and external noise limits at all residential boundaries to the premises not exceeding 46dB,  $LA_{eq,T}$ , and,

- c. All music to be played through the premises' in-house sound systems which must be fitted with a noise limiter in each area of the premises capable of working effectively to the noise levels prescribed in point (1b) above. The noise limiter is to be fitted in a tamperproof box and any microphone in use is to be located in a suitable position, in line with manufacturer's guidance.
- (2) A suitably qualified person must undertake the monitoring of all noise emitted from the premises by the playing of live or recorded music and recorded on a regular basis (e.g. hourly), via a downloaded Decibel level App on a smartphone. Monitoring shall be inside the premises at suitable points and at the nearest receptor boundary, to ensure noise levels prescribed in point (1b) above are met. Any exceedances should be recorded and appropriate action taken to reduce the noise levels with immediate effect. Any exceedances should also result in the noise limiters being checked to ensure that they are operating correctly in accordance with manufacturer's guidance. Any such checks should be recorded and these records should be made available to the Council upon request.
  - (3) All external areas of the premises shall not be used for the consumption of alcohol after 22:00.
  - (4) Whilst any regulated entertainment, live or recorded music is taking place at the premises smoking is only permitted at the premises in the area designated for that purpose (on the turf side of the building).
  - (5) Whilst any regulated entertainment, live or recorded music is taking place at the premises there will be a minimum of 2 Door Supervisors on duty at the premises at all times. If there is an event in more than one area of the premises, 2 Door Supervisors shall be employed in each area, and Door Supervisors will be employed & remain on duty until at least 30 minutes after the event has finished, or until the last customers leave the premises including the car park.
  - (6) All Door Supervisors will be equipped with radios which will facilitate communication regarding the control of noise, the management of any anti-social behaviour and the efficient dispersal of customers at the end of the evening.
  - (7) A Dispersal Policy, the wording of which is to be agreed by the Councils Environmental Health Department, shall be implemented and adhered to regarding the control of noise, the management of any anti-social behaviour and the efficient dispersal of customers at the end of the evening.
  - (8) The Premises Licence Holder will regularly consult and engage in active discussions with local residents in the immediate vicinity of the premises regarding events at the premises and their experiences of them, and will endeavour to address any issues raised in the feedback received. All consultations and discussions held, feedback received and any action taken as a result, in accordance with this condition, will be documented by the Premises Licence Holder and such documentation shall be made available to the Council upon request.

The Committee also resolved to modify the hours of operation of the premises licence, as submitted by the Premises Licence Holder at the hearing, to the following:

The opening hours of the premises are;

Sunday to Friday from 10:00 to 23:30  
Saturday from 10:00 to 00:30

The times the licence authorises the carrying out of licensable activities are;

All forms of regulated entertainment

Sunday to Friday from 11:00 to 22:30  
Saturday from 11:00 to 23:00

Late night refreshment

Saturday from 23:00 to 00:00

Supply of alcohol

Sunday to Friday from 10:00 to 23:00  
Saturday from 10:00 to 00:00

In reaching this decision, the Sub-Committee considered all of the evidence from the Applicant and all of those who had submitted Representations to them, and the Committee were satisfied beyond any doubt that the licensing objective for the prevention of public nuisance was not being upheld by the Premises Licence Holder, and that a public nuisance was repeatedly being caused to residents in the vicinity through noise emitted from the premises and the impact of events being held there, and the Committee noted that this was accepted by the Premises Licence Holder, and appreciated that this, along with the host of licence conditions proposed by the Premises Licence Holder, aided in the resolution of this matter.

All of the above conditions imposed on the premises licence by the Committees decision were offered by the Premises License Holder in the form that they appear or similar. The Committee does note that they were requested by the Premises Licence Holder to only impose condition (1) above for as long as it takes them to complete sound-proofing works to areas of the premises as required, to the satisfaction of Council officers. However, after hearing representations from the Premises Licence Holder that they do not know how long it will take for said works to be completed, the Committee felt that they were unable to impose such a condition for an unspecified period of time only. Nevertheless, the Committee wish to note that they would welcome an application from the Premises Licence Holder to vary the premises licence accordingly, once the sound-proofing works have been completed to the satisfaction of Council officers.

The Committee note that they were also invited by the Premises Licence Holder to impose a condition to appoint a new Designated Premises Supervisor ('DPS') for the premises. The Committee felt that to impose such a condition appointing a new DPS would fall outside of the possible steps that they could take under section 52 of the Licensing Act 2003 in this particular case, but they wish to note that they would

welcome the appropriate application from the Premises Licence Holder to the Council for a change of the DPS at the premises.

After taking everything the Committee was presented with into consideration, and looking at the relevant legislation and statutory guidance, the Committee felt that revocation or suspension of the licence in its entirety would be a disproportionate step to take in order to deal with the prevention of public nuisance, and so the Committee have therefore resolved to modify the licence as set out above.

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed