

# Appendix M

## **Environmental Health – Representation**

Further to our recent dialogue regarding the variation of the above premises licence I can now confirm that I am in agreement with the proposed conditions the applicant has offered. Therefore I withdraw my previous comments related to the variation of the Premises Licence (PREMA0300) as long as the agreed conditions are attached to the Premises Licence.

# Appendix M

## ADDITIONAL CONDITIONS AGREED WITH SOUTH RIBBLE BOROUGH COUNCIL

### ENVIRONMENTAL HEALTH DEPARTMENT

- The number of customers who are permitted to consume food or drinks in the external area at any one time will be limited to sixty.
- The premises shall operate and maintain a CCTV system which shall be in use during all times licensable activities are taking place and comply with the following criteria:
  - The system shall cover all entrances and exits of the premises, all external areas, and any areas of the premises used to store alcohol;
  - The focus of the cameras shall be so as to enable clear identification of persons on the premises;
  - The system will be capable of time and date stamping recordings and retaining said recordings for at least 28 days;
  - The Data Controller shall make footage available to a Police officer or other authorised officer where such a request is made in accordance with the Data Protection Act or any subsequent or alternative legislation;

#### **[To replace existing condition on Premises Licence relating to CCTV]**

- Signage will be erected in conspicuous positions in external areas of the premises advising customers that causing disturbance or disorder will result in removal from the premises.
- A written policy on the management of public disorder will be submitted by the premises to the Licensing Authority for approval, such approval not to be unreasonably withheld.
- With the exception of deliveries of beer, there shall be no deliveries made to the rear of the premises.
- A soft floor surface will be installed on the path to the rear of the premises to ensure that disturbance caused by beer deliveries is minimal.
- On delivery, beer kegs will be transported to the rear of the premises on a trolley or on a suitable alternative device as opposed to being rolled on the floor.
- Windows and doors will be kept closed at all times (with the exception of access and egress) except for the windows and doors to the front of the property (adjacent to Liverpool Road), in respect of which the following will apply:
  - The main public entrance doors are permitted to be open until 19:00 each day
  - The bi-fold doors are permitted to be open until 17:00 each day

#### **[To replace condition proposed in Application]**

# Appendix M

## **Statutory Nuisance - Investigation**

Furthermore I have now concluded my investigation of an alleged statutory nuisance relating to loud music emanating from the Business. This investigation did identify several incidents which could disturb neighbouring residents, however these do not fulfil the criteria to be classed as a statutory nuisance. This information was gathered using the Councils calibrated audio recording equipment installed from the 21.12.17 until 02.01.18. A number of these recordings relate to loud music in particular low level bass and vocal elements of music. No action was taken over this since these events occurred over the festive period and some allowance should be made for what is reasonable for this time of year. If these incidents had been regular then as required by the Environmental Protection Act 1990 an Abatement Notice would have to be served.

Following the alleged incident officers from the Environmental Health Department undertook three evening visits to the premises. These visits did not identify a statutory nuisance however on one of these visits I could hear low level music and customer's voices sourced from the business to the external area of the complainant's property (front driveway). The witnessed noise is likely to be caused by a defect in the sound insulation to the fabric of the building and also the volume of music. The premises is permitted to play incidental or background music however the definition of this is unclear and the business has highlighted the volume level of music will be higher when the bar is full, since customer chatter will be louder than the music. Therefore it is possible that when I visited the bar the business was not at maximum capacity but may have been over the festive period when the recording equipment was installed. My reservation in respect of this matter would be mitigated if the business had the provision of a noise limiter to control the volume of music (set by Environmental Health). I have accepted that due to the deregulation of live music it is not appropriate to condition this issue.

I must highlight that even though this investigation has concluded, if I receive future complaints of similar matter which insinuate that the disturbance has increased a fresh, impartial, investigation will have to be undertaken, as required by the Environmental Protection Act 1990.