

**NOTICE OF ACTIONS UPON RECEIPT OF A NOTICE OF HEARING
REGULATION 8, LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**To : The Licensing Manager, Hyndburn Borough Council, Scaitcliffe House, Ormerod Street,
Accrington, Lancashire, BB5 0PF.**

From : Great Harwood Cricket Club, Cliffe Park, Great Harwood, Blackburn, BB6 7PQ

I have received a Notice of Hearing in respect of the following premises.

Great Harwood Cricket Club, Cliffe Park, Great Harwood, Blackburn, BB6 7PQ

And I notify you that :

1. I DO INTEND TO ATTEND THE HEARING

2. I INTEND TO BE REPRESENTED BY

The Chairman of Great Harwood Cricket Club
Stuart Paul Maher, of 13 Edgeside, Great Harwood, Blackburn BB6 7JS

3. I NOW CONSIDER A HEARING STILL TO BE NECESSARY

The Club intends to satisfy the person making an objection and the Licensing Manager that we intend to continue to meet the Licensing objectives

4. I REQUEST THAT (Insert name and address of the person)

No additional persons are required to attend the hearing

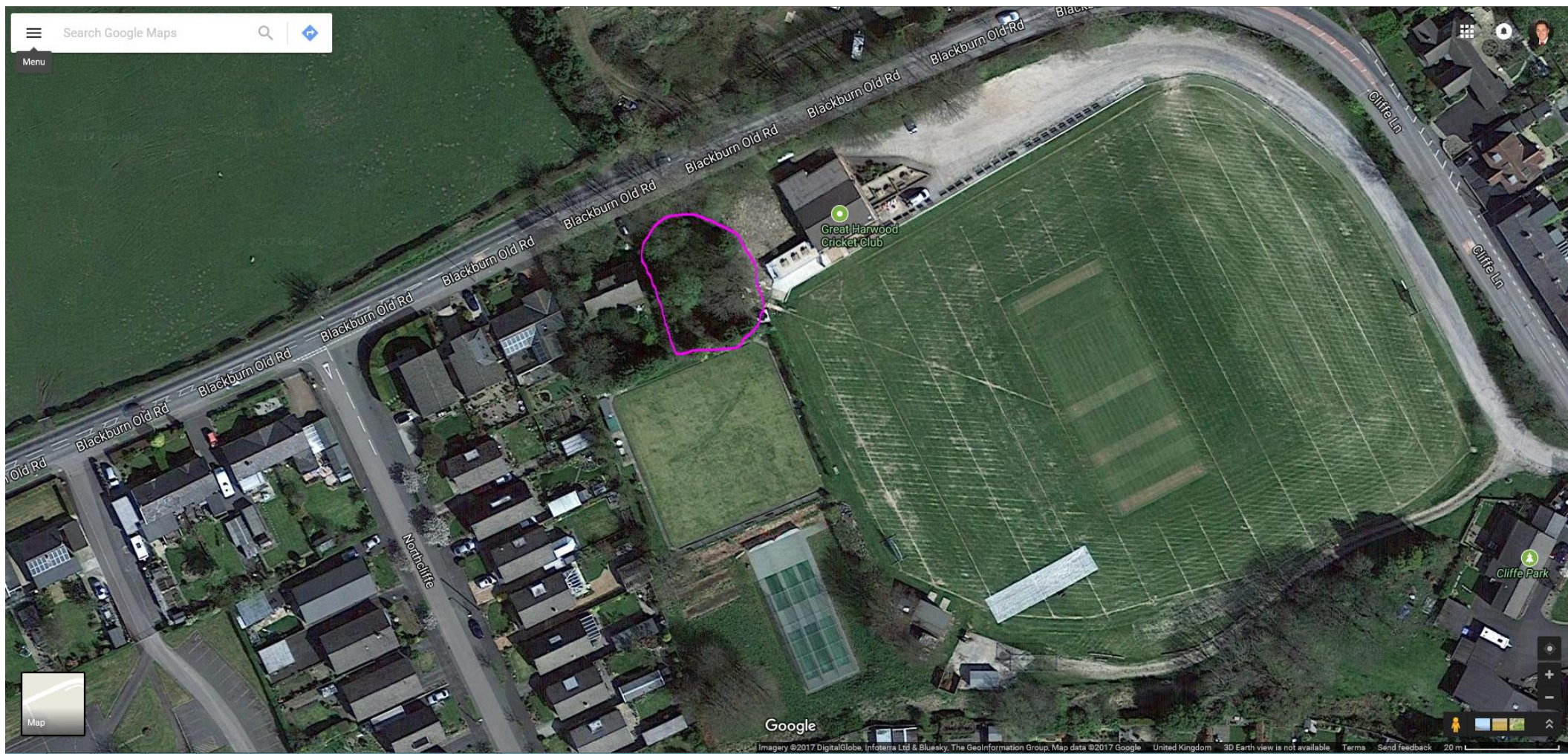
5. I provide further attached documentary or other information to you.

I provide an aerial map of our premises, and the premises of the objector, which shows the significant trees and foliage between our respective premises, which when coupled with the prevailing south-westerly wind prevents noise from reaching the objector's property, naturally preventing a public nuisance in accordance with the licensing objectives.

I also provide a further statement which will assist the Licensing Committee

Signed

Date 09.10.2017



The area circled in pink is an area of the objector's property which contains significant trees and bushes, most of which are so overgrown that access to that end of the objector's boundary from her building is very difficult.

The distance between the extended balcony terrace and the eastern-most part of the objector's building is approximately 20 metres, and it is apparent that no portion of her property on her eastern boundary is accessible for use.

Statement made by Stuart Paul Maher, Club Chairman, on behalf of Great Harwood Cricket Club

1. I refer to the application made by the club I represent to vary a club premises certificate in terms of the filed plan and restrictions on the operating hours of a balcony between the club's bar and function room premises and the objector's property on Blackburn Old Road, Great Harwood, Blackburn BB6 7UW
2. We are a community sports club offering sports and social facilities to many members and guests in the Hyndburn area, with in the region of 200 members from aged 6 upwards. We are ClubMark accredited and take our regulatory responsibilities very seriously.
3. As a not-for-profit community sports club we rely on the many volunteers and philanthropists from the local community who give up their time and money to help us continue to offer the services we do for the local community. Our bar and function room helps us to generate sufficient income to offer these services and an incredibly low cost to our members, helping them through the medium of sport. Without our licence in the terms sought it would be difficult for us to continue to operate at such a low-cost level
4. The balcony and extension was funded by a (sadly) now-deceased club member, and appropriate planning permissions and building regulation approvals were sought and obtained in respect of its construction. It is acknowledged that we were naïve in assuming that our existing club premises certificate (CPC) would cover the extension area, because the area itself was licensed (as is the whole of our sports ground and the boundaries of our property).
5. We can only apologise for not being aware of the need to update the filed plan and our CPC generally in the manner sought prior to the completion of the construction of the extension. There was no intent to mislead or otherwise in failing to apply, and we were happy to do so once this was brought to our attention by the licensing officer who attended to our premises.
6. We seek the amendment sought to our CPC and to the filed plan to rectify and regularise the use of our balcony, in a manner which we believe maintains our commitment to meeting the licensing objectives.
7. We are disappointed to note an objection to our application. We work hard with all of our neighbours around our extensive boundaries to ensure that we have a happy relationship with them all. It is sad that we have been unable to have such a relationship with the objector for a few years now.
8. We believe that by restricting the usage of the terrace to that proposed in our application, this will ensure that there is no noise pollution which affects the objector or her property. We believe that a restriction on use of 11.00 pm is appropriate and in line with other licensed premises and clubs who have outdoor areas adjacent to or nearby residential homes
9. We have enclosed a plan which details the distance between the western-most edge of the balcony terrace, and the eastern-most edge of the deceased's home, which we wish to ensure is brought to the attention of the committee. There are a significant number of large trees between the objector's home and the terrace, many of which overhang and threaten damage to the balcony itself. That area of her garden and land is unusable as an area for peaceful enjoyment, and as a result she would not be affected by noise pollution emanating from music inside the clubhouse or from people speaking on the balcony.
10. It must be noted that the prevailing wind blows away from the objector's property, reducing the impact on noise and it is apparent that there have been no other objections or reports/complaints in respect of noise or any other matter (which have been brought to our attention at least) since the grant of our CPC under the 2003 Act.
11. The objector makes two complaints, and having discussed them in detail with our stewardess both of which are disputed on the facts. Nonetheless we remain keen to work with our neighbour and the licensing committee to ensure that the licensing objectives are and continue to be met.
12. I will try and address some of the issues raised by the objector specifically:

- a. There is no intention to deceive in relation to the nomenclature used in the application to vary the CPC. The extension is what it is, an additional external seating area to be used by members and their guests when present at the club.
 - b. The suggestion that access is restricted to 7 or 8 pm would be unfair, would massively affect the operation of the club and its function room, and would be too excessive a restriction. The suggestion that the door is closed when music is being played seems strange, as the door would continue to open as people accessed the balcony area, and any noise would still emanate in this process. We understand that it is usual for licensed premises to be restricted to outside areas being used until 11.00 pm, and we seek a similar restriction in our application
 - c. On the question of noise emanating from open windows and doors, opened to help cool the premises when necessary, it must be stressed that the door is the only opening on the eastern side of the building. The main entrance door (behind an internal fire door) is on the eastern side of the property and the windows which open are all on the southerly side of the property. Therefore this suggestion that it adds to noise emanating from the clubhouse in the direction of the objector's property is clearly minimal.
 - d. The suggestion that the door is left open until extremely late is quite frankly incorrect. Only on one occasion has the door been open beyond 11.00 p.m. Owing to an issue which required the attention of our stewardess she was not able to get to the balcony at the usual time to ask the members and guests to come inside. Having received the objection we reviewed CCTV footage and notwithstanding the issue, and the terrace was empty by 11.03 pm. Members and guests are moved inside at or around 10.30 pm on all other occasions.
 - e. We take our licensing responsibilities seriously and all functions held are held either by the club or by a member with their invited guests in attendance. We are fully aware that private functions from non-members are not permitted under a CPC.
 - f. The objector speaks about the terrace being on a similar level to her own veranda. We cannot comment as her property is not visible to anyone on the balcony terrace due to the overgrown mass of trees and shrubbery in her garden.
 - g. Her final point in her objection about the area to the north of the balcony terrace is somewhat bemusing as the area has not and has never been used.
13. It is important to bring to the attention of the licensing committee that the objector can only provide two occasions where she alleges that noise has been a nuisance. The balcony terrace has been in use for a number of years. As she has alluded to in her objection, she has made multiple objections and reports to different departments over recent years.
14. We would be willing to work with her to allay her concerns but she has not engaged in discussions with us.
15. We believe that the proposed restrictions contained in our application are reasonable and appropriate to ensure that all the licensing objectives are and continue to be met, and we would invite the committee to agree.
16. We are a not-for-profit organisation reliant on the income from our clubhouse and the objector's suggested restriction would massively affect the Club in a manner which is excessive and unreasonable. For the avoidance of doubt we confirm that we believe that the proposed restrictions in our application will ensure that the licensing objectives are and continue to be met.