

**REVIEW OF PREMISES LICENCE REPORT**

Licensing Sub Committee



Date:	02 September 2024
Title of Report:	Review of Premises Licence – Club Inferno
Lead Member:	Councillor Sue Dann (Cabinet Member for Customer Service, Leisure and Sport Customer Services, Sport, Leisure and Human Resources and Organisation Development)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Jon Ball (Licensing Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Club Inferno
Key Decision:	No
Confidentiality:	Part I - Official

**Purpose of the report:**

An application has been received from the Environmental Health Department under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of Club Inferno, 24 Lockyer Street, PL1 2QW.

**Recommendations and Reasons:**

That Members consider this report.

**Alternative options considered and rejected:**

None.

**Relevance to the Corporate Plan and/or the Plymouth Plan:****Our Plan – A City to be proud of.**

This report links to the delivery of the City and Council objectives and outcomes within the plan.

**Unlocking the City's Potential:** The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

**Caring for People and Communities:** The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

**Implications for Medium Term Financial Plan and Resource Implications:**

Not applicable

**Financial Risks**

Not Applicable

**Carbon Footprint Carbon Footprint (Environmental) Implications:**

None

**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

**Published work / information:**

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 – December 2023](#)

**Appendices**

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							

**Background papers:**

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable)
	<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
Application							

**Sign off:**

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Originating Senior Leadership Team member: N/A											
Please confirm the Strategic Director(s) has agreed the report? N/A											
Date agreed: N/A											
Cabinet Member signature of approval: N/A											
Date: N/A											

## 1.0 INTRODUCTION

- 1.1.1 On the 9<sup>th</sup> July 2024 the licensing department received an application from the Environmental Health Department under Section 51 of the Licensing Act 2003 for the review of the premises licence in respect of Club Inferno situated at 24 Lockyer Street, Plymouth.

### 1.2 Review application.

The Environmental Health Department have applied for the review of the premises licence for the purpose of promoting the licensing objectives in relation to Public Nuisance. Club Inferno SW Ltd, 24 Lockyer Street re-opened on the 31st March 2023. Since reopening the Environmental Health Department has received complaints of excess noise from 5 separate residential properties. Officers from the Environmental Health Department have witnessed noise within the domestic properties that is emanating from music at Club Inferno. The Environmental Health Department consider that the noise level is having an impact on the licence objective for the Prevention of Public Nuisance.

A Copy of this application has been served by the Licensing Department on each of the responsible authorities and the holder of the premises licence.

In accordance with review proceedings on 10<sup>th</sup> July 2024 a licensing officer from Plymouth City Council attended the premises and displayed two notices outside of the premises.

On the same day a similar notice was displayed on the Plymouth City Council website and the public notice board at the Council House, Armada Way, Plymouth.

### 1.3 Licensable Activities.

These premises have the following licensable activities and timings.

<p><b><u>(c) Indoor Sporting Events</u></b> Hours Monday to Sunday 1000-0600</p>
<p><b><u>(e) Live Music (Indoors)</u></b> Hours Monday to Sunday 1000-0600</p>
<p><b><u>(g) Performance of Dance (Indoors)</u></b> Hours Monday to Sunday 1000-0600</p>
<p><b><u>(h) Anything of a Similar Description to that falling within (e) (f) or (g) (Indoors)</u></b> Hours Monday to Sunday 1000-0600</p>
<p><b><u>(i) Late Night Refreshment (Indoors)</u></b> Hours Monday to Sunday 2300-0500</p>
<p><b><u>(j) Supply of Alcohol for consumption ON</u></b> Hours Monday to Sunday 1000-0530</p>
<p><b><u>(l) Hours Premises are Open to the Public</u></b> Hours Monday to Sunday 1000-0600</p>

### 1.3 Existing Premises Licence conditions attached to the licence (Appendix A)

## 2.0 RESPONSIBLE AUTHORITIES

- 2.1 *Devon & Cornwall Police* – no representations.
- 2.2 *Environmental Health* – Applicant Responsible Authority relating to public nuisance (Appendix B)
- 2.3 *Devon & Somerset Fire & Rescue Service* – no representations.
- 2.4 *Trading Standards* – no representations
- 2.5 *Planning Officer* - no representations.
- 2.6 *Child Protection* – no representations
- 2.7 *Health & Safety Executive* – no representations.
- 2.8 *Health Authority (ODPH)* – no representations.
- 2.9 *Licensing Authority* – no representations.

## 3.0 OTHER PARTIES

Three Representations from members of the public who live near the premises have been received. (Appendix C-E).

## 4.0 CONSIDERATIONS

- 4.1 In making its decision the Committee is obliged to have regard to the application and any relevant representations.

The Committee should take such steps, if any, as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In making its decision the Committee is also obliged to have regards to:

- The guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this application:
  - 1.2 - 1.5, 1.9, 1.10, 1.12, 1.16, 1.17

- 21-2.27, 3.11
- 10.8-10.9, 10.13,11.1,11.5, 11.7, 11.9,-11.11 and 11.16 - 11.23
- 14.18 14.51,14.52
- 16.1-16.12,16.15,16.26-16.33,16.36-16.41,16.52-16.56
- The Council's own Licensing Policy with the following headed paragraphs being relevant to this application:
  - Licensing Hours 5.13 – 5.18 (Page 14 – 15)
  - Designated Premises Supervisor 5.35 (Page 16)
  - Public Nuisance 5.67 – 5.71 (Page 22)
  - Licensing Conditions 7.1 – 7.8 (Page 27)
  - Review of premises licence 8.16 – 8.23 (Page 30)
- Also the representations (including supporting information) presented by all the parties.

#### 4.2 The steps referred to above are :

- (a) to modify the conditions of the licence (which includes adding new conditions, any alteration or omission of an existing condition);
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

Members are made aware that any existing conditions relating to live or recorded music which are already on the licence are suspended between the hours of 8am and 11pm due to amendments made to the Licensing Act 2003. However on a review of a premises licence, section 177A(3) of the Act permits a licensing authority to lift that suspension. Also section 177A(4) of the Licensing Act 2003 would allow Members to add a condition to the licence relating to music as if it were regulated entertainment. If members were to do this then any condition would need to include a statement that section 177A of the Act does not apply to that condition.

Where the committee takes a step in 4.2 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****The prevention of crime and disorder**

1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.

ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.

iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol)

iv. Recognising the signs of drunkenness

v. The operating procedures for refusing service to any person who is drunk, underage or appears to be under-age, or appears to be making a proxy purchase.

vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services. Training shall be recorded in documentary form and shall be regularly Refreshed at no greater than 12-month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.

2. An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

i. Any incidents of disorder or of a violent or anti-social nature

ii. All crimes reported to the venue, or by the venue to the police.

iii. All ejections of patrons.

iv. Any complaints received.

v. Seizures of drugs or offensive weapons.

vi. Any faults in the CCTV system.

vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service. Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

3. Open containers of alcohol shall not be removed from the premises.

**Management Control**

4. There shall be a personal license holder on duty on the premises at peak times by way of risk assessment. Team leaders to be given extra training on the 4 key licensing objectives.

5. The premise will have a written vulnerability and safeguarding policy, which all members of staff will be directed to read and sign that they have read the policy.

6. The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 380

7. A suitable system must be in place to accurately indicate the number of customers (including staff, entertainers etc.) on the premises at any time.

8. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be

permitted to take drinks or glass containers with them.

### **Door Supervisors**

10. From 22:00 hours until close the number of SIA licensed door supervisors employed shall be in accordance with the following ratio: A minimum of two (2) door supervisors will be employed for the first one hundred (100) customers and one door supervisor for every one hundred (100) thereafter.

I 1. Door supervisors will be properly briefed and trained to manage queues in a safe and efficient manner.

12. The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:

I. Full name II. SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration 6 or accreditation)

II. The date and time they began their duty.

III. The date and time they completed their duty. IV. The full details of any agency through which they have been allocated to work at the premises if appropriate.

13. The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.

14. The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

### **Substance Misuse**

15. A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.

### **CCTV**

16. The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:

I. Cover all public areas of the licensed premises including entry and exit points.

II. Record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

III. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

IV. Have a constant and accurate time and date generation.

V. Store recordings for a minimum period of 28 days with date and time stamping.

VI. Viewable copies of recordings will be provided on request to police and local authority officers as soon as is reasonably practicable and in accordance with the General Data Protection Regulation Data Protection Act 2018 (or any replacement legislation).



VII. The CCTV system will be capable of downloading images to a recognisable viewable format.

17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with the absolute minimum of delay when requested (in accordance with the Data Protection Act 2018 or any replacement legislation).

### **Prevention of public Nuisance;**

1. A noise limiting device shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with the Plymouth City Council's Environmental Health Service and will be reviewed from time to time as appropriate. The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.

2. No performances of live and recorded music can proceed without the noise limiting device in proper working order.

3. Between the hours of 23:00 and 08:00 there must be total sound containment within the premises.

4. The Premises Licence Holder or nominated person shall arrange supervision of any queue which may form to gain entry to the premises. The nominated person must remind patrons to avoid causing noise, nuisance or disturbance that could impact local residents.

5. The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.

6. The Premises Licence Holder or nominated person shall ensure sufficient door staff are positioned at the exits from the premises to remind departing patrons of the need to avoid causing nuisance or disturbance to local residents.

7. The Premises Licence Holder or nominated person shall ensure sufficient door staff are positioned at the exits from the premises to remind departing patrons of the need to avoid causing nuisance or disturbance to local residents. The designated smoking area shall be for 'smoking only' and the premises licence holder or nominated person will take reasonable steps to prevent the consumption of any drinks in this area.

**Please state the ground(s) for review** (please read guidance note 2)

Club Inferno SW Ltd, 24 Lockyer Street re-opened on the 31<sup>st</sup> March 2023. Since reopening the Environmental Health Department has received complaints of excess noise from 5 separate residential properties.

The premises licence holder has made 2 variations to the premises licence which have added conditions to the premises licence to protect the license objective for the prevention of public nuisance.

1. A noise limiting device shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with the Plymouth City Council's Environmental Health Service and will be reviewed from time to time as appropriate. The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
2. No performances of live and recorded music can proceed without the noise limiting device in proper working order.
3. Between the hours of 23:00 and 08:00 there must be total sound containment within the premises.

The licence holder has demonstrated that he is able to meet the following licence conditions, however, despite assistance from the Environmental Health Department the premises has been found to have breached the conditions regularly. The breaches are continuing whenever the venue is open to trade.

This is having a negative impact on the licensing objective for the prevention of public nuisance.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Club Inferno (SW) Limited re-opened on the 31<sup>st</sup> March 2023. Following the opening weekend the Environmental Health Department received 6 complaints from nearby residents of noise emanating from the club and audible within their homes.

On the 3<sup>rd</sup> of April letters and diary sheets were sent to 6 complainants. A Letter was sent to the premises Licence Holder and DPS explaining that noise complaints had been received and asking them to contact me.

On the 5<sup>th</sup> April 2023 the DPS of the premises resigned.  
A new DPS Application was received on the 6<sup>th</sup> April for Christine Bradley.

Noise Diary were returned on the 23<sup>rd</sup> April & 24<sup>th</sup> April. Additional WhatsApp Videos from complainants has also been provided.

On the 28<sup>th</sup> April 2023 after 22:00 two officers from the Environmental Health Department completed a visit to witness noise from residential property. Music and bass beat from Club Inferno was audible within the living room and bedrooms. The music was intrusive and of a level that would prevent sleep.

On the 3<sup>rd</sup> May 2023 Will Tomkins had a site visit at Club Inferno with premises licence holder Nojtaba Nabavi and DPS Christine Bradley. The noise levels were discussed and the licence holder agreed to informally set noise limits at the next opportunity. An evening visit was arranged for the 12<sup>th</sup> May 2023.

9<sup>th</sup> May –WhatsApp video of noise levels received from within one of the residential properties.

On the 9<sup>th</sup> May DPS Christine Bradley resigned.

On the 12<sup>th</sup> May a New application for DPS was received. The New DPS is Maria Downing.

On the 12<sup>th</sup> May a site visit took place after 22:00 to set a noise limit on an informal basis. A noise level was agreed that was not causing disturbance in the nearby residential properties with “Level 2 “ on the DJ mixing decks. It was noted by officers that all DJ’s bring their own equipment to the venue. There was no way of physically restricting the noise levels on the current sound system installed. Further advice was given to the Premises Licence Holder of how to monitor noise levels outside, in particular ensuring noise is inaudible outside the nearest residential properties.

On the 15<sup>th</sup> May WhatsApp video were received taken on the 13<sup>th</sup> May. The WhatsApp videos provide evidence that the informal noise limits agreed on the 12<sup>th</sup> May were not being adhered to.

On the 15<sup>th</sup> May telephone conversations were had with the DPS Maria Downing and Licence holder Nojtaba Nabavi to discuss noise levels on the 13<sup>th</sup> May. Ms Downing agreed that she thought the noise levels were too high. I explained to both Ms Downing and Mr Nabavi that new conditions on the premises licence were required to meet the licence objective for the Prevention of Public Nuisance. It was explained that as licence holders they could submit a minor variation to add conditions voluntarily, or the premises would be taken for licensing review.

On the 16<sup>th</sup> May an Email to was sent to the DPS Maria Downing and Licence holder Nojtaba

Nabavi explaining the options regarding a minor variation or a licence review. The email included two suggest conditions that would meet the licensing objective for The Prevention of Public Nuisance.

By the 18<sup>th</sup> May no response had been received to the email.

18<sup>th</sup> May 2023 - The Environmental Health Authority made an application for a review of the premises licence. This review was withdrawn following an application by the premises licence holder for a minor variation which included the addition of the following conditions;

1. A noise limiting device shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with the Plymouth City Council's Environmental Health Service and will be reviewed from time to time as appropriate. The noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
2. No performances of live and recorded music can proceed without the noise limiting device in proper working order.

This minor variation was granted on the 4<sup>th</sup> June 2023

9<sup>th</sup> June 2023, officers from Environmental Health set noise levels on the newly installed limiter with the co-operation of a nearby resident.

19<sup>th</sup> June 2023, Email and video received from residents as music is still audible within their home.

19<sup>th</sup> June 2023, email sent to premises licence holder and DPS requesting they contact me to discuss additional complaint. No response received.

3<sup>rd</sup> August. Whatsapp video received from a resident with music from the club audible within their home taken on the 28<sup>th</sup> July 2023..

21<sup>st</sup> August – email from resident stating noise levels had reduced and are no longer a problem.

26<sup>th</sup> September – email from resident stating noise levels had increased and were causing a problem. This included 4 videos.

17<sup>th</sup> October – email received from resident with further details of when noise is audible within their home.

On the 13<sup>th</sup> October 2023 the Licence Holder applied for a Minor Variation to remove conditions restricting drinks promotions. As part of the variation the EH Authority, as a statutory consultee, suggested a number of conditions in accordance with the licensing policy to bring the current license up to date. The variation was granted on the 2<sup>nd</sup> November 2023 which included the following additional conditions;

Prevention of Public Nuisance;

1. A noise limiting device shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with the Plymouth City Council's Environmental Health Service and will be reviewed from time to time as appropriate. The noise limiting device must be fully functional and in proper working order at all times during performances

of live and recorded music.

2. No performances of live and recorded music can proceed without the noise limiting device in proper working order.
3. Between the hours of 23:00 and 08:00 there must be total sound containment within the premises.
4. The Premises Licence Holder or nominated person shall arrange supervision of any queue which may form to gain entry to the premises. The nominated person must remind patrons to avoid causing noise, nuisance or disturbance that could impact local residents.
5. The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.
6. The Premises Licence Holder or nominated person shall ensure sufficient door staff are positioned at the exits from the premises to remind departing patrons of the need to avoid causing nuisance or disturbance to local residents.
7. The designated smoking area shall be for 'smoking only' and the premises licence holder or nominated person will take reasonable steps to prevent the consumption of any drinks in this area.

24<sup>th</sup> November 2023 – Out of hours monitoring carried out by council officer. Noise levels were satisfactory.

30<sup>th</sup> November 2023 – email from resident stating noise levels were much improved.

3<sup>rd</sup> December – resident complaint that noise levels had increased.

5<sup>th</sup> December 2023 – Matron noise monitoring equipment installed in residential property.

13<sup>th</sup> December – email to licence holder and DPS explaining that the premises is not complying with licence conditions.

13<sup>th</sup> December 2023 – email from DPS stating she was no longer DPS and had not been paid for the last 2 months.

15<sup>th</sup> December New DPS application received from Mo Nash – Emailed Mr Nash with notification of licence conditions and potential for enforcement action.

9<sup>th</sup> Feb change of DPS. Email to Mr Saremi, new DPS informing them of licence conditions and potential for enforcement action.

1<sup>st</sup> March 2024 out of hours noise monitoring completed by officers. Noise audible past 23:00 in the street outside the premises.

5<sup>th</sup> March – letter sent to licence holder and DPS to stating a breach of conditions had been witnessed and enforcement action is being considered.

8<sup>th</sup> March – telephone call from premises licence holder and agreed to adjust noise limiter on the 14<sup>th</sup> March. This appointment confirmed via email.

14<sup>th</sup> March meeting with premises licence holder and DPS. Noise limiter adjusted to lower permitted noise levels.

17<sup>th</sup> June complaint received of noise from Club Inferno audible within nearby residential properties with Video footage provided.

Discussed with premises licence holder on 24<sup>th</sup> June 2024. Informed him noise levels must be reduced.

1<sup>st</sup> July 2024 further complaint of noise emanating from Club Inferno audible in nearby residential properties including Video footage.

# LICENSING REPRESENTATION



**Case reference: FS-Case-634228051**

Premises	
<b>Name of the premises:</b>	Club Inferno
<b>With regard to the following application I want to:</b>	Object
<b>Premises address:</b>	24 Lockyer Street, Plymouth, Devon, PL1 2QW
Representation	
<b>In what capacity are you applying:</b>	Any other person

div>

<b>Name:</b>	
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Address:</b>	
Representation details	
<b>Which of the following Licensing Objectives is this representation relevant to:</b>	C. The prevention of public nuisance
	<p>As per my wife's complaint ref: 944425 reported on our behalf in her name, I write to provide my own representation. We used to live in a rented flat in Bristol. We moved into our Plymouth flat which we bought with a mortgage on 26/08/2022. We are permanent residents, we don't have any other home. At the time we moved, my wife's job changed to a work from home contract. Due to the economic instability caused by the mini budget in September 2022 there was a delay in me transferring my job to Plymouth and I stayed in Bristol where my employer provided live in accommodation which we had to pay for. The intention was for me to transfer permanently to Plymouth in spring 2023.</p> <p>Club Inferno opened on 31st March 2023 seven months after we moved in and after the club had been closed for several years and our lives were put on hold as outlined in our original complaint and my wife's previous</p>

**Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:**

representation. I was unable to fully transfer to Plymouth because of the noise issue. I was coming home on my annual leave and on my days off work and some of those days fell on weekends and I could see the noise was going to be a problem for me as I work weekends. I was at home for Easter 2023, I did not sleep and went back to Bristol a day early to ensure I would be fit for work. My wife and I had no quality time together that weekend.

As I wasn't at home all the time my wife carried the burden of managing the original complaint, keeping the diary, receiving Environmental Health officers into our home and that is why I did not make a representation last year. As the complaint was taken seriously by the council, we decided to delay my transfer until it was resolved and I stayed working in Bristol. We believed the issue would be resolved and to an extent it was when a noise limiter was installed at the club later in 2023. I was at home when the noise limiter was bypassed in October 2023 and realised that the issue had not been fully resolved after all. My wife followed this up and then a new condition was added to Club Inferno's licence to contain the sound within the building between 11 pm and 8 am. This improved the situation and so I came home permanently at Christmas 2023 after living apart from my wife for much longer than planned and now I work in Plymouth.

For a while things were better, sometimes the club was closed, sometimes it opened but not with loud music, the sound was not unmanageable although when the door was left open for a long time we would wake up, it was disturbing but we were managing. The sound has never been contained within the club – it is and has always been and continues to be audible outside the club - but it wasn't so very loud in our bedroom and we were coping.

Since the beginning of May the situation has gone backwards, the issue is not resolved, the sound is once again in our bedroom, definitely not contained within the club and I need to highlight the effect it has on my job, my health and our relationship. We are deprived of the normal enjoyment of day to day family life.

I work in hospitality, specifically a large and very busy restaurant. I work shifts. I work weekends, I start early and from time to time I finish late. Think about finishing your shift Friday at 10 pm and then having to start work at 8:30 am the next day on Saturday and the noise of the club is audible in your bedroom all night from when they open – anytime between midnight and 1:30 am until 6 am just before you are getting up – and you have barely slept and you need to get up, get ready, look smart for work and get to work. Even if you manage to sleep you are woken up repeatedly by the music, especially the bass, the chaos, people arguing and screaming at each other at 4 o'clock in the morning, when the door is left open the noise is even louder, at turning out time, between 5:30 am and 6 am we are wide awake, unrested. This is what happened on Armed Forces weekend. After a very busy Friday shift, I barely slept on Friday night or Saturday night but worked flat out all weekend.

My job is looking after customers and supervising a team of young people to ensure smooth service. I am on my feet all day on my working days



	<p>and my work is 100% customer facing. I need proper rest so that I am fresh the following day to do my job with the smile that is required. Instead I am exhausted, fed up and my patience is short. I often work compressed hours which involves long shifts usually across Thursday to Sunday. I rarely get a Saturday off. My job is physical, I need to sleep. My wife on the other hand is supposed to have her two days off work at the weekend as she works mostly Monday to Friday with a working Saturday every six weeks or so and some Bank Holiday Mondays. She can't get any rest at all! If I am lucky enough to have a weekend off, we can't enjoy that time together as a normal couple because we are both so exhausted. When the club was opening earlier and if we had a day off together, we tried staying up and getting used to the sound, going to bed very late and then sleeping in very late but then we achieved nothing. Now the club opens too late for us to stay up and anyway we don't want to stay up all night even when neither of us are working. We want to enjoy the daytime together, go out walking, visit our family and friends, do what other people do.</p> <p>This has been going on for 16 months. We know the club deliberately chooses not to contain the sound because they were complying for the first part of the year enough to enable us to mostly sleep adequately to work and live life at the weekend.</p> <p>We don't know why the club have decided not to comply with their licence conditions and return us to a state of conflict. It is intolerable, unacceptable and unfair. The club was closed for years. They did not object to planning permission for residential neighbours. The council had all the information and allowed development. We moved in seven months before the club reopened. We have tried hard to compromise, the council found the solution, the club can comply with the conditions well enough when they choose to. We have never demanded the club's licence be revoked, we just want the club to comply with their conditions which will enable us to live our lives and work our jobs during the day which is what most normal people do. We are just ordinary people, working hard, trying to get through life. We all have jobs, we all need jobs and we need to be able to sleep so that we can carry out those jobs and maintain our physical and mental health and have constructive lives and relationships. Please help us to solve this problem.</p>
<p><b>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</b></p>	<p>Yes</p>
<p><b>Provide reasons:</b></p>	<p>Fear of reprisal</p>
<p><b>Number of documents in support of your representation uploaded:</b></p>	<p>0</p>
<p><b>Declaration</b></p>	

## Appendix D

**From:**  
**To:** [Licensing](#)  
**Subject:** Club Inferno - Licensing Representation Form & Supporting Information  
**Date:** 24 July 2024 18:33:48  
**Attachments:** [Email Trail 03.08.2023 - 09.02.2024 Gmail - Noise Complaint - 944425.pdf](#)  
[Email 01.07.2024 Gmail - Noise Complaint - 944425.pdf](#)  
[Licensing Representation Form 2023.FS519594447.pdf](#)  
[Licensing Representation Form 2024.FS633385102.pdf](#)

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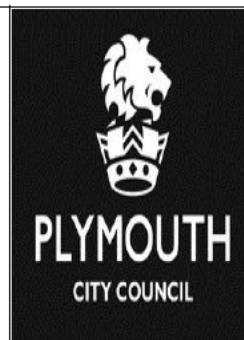
Dear Licensing Team,

I have submitted a Licensing Representation Form online in which I refer to a previous representation from 2023 - FS-Case-519594447 - and two email trails. The form only allows me to upload one attachment. To ensure that you have all the information I refer to, please find attached:

- 2023 Representation FS-Case-519594447
- Email trail 03/08/2023 - 09/02/2024
- Email dated 01/07/2024
- 2024 Representation FS-Case-633385102

Yours sincerely,

# LICENSING REPRESENTATION



**Case reference: FS-Case-633385102**

<b>Premises</b>	
<b>Name of the premises:</b>	Club Inferno
<b>With regard to the following application I want to:</b>	Object
<b>Premises address:</b>	24 Lockyer Street, Plymouth, Devon, PL1 2QW
<b>Representation</b>	
<b>In what capacity are you applying:</b>	Any other person

div>

<b>Name:</b>	
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Address:</b>	
<b>Representation details</b>	
<b>Whick of the following Licensing Objectives is this representation relevant to:</b>	C. The prevention of public nuisance
	<p>Complaint Ref: 944425. I refer you in the first instance to my 2023 representation (Ref no: FS-Case-519594447) submitted by me prior to the previous licence review which was withdrawn by the council. As stated, my husband and I moved into our flat 26/08/2022 by which time the club had been closed for several years. Seven months after we moved in the club reopened with no restrictions to accommodate neighbouring residential development – permission for which was granted by the council. The club's licence is currently seven days a week from 10 am to 6 am – that is 20 hours a day – seven days a week – 365 days a year. At the time it reopened, the club had no soundproofing, no lobby, no final entry time and no limit on the volume of the music that they played. The effect on our lives was devastating as previously documented in that representation.</p>

As I understand things, the licence review was withdrawn following the club's agreement to have a noise limiter fitted which was deemed to have solved the problem. With the agreement of all parties, the sound level was set so that we could barely hear it in our bedroom.

I refer you to the attached email trail spanning from 03/08/2023 to 09/02/2024 in which you will read how the club disrespected the condition by - on occasions - bypassing the noise limiter and - I can only assume - persistently trading with the door open or rearranging the equipment so that the noise limit agreed was no longer adhered to. I clearly record within these emails, the detrimental effect that the noise from the club is having on me physically and mentally and how it is affecting my work and my quality of life.

Following my email (in the attached email trail) 16/10/2023 I was asked to be patient as the club's licence was due to be updated to include a new condition – in addition to the noise limiting device – saying that “between the hours of 23:00 and 08:00 there must be total sound containment within the premises”. Clearly this would definitely solve the problem and so it did – sometimes. You will see/read how I fairly record and report the improvement and the positive effect that has on me and my quality of life. Over the Christmas period and in the early part of this year (apart from New Year's Eve when we took it on the chin) the club was mostly closed and then it was open sporadically and for the main part was compliant with the conditions at least sufficiently to allow us to get used to the level of sound although it should be noted that “total sound containment within the premises” has never been achieved. During this period and on the basis that we and the club had found a way to live side by side, my husband, finally moved his job to Plymouth and we are back together full time nine months later than planned.

Until around May 2024, we were all doing okay. We would be woken up in the middle of the night by the sound of the club for between half an hour and 45 minutes, occasionally even up to an hour and a half. It was annoying but manageable.

I refer you to my email from 01/07/2024 (I have sent the email to you at [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk) as I can only attach one document here) where I explain that since May the club has been opening very late - sometimes around 01:00/01:30 We wake up when they open and the noise has been leaking out for longer and longer periods increasing in the last few weeks to all night. I am back to using silicone earplugs and herbal sleeping tablets, weekends are once again unproductive for me and awful for my husband who works in hospitality as a front of house restaurant supervisor.

Our quality of life has again deteriorated. On 21st June, I again started keeping a specific record which looks like this:

22/06/2024 Club opens between 01:30 and 02:00 waking us up with loud music audible in our bedroom increasing in volume to a peak at 03:18 which continued all night.

23/06/2024 Club opens very late around 01:15 waking us up with loud music audible in our bedroom increasing in volume at 02:41, 03:42 and peaking at 04:18 when it was also chaos outside until the club closed just

**Please explain the likely effect the granting of the application would have on the promotion**



of the above

**Licensing Objectives:**

before had to get up and go to work.

29/06/2024 Club opens very late as detailed in my attached email of  
01/07/2024 This was Armed Forces Day when my husband was working extremely hard all weekend including Friday, Saturday and Sunday. Copy and paste 30/06/2024 when had to go to work again, on his feet, all day, customer facing. Our daughter was visiting from Bristol and had to stay in a hotel rather than with us at the flat. She has multiple sclerosis and needs to sleep, we couldn't risk her staying with us.

05/07/2024 Club opens at 23:45 and we are repeatedly woken up throughout the night into 06/07/2024 at 01:15, 02:45, 03:45, 04:15 Copy and paste 06/07/2024 into 07/07/2024

I received a call from Mr Will Tomkins 09/07/2024 informing me that the club's licence will be reviewed.

I go to bed on club nights between 11 pm and midnight. The club opens very late now, often after 01:00 by which time the street is quiet so I wake up when they open due to the sudden loud noise. I try and sleep using earplugs and herbal sleeping tablets but this is not a good way to sleep so I either sleep badly, repeatedly waking up when the noise surges and feel drained and groggy the next day or I don't sleep at all and feel worse. The most frustrating thing of all is that the club have clearly demonstrated that they can comply with the conditions placed upon their licence that allow us to live side by side without friction. I don't understand why they wouldn't want that.

Following the call from Mr Tomkins there was an improvement on 13/07/2024 when the club opened around 01:20 with a noise surge around 02:40 The club opened earlier on the evening of 13/07/2024 just before midnight and the sound was more manageable through that night into 14/07/2024 however, this past weekend we have again regressed, with loud music peaking at 02:38 20/07/2024 earplugs ineffective at 04:04 and in the morning of 21/07/2024 the club opened very late again around 01:30 bass audible throughout the night and chaos around 05:00 until everyone left.

To give you some context, during the week, the noise of the city ebbs and flows but ceases between 11 pm and midnight. If I wake up in the night I hear a seagull or the passing of an occasional car. I sleep well and deeply. In terms of noise pollution, the council based their decision to allow residential development on an acoustic survey carried out when the club was closed. I imagine this is what could be heard – seagulls and traffic. When the club is closed, there is more noise on Friday and Saturday nights (and sometimes Wednesdays which is a popular night out for students) whilst people move from venue to venue but even this is transient in nature and rarely continues/occurs past 1 am. The problem with the noise from the club is that it's relentless noise all night until 6 am, thumping bass/music all night with prolonged surges of volume throughout. It's horrible. Now that they open so late (midnight at the earliest) we have to go to bed and then be woken up and because we don't sleep properly – or at all when things are really bad – it means we can't live our lives during the day. works more or less every weekend and almost never has a Saturday off. It's just not fair.

	<p>I do understand there has been a club here for many years. At the same time the club was shut for a number of years. We moved in when the club was shut. The club did not reopen for a further seven months after we moved in. The club did not object to having residential neighbours so they have to accept that we also have a right to exist and live our lives during the day which means we need to be able to sleep.</p> <p>I have been careful not to frivolously complain and it is not my intention to persecute the club. I just want them to comply with the reasonable conditions places upon them that any other similar venue would be expected to comply with. In return for that we can mostly sleep and everyone can get on with their lives. What is the meaning of a licence condition – such as “total sound containment” – if it is not complied with? Please support us to find a solution.</p>
<p><b>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</b></p>	<p>Yes</p>
<p><b>Provide reasons:</b></p>	<p>Fear of reprisal</p>
<p><b>Number of documents in support of your representation uploaded:</b></p>	<p>1</p>
<p><b>Declaration</b></p>	
<p><b>By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:</b></p>	
<p><b>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.</b></p>	
<p><b>Signed:</b></p>	
<p><b>Date:</b></p>	<p>24/07/2024</p>

7/14/24, 11:35 AM

Gmail - Club Inferno - Noise Complaint: 944425



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**Club Inferno - Noise Complaint: 944425**2 messages

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1 July 2024 at 08:37

To: "Tomkins, Will" &lt;Will.Tomkins@plymouth.gov.uk&gt;

Dear Will,

I've been resisting contacting you hoping that the issue would resolve itself & not escalate but unfortunately, the noise from Club Inferno has again reached unmanageable levels. For the first three months of the year they were open sporadically & the loudest levels of sound (as in disturbing) were quite short maybe 30 minutes in the middle of the night presumably when the door was open to let people in. Since May the club has been opening very late - sometimes around 01:00/01:30 We wake up when they open & the noise has been leaking out for longer & longer periods increasing in the last few weeks to all night. Sadly it's once again intolerable.

I've sent you a recording from Saturday 29th June at 03:24 after the sound had been at this level for around two hours. This is the level of noise we are dealing with & have been over the last weeks. It's all night until just before 06:00 The sound is clearly not contained.

My husband - [redacted] - works in hospitality & this weekend has been extremely busy with Armed Forces Day. Bearing in mind the recording I sent you, that noise was ongoing until around 05:45 & Michael had to get up at 06:30 to go & put in a 13 hour shift on his feet all day - customer facing. Sunday he had to get up at the same time to go & do an 11 hour shift.

I haven't logged a new complaint - is my original one still open or can it be reopened or would it be better to log a new one?

Our neighbour in the flat above has also been really struggling as she works in retail which obviously includes weekend work.

It's such a shame, it seemed to me that the club were considering us & the disturbance became manageable, sometimes annoying but manageable however, it would seem left unchecked & unchallenged they have forgotten us completely & have decided it's fine to be as loud as they want. It isn't. My understanding is that the sound is supposed to be fully contained from 23:00 until 08:00 when the absolute opposite is now true with the sound clearly audible from when they open sometime between midnight & 01:30 until 06:00

I started keeping a formal record last weekend (21st/22nd/23rd June) but then realised that it's just copy & paste - it's from when they open until when they close.

Please can you help us get back to a better place? Is there any specific action I need to take?

Best regards,

7/14/24, 11:16 AM

Gmail - Noise Complaint: 944425



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**Noise Complaint: 944425**17 messages

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3 August 2023 at 09:28

To:

Good morning Will,

You asked me to get in touch if the music from Club Inferno continues to be heard in our bedroom at a level that is causing a sleep disturbance.

I have sent you a video on WhatsApp from last Friday (28/07/2023) on which you can hear the music. The recording hasn't picked up the vocals which could actually be heard as well.

It was at this level until around 2:30 am on Saturday morning and then reduced. I can only assume that the music equipment has been rearranged after you set the volume and/or the doors are/were open until 2:30 am.

The club was closed for a couple of weeks and prior to that my neighbour was working away which explains why it seemed like it was only me that could hear it. She can also hear the music in her bedroom - it's not just me.

I appreciate you are very busy and it's holiday time. When you get a chance, please can we arrange for the volume to be reduced or for the club to put things back how they were when the volume was set as that solved the problem and I really wish we didn't have to revisit the situation.

I was in Bristol again on Saturday and Sunday however, my neighbour has confirmed that the volume was the same on Saturday night.

I do work on Saturdays (not every Saturday but for example I am working this Saturday and next Saturday) and it's not so much that the music wakes me up, it's just that I can't get to sleep in the first place.

Thank you for your help and I'm so sorry to have to raise this with you again.

Best regards,



Your reference number is FS-Case-519594447.

Thank you for submitting Licensing representation form

**Name of the premises:** Club Inferno

**Regarding the following application I want to:** Object

**Premises address:**

Please enter either the postcode or street name	Choose address	Address
PL1 2QW	24 Lockyer Street, Plymouth	24 Lockyer Street, Plymouth, PL1 2QW

**In what capacity are you applying?:** Any other person

**Your details:**

Title	First Name	Surname	Contact Number	Email Address

**Your address:**

Please enter either the postcode or street name	Choose address	Address

**Which of the following Licensing Objectives is this representation relevant to?:** C. The prevention of public nuisance

**Suggestions and conditions for application:** To whom it may concern,

My husband and I moved into our home 26/08/2022. It is our only home and we are permanent residents. My husband is currently working away in Bristol where he is accommodated by his employer, he comes home once or twice a month depending on his shifts. As well as living in this flat I work here too. It is a simple home of two bedrooms, a tiny bathroom and a living area which includes the kitchen. I am 53, my husband is 49. I have taken a mortgage which we both contribute to. We have lived here happily with all the adventure that city living brings. We are used to the ebb and flow of city life having previously rented a flat in central Bristol for six years. Since 31/03/2023 my husband (when he's here) and I have been unable to sleep at weekends – during the night – at all. On Bank Holiday weekends (apart from Easter Sunday when the club suffered a technical fault and was unable to open) Club Inferno is also open on a Sunday which means that I can suffer severe sleep deprivation for three nights at a time. I completed a Noise Diary for the Environmental Health Officer (Mr Will Tomkins) from 31/03/2023 to the 22/04/2023. The following Friday – 28/04/2023 - Mr Tomkins and his colleague visited our flat to experience the sound for themselves. As part of the noise complaint (reference 944425) I have submitted many videos (dates from 21/04/2023 to 14/05/2023) to further demonstrate how the sound from the club feeds into our home and especially into our bedroom. These videos were recorded from our bedroom with the windows and curtains closed on an inexpensive smart phone yet they speak for themselves. These are available for you to view - along with the Noise Diary - from Mr Tomkins.

To be clear, the noise has been the same every weekend from 31/03/2023 to date and is ongoing. It starts between 10 pm and 11 pm, sometimes later but generally the noise is clearly audible throughout our flat by 11 pm. It increases in volume at midnight and usually reaches a peak at 1 am. It then continues throughout the night - invasive, unrelenting, thumping music and vocals, DJ yelling, in our bedroom....all night....until around 4:30 or 5 am the next day. In addition to this, it's chaos outside. There is no latest entry time for the club, every time the door opens, the noise is even louder, people coming and going, screaming, shouting, crying, arguing, vomiting, taxis etc. and so on...all night.

The club's licence is currently 7 days a week from 10 am to 6 am – that is 20 hours a day – 7 days a week – 365 days a year.

We respect the club's right to exist however, we also have the right to exist and not simply to survive our lives but to live our lives. We have the right to be healthy and well. We have the right to quality of life.

Residential occupancy was granted in our building - without objection - and so here we are.

Again, to be clear, this is not just causing me/us a "nuisance", it is having a devastating effect on my quality of life, our quality of life, my health, my work and our family including our children and grandchildren.

I am depressed, anxious, worried, agitated, lethargic and exhausted all of the time because either I haven't slept or I'm in recovery from not sleeping or I'm worried about not sleeping. On a Thursday I start worrying about not sleeping on the Friday, on a Sunday I spend the whole day stressing that the club might decide to open when I'm already exhausted. It takes me until Wednesday to recover if the club has been open three nights, until Tuesday if it's been open two nights.

I suffer with vertigo which causes dizziness and nausea. I have to be careful with my ears to avoid triggering this unpleasant and difficult to treat condition. In an attempt to sleep I have tried all different ear plugs – foam, Alpine Sleep Deep and silicone ear plugs. Silicone earplugs do reduce the sound but they trigger dizzy spells and even with these heavy duty ear plugs, the sound breaks through. It's awful and upsetting. If I use them I suffer, if I don't I suffer more.

I have tried herbal sleeping tablets (East Meets West Sleep Formula) and valerian. Again, they help, but they make me feel dreadful the next day and the noise still breaks through, continuously breaking up any poor quality sleep I can manage. It's not worth it, they're not good for me and anyway, I don't think this is how I should be forced to live.

I dread my non working weekends. I cannot achieve anything. Everything is a struggle. I wake up with variations of headaches, dizziness, grogginess or all three. I have no energy to do my chores or go for a proper walk. We do not have a car – there's no parking here for residents. Our grandchildren live in Bodmin, by the time I get myself together, it's too late to get the train to go and visit them. Obviously there is no way we could currently have them here. I used to travel to Bristol once a month to visit my husband and our other daughter who lives in Bristol. I have not been this month because I just don't have the energy. Our daughter who lives in Bristol has Multiple Sclerosis, she needs to sleep well and unless she stays in a hotel, she can't come here under these circumstances.

When my husband comes home, apart from not sleeping himself (on weekend days) he also has to try and encourage me to keep going. It's sad. Our quality time together is zero. On 04/05/2023 my husband came home to vote and to spend the weekend with me. My husband works shifts himself and he was so concerned that he wouldn't be fit for work, he went back to Bristol early.

When we moved here, my husband and his manager agreed a future transfer of his job to Plymouth. I was granted a work from home contract and on that basis I was able to obtain a mortgage. The idea was that once we were up and running in our flat, my husband would transfer and we would be fully reunited. We have had to put his transfer on hold due to my husband working shifts. If he is on an early shift he will get up at 5 am. As my husband works in hospitality, he works more weekends and Bank Holidays as standard. How can he get up if he hasn't been to sleep?

This all has the additional effect of making me feel isolated and lonely.

Even the weekend evenings cannot be enjoyed because I/we are just waiting for the noise to start. As you will read in the Noise Diary – it's throughout our flat – I can't listen to the radio or read a book or watch something on the laptop once it's starts. There's no rest or relaxation. It's horrible.

Then there is the effect on my work. For a start I work some Saturdays and Bank Holiday Mondays. I am working 29/05/2023. My job involves thinking on my feet and making urgent decisions in a time critical fashion. My role is intense and unpredictable. I'm a commercial underwriter dealing with incoming calls, incoming emails and ongoing, involved, cases and tasks that often have serious consequences for business owners relating to large and often complex claims. This is not a job that I can turn up to having had two or three hours sleep.

I have yet to inform my manager of this issue as I am so worried and anxious that it will affect my job in a detrimental way (for example by terminating my work from home contract – the nearest office is in Bristol) which would affect my income which would affect my mortgage. It's a lot to worry about.

Please help us to find a compromise. Theoretically Club Inferno could open seven days a week from 10 am until 6 am the following day – that's 20 hours a day, 7 days a week, 365 days a year. I get up at 6:10 am on any working day which includes one Saturday in six and some Bank Holidays. I am already suffering the devastating effects of the club being open two to three days a week from 10/11 pm until 4:30/5 am. I cannot even contemplate how it would be physically or mentally possible to live with this permanently.

The club has no soundproofing, no lobby, no final entry time and no limit on the volume of the music that they play. The noise can be heard in Notte Street and from the flats above the Slug & Lettuce. If it is disturbing people

that far away throughout the night – can you imagine what it's like living within a closer proximity?

Currently the compromise is all ours. There is zero compromise from the club.

On Friday - 12/05/2023 - Mr Will Tomkins and his senior - Mr Graham Hooper – conducted a tandem visit between our flat and the club. A level of (music) volume was agreed that was barely perceptible in our bedroom. I felt encouraged that potentially we had reached a compromise – at least in terms of the night long persistent, invasive noise. As Mr Tomkins and Mr Hooper left, the volume immediately increased. On Saturday 13/05/2023 we were back to square one.

We have had someone from the club stand outside the front of our building late at night loudly remonstrating with others about how residents should “get a grip”. We don't need to “get a grip”, we need to get some sleep.

A resident was approached by someone from the club when coming home in the evening and told that “someone in this building has made a complaint...” This is intimidating.

Last weekend – in the early hours of Sunday morning (21/05/2023) a lady from a flat above the Slug & Lettuce came to the club and had a complete meltdown demanding that the club reduce the volume. It's shocking that someone can be disturbed from that distance and to that extent.

Which brings me to this weekend. Another Bank Holiday. Instead of relaxing and enjoying the sunshine I am struggling through in a grey fog. On Friday – 26/05/2023 - the music was audible throughout our flat at 23:27. The volume increased Saturday 27th May at 00:48 and continued throughout the night. The only way I can really cope is to use the silicone earplugs and take the herbal sleeping tablets. I dragged myself out of bed at 09:30 with a headache, a thick head, feeling dizzy, uncomfortable and with sore ears.

Copy and paste the same into last night except this time the music didn't start until this morning at 00:20 when I was already in bed. It increased around 01:00 and continued throughout the night, clearly audible in our bedroom. I feel as bad this morning as I felt yesterday.

Tomorrow – Bank Holiday Monday 29/05/2023 – I am working. I must get up at 6:10 am and be fit and ready for work. I am remotely monitored. There will be only one other person on duty which means I will be very busy for the whole day. I will be starting my working week in a worse position even than usual. As it stands, I go to bed very early on a Sunday night (assuming the club is shut) to try and get some sleep for the working week ahead. There's no chance of that tonight and I am already worrying about how I will get through tomorrow and the rest of the week. I don't have anywhere else to go and sleep.

On 04/05/2023 I attended West Hoe Surgery to visit the doctor as my dizzy spells have got increasingly worse. I have now been sent for a 24 hour ECG on 15/06/2023. I have never had an issue with my heart before. I have had blood tests to confirm that I am not suffering from high cholesterol. Without prompting, the doctor expressed a concern that if there is no underlying problem with my heart then the issue could be related to stress. Again, despite facing many challenges throughout my 53 years, I have not suffered stress to such an extreme that it affects my heart! For your information I have attached a copy of my hospital appointment – I'm not making this up.

We love our home, we love Plymouth, we don't get overwrought by the ebb and flow of city life. We are city dwellers but we are also outdoor people who love walking and ferry trips here and there for further adventures. We moved into this flat long before the club opened. Planning Permission for residential development in our building was granted by the council without objection from the club.

We don't know what the solution is. We didn't create the problem. We just want our lives back and I am desperately seeking the return of my mental and physical health.



Appendix E



**PLYMOUTH**  
CITY COUNCIL

# LICENSING REPRESENTATION

**Case reference: FS-Case-634866101**

<b>Premises</b>	
<b>Name of the premises:</b>	Club Inferno
<b>With regard to the following application I want to:</b>	Object
<b>Premises address:</b>	24 Lockyer Street, Plymouth, Devon, PL1 2QW
<b>Representation</b>	
<b>In what capacity are you applying:</b>	Any other person

div&gt;

<b>Name:</b>	
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Address:</b>	
<b>Representation details</b>	
<b>Whick of the following Licensing Objectives is this representation relevant to:</b>	C. The prevention of public nuisance

<p><b>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</b></p>	<p>As per my various complaints starting with 944424, I moved into my flat on May 31st 2022. I've lived here comfortably from the day I moved in until the 31st of March 2023 when Club Inferno opened. As previously stated the effect of the club opening had a huge impact on my everyday life including my work, my mental health and dealing with physical exhaustion. Following my original complaint Will Tomkins attempted to solve the problem over a period of time where I provided multiple noise diaries and further complaint escalations resulting in a noise limiter being fitted in the club. For a few months the noise became more tolerable and another condition was applied to the club's licence for sound containment throughout the night. The club noise could still be heard but wasn't as bad in terms of music but the noise of people coming and going and leaving and the anti social behaviour, from intoxicated people arguing was still at an unacceptable level however, I didn't file another complaint within this period because I accepted that the club music noise had been somewhat addressed. There was a weekend in October when the noise seemed to completely change and the sound had escalated so much that my windows were vibrating from the loud music all night and all weekend but apart from that I lived with it. From May 2024 to date the situation is out of hand. The loudest music seems to start at 1 am and goes on all night until 6 o'clock in the morning along with the noise from the smoking area to include people shouting, swearing etc and people leaving the club early in the morning and leaving their rubbish including cans, broken bottles and even their vomit. I work full time and I have a high level management job, managing a team of people, I work in retail and I don't get weekends off unless I have holiday. As standard, I work weekends. When I'm working at weekends, I'm completely exhausted, I start at 8 am, I need to get up at 6.30 am to ensure I'm on time to open the shop. I just really find it a challenge to get through my working day when I hold a lot of responsibility which makes me feel miserable and completely lacking in energy all weekend when it's my busiest trading period in the business. It affects my mental health as in the week I build up worry and frustration knowing that the weekend is coming up and it's going to be noisy. Not only that but I'm a very active person and going to the gym is a massive part of my life and because of the sheer lack of energy and tiredness due to the club I've found myself struggling to attend which negatively affects my physical health. I have ADHD and routine is really important to me and unfortunately due to the circumstances it's really exacerbating my symptoms. Although I feel sorry for them trying to run a business and this is not solely their fault rather the problem is the council's decision making. The way I feel is that the club should never have reopened with a new residential building virtually next door.</p>
<p><b>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</b></p>	<p>Yes</p>
<p><b>Provide reasons:</b></p>	<p>Fear of reprisal</p>