

# **MINUTES OF LICENSING SUB-COMMITTEE (Alcohol and Regulated Entertainment)**

**4 JUNE 2025**

## **PRESENT:**

Councillors Garcia (Chair), Henderson and Lewis

### **1. DECLARATIONS OF INTEREST**

Councillor Lewis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of having attended an event at Brandon Club).

### **2. LICENSING ACT 2003 (SECTION 51 OF PART 3) REVIEW OF PREMISES LICENCE: BRANDON CLUB**

The Sub-Committee considered the report concerning an application for the review of a Premises Licence (Part 1 – Agenda Item 2).

**RESOLVED THAT—** the application referred to in the report of the Chief Officer – Regulation and Safety be determined as set out in the Record of Hearing attached at Annex 1.

**CHAIR**

# RUGBY BOROUGH COUNCIL RECORD OF HEARING

1. **Review of Club Premises Licence Brandon Club, Main Street, Brandon**
  
2. **COMMITTEE PANEL**  
Councillors Garcia, Henderson and Lewis  
  
Chaired by: Councillor Garcia
  
3. **HEARING CLERK**  
  
Marian Allen – Senior Legal Officer
  
4. **Review**  
  
The review has been brought by Dean Taylor, Environmental Health Officer on behalf of the Responsible Authority  
  
**Licensing Officer John McTernan**  
  
Brandon Club hold a club premises licence, issued by Rugby Borough Council. A copy of the club's current licence can be observed at **Appendix A** of the report.  
  
On the 11 April 2025, Dean Taylor, an Environmental Health Officer for Rugby Borough Council submitted to the licensing authority an application to review Brandon Club's licence.  
The reason for review relate to the failure to control noise nuisance from amplified music and vocals, therefore undermining the Licensing Objective: The Prevention of Public Nuisance.  
The application to review can be observed at **Appendix B** of the report.  
Supporting documentation relating to complaints, monitoring and the noise abatement notice which was issued in April 2024 can be observed at **Appendix C** of the report.  
The notice for review was issued by the Licensing Authority on the 11 April and as per the Act, displayed on the exterior of the premises whilst also being published on Rugby Borough Council's website.  
There was a total of 122 responses in support of the club with responses coming from Brandon, Wolston and other neighbouring villages as well as responses from as far as America. Responses are listed at **Appendix E** of the report.  
There were no representations in relation to the application to review from any of the relevant authorities.

Officer recommendations from Environmental Health for additional conditions to be imposed by the Licensing Committee were put forward during the consultation period, these can be observed at **Appendix D**.

A breakdown of the proposed conditions Environmental Health wish for the committee to consider are as follows:

- 1) Any music and vocals at the premises shall be so controlled as to be inaudible within any neighbouring residential accommodation at all times.
- 2) The licensee shall ensure as far as reasonably practicable that all persons leaving the premises do so in such a manner that persons resident of the neighborhood are not unreasonably disturbed by noise, or unruly or unsociable behaviour.
- 3) When music and/or vocals are being played as regulated entertainment is taking place, external doors and windows to the function room or any areas where regulated entertainment is occurring shall be kept closed, except for ingress/egress.
- 4) Section 2 of the Live Music Act 2012 as it mended section 177A of the Licensing Act 2003 shall no longer apply to this premises. This condition therefore considers live music as if:
  - (a) The live music were regulated entertainment, and
  - (b) The licence or certificate licensed the live music
- 5) There shall be no external regulated entertainment held at the premises.

With regards to proposed conditions 2, Licensing and Safety Committee applied a condition that “Any music and vocals at the premises shall be so controlled as to be inaudible within neighbouring residential accommodation at all times” The Live Music Act 2012 suspended this noise control condition between 08:00 and 23:00 and the above recommended conditions would ensure regulated entertainment is controlled by the extant conditions above. However, the original condition 3 would be replaced by the new condition 1.

Inaudibility is likely to be difficult to comply with, and so the committee may wish to consider other restrictions such as limits on events, works to control noise levels and/or noise monitoring equipment.

It is not uncommon for premises within built up residential areas to be limited

to a certain number of events per calendar year, to be required to install additional insulation to minimise noise egression and or be required to have a noise limiter installed to a specific standard by which noise does not cause a public nuisance to nearby residential properties.

The Sub-Committee after hearing the representations from all parties concerned, must deliver a verdict on the club premises licence. The options available are as follows:

- Take no action
- Issue a warning;
- Modify the conditions of the club premises licence (either by adding new conditions, or changing or removing existing conditions);
- Remove a licensable activity from the licence;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence

### **Responsible Authority**

Complaints have been received over several years prior to my involvement.

In reference Brandon Club and the investigations concerning complaints of noise breakout from amplified music. My involvement started after a complaint was received on 2 December 2023, a warning letter was sent to Brandon Club on 6 December 2023 but despite the letter, noise complaints continued.

After receiving the noise log sheets from the complainant, which indicated this might be a Statutory Nuisance, a joint visit on 1 February 2024 was made by John McTernan, Licensing and I to discuss the noise breakout complaints and licence conditions. Further visits by colleagues and I were carried out over 2024, as I tried to engage with the club.

The noise recording equipment was installed for an event on 17 February 2024 which confirmed excessive noise breakout, such that I had to serve an Abatement Notice, for a Statutory Nuisance likely to occur (which was not appealed) – noise was such that songs could be discernible, such as Blondie lyrics could be heard, loud drums, base beating, intrusive noise and other instruments were loud, disturbing noise.

Noise complaints continued, Michael Warren and I, and Henry Biddington (EHCS Manager) continued to try and resolve the issues, including visiting the club to discuss an old noise egress assessment report. We also looked at the equipment the Club was using to measure noise. such as the Noise Limiting Device and their hand held noise monitor, neither had been successful in controlling the noise breakout.

Unfortunately, the noise breakout continued, our noise equipment was installed again and used to record an event on 21 September 2024, evidence was obtained to show breach of the Abatement Notice, again songs could be identified, such as Bruce Springsteen (Glory Days) and One Republik (Counting

Stars) lyrics could be heard, intensive loud base beat, loud drums beating and other instruments were loud.

The natural progression was to call for a licence review. The reasons for review relate to the failure to control noise nuisance from amplified music and amplified vocals, therefore undermining the Licensing Objective, The Prevention of Public Nuisance.

The intention has never been to shut down the club, but to recommend the minimum conditions that should ensure the club complies with the licensing objectives, particularly the prevention of public nuisance licensing objective.

The reasons for review relate to the failure to control noise nuisance from amplified music and amplified vocals, therefore undermining the Licensing Objective, the Prevention of Public Nuisance.

It is my opinion that a review of the conditions is the best way forward. By reviewing the licence conditions, this allows the club to continue to operate while upholding the licensing objectives.

6.

**Brandon Club presentation by Howard Richards on behalf of the Club**

- Only involved recently
- Previously Licensing Inspector with the Police provided training under the Licensing Act 2003 and continued to be involved with Licensing since retirement
- Not trying to undermine the particular neighbour who has complained
- Misplaced application based on public nuisance
- 120 responses to review none from other statutory bodies accept some do not link the licensing objective
- There is no public nuisance
- Referred to the representation made by Mr Wilson who for 26 years has lived in Main Street, Brandon directly opposite Brandon Club and has not witnessed noise issues from the Club
- The complainant neighbours had moved next door to the Club – cannot then complain of something existing he gave example of moving next door to a Church and complaining about the church bells.
- Recognise there may be a possible issue with one neighbour but it is only one neighbour, no other neighbours claim there is an issue
- Club wish to be a good neighbour
- Run by volunteers only paid employee is the Club Steward
- Employed profession noise consultant who has made recommendations
- Difficult to insulate a premises build in 1885

- Not public nuisance on one complainant
- Common law offence of public nuisance has been removed by statute gave example of the oil protestors
- Not public nuisance Environmental Health evidence is supportive
- Reference to a decision by Lord Denning in 1957 on nuisance
- Referred to Minutes of Full Council of 12 July 2023 supporting and recognise the need for live music
- Government considered entertainment valid until 11.00

## 7. **Summary of questions**

- Club committee members jointly responsible
- Neighbour had right to complain
- Abatement Notice served asked what had the Club done since to comply
- Club have tried to resolve but not totally successful
- New noise limiter to be installed previous one not working
- Covered cellar door so cannot be left open
- Soundproofing
- Looking at break out points
- Considering building a wall at the back of the club
- New noise limiter purchased not yet fitted, sockets that can be adjusted
- Old property impossible to soundproof
- Everyone is a volunteer tried to prevent noise
- Dean – noise is from function room that was not part of the original building
- Noise assessment had been done by the Club in 2016

Councillor Willis:

Brandon Club has served the community for 140 years providing a venue for weddings, funerals etc. It is a community asset/hub provides for social inclusion.

Accepts clearly there are issues – the Club is important for the community for friends and neighbours and they fear the loss of the Club as once gone will be gone forever. Referred to Council minute. Both parties should come together to try and resolve and keep the community asset

Councillor Ward:

Attended meeting in April 2024, Council do not want to stop live music and the Club have been trying to put in measures but not successfully.

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**Decision**

The sub-committee have listened carefully to the presentation by Mr Taylor and Mr Richards and the information provided by a Club Trustee and a Club Member. The sub-committee exercised its discretion and allowed Councillors Willis and Ward to address the Committee.

The sub-committee understand that the Club is a community asset and provides a valued service to the Community of Brandon and the surrounding areas and that it is run by volunteers. However, the Club has the duty to not cause noise issues.

This review has been brought by Environmental Health as a Responsible Authority on evidence of the club undermining the Licensing Objective in the prevention of public nuisance in relation to noise. It is the responsibility of the Club and its Members, and they have failed to address the issues, despite the input of the Environmental Health Officers.

A statutory nuisance was identified through noise recordings resulted in the service of an Abatement Notice on 22 March 2024. The Environmental Health Officer had communicated with representatives of the club on several occasions to try to resolve the noise issues unsuccessfully. The Council has chosen not to pursue a prosecution for breach of the Abatement Notice but seek resolution by way of Review.

The sub-committee have considered the options available to them, the most serious of which is to revoke the License. However, the decision is to impose the following conditions recommended by Environmental Health Officer.

- 6) Any music and vocals at the premises shall be so controlled as to be inaudible within any neighbouring residential accommodation at all times.
- 7) The licensee shall ensure as far as reasonably practicable that all persons leaving the premises do so in such a manner that persons resident of the neighborhood are not unreasonably disturbed by noise, or unruly or unsociable behaviour.
- 8) When music and/or vocals are being played as regulated entertainment is taking place, external doors and windows to the function room or any areas where regulated entertainment is occurring shall be kept closed, except for ingress/egress.
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  - (a) The live music were regulated entertainment, and
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- 10) There shall be no external regulated entertainment held at the premises.

With regards to proposed conditions 2, Licensing and Safety Committee applied a condition that "Any music and vocals at the premises shall be so controlled as to be inaudible within neighbouring residential accommodation

at all times” The Live Music Act 2012 suspended this noise control condition between 08:00 and 23:00 and the above recommended conditions would ensure regulated entertainment is controlled by the extant conditions above. However, the original condition 3 would be replaced by the new condition 1.

This will give the club the opportunity to address the noise issues. The Club told the sub-committee of work in already progress, with noise limiting equipment and other methods. The Club is run by volunteers but that does not remove the obligation on the Club and Committee to make these changes

The imposition of the conditions gives the Club an opportunity to address the problem and continue operating. However, be aware if the conditions are breached that may result in a further review and the possibility of your license being revoked.