



Memorandum

To Senior Licensing Officer
From Environmental Protection and Community Safety Manager
Our Ref: 248012
Your Ref: wk/248977

Subject NEW PREMISES LICENCE.Chia Chia, 9-11 Aughton Street, Ormskirk

Date 14 March 2019

Thank you for consulting me with regard to this application.

I object to this variation on the grounds of prevention of public nuisance objective.

The grounds for this objection are that I consider that noise from live and recorded music and noise from patrons would cause a public nuisance to occupiers of residential dwellings in close proximity.

Noise from music

The premises are beneath residential flats. There is no information provided about the quality of the sound insulation between the premises and the flats above.

The applicant has applied for live and recorded entertainment until 2am, with closure of the premises at 2.30am daily. I therefore have concerns about the likely noise affecting the flats above. There are also flats across the road which could be affected by noise from the premises too.

I have concerns about the ability of the building to contain noise as there is no information on the sound insulation between the application premises and the flats above, and that the front elevation is all glass, there is no lobby in the doors which when open will lead straight into the bar area/function room.

Without an acoustic assessment of the building, I object to the premises having regulated entertainment beyond the times when they are permitted to have such entertainment by the Live Music Act 2012 i.e 23:00

Noise from patrons

Licensed premises invariably bring noise from patrons. Noise is particularly an issue from outside areas and from patrons arriving at and leaving the premises. Late at night this becomes more of a problem as this type of noise can cause sleep disturbance. In this location there are likely to be people in the vicinity from nearby premises which have opening hours similar to the times being applied for, however the outside area proposed will encourage people to gather outside the premises, from where their noise can affect the nearby residents.

It is worth noting that the applicant has applied for hours of opening until 02:00 hours and current planning permission (2018/0057/FUL) only allows use until 18:00 Monday to Friday; 17:00 Saturday and 15:00 on Sundays or Public/Bank Holidays. Application for planning permission has been made for a change of use to bar/restaurant with outside seating area to the front, and hours of use to match this application. The planning application has not been decided. The planning application also shown new plant (chillers and air conditioning) on the rear elevation, with the associated noise levels.

The applicant has not put in the application sufficient steps to promote the prevention of public nuisance objective.

I therefore object to the application on the grounds of prevention of public nuisance unless the following conditions are attached:

1. The provision of regulated entertainment shall not take place after 23.00 hours on any day.
2. Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 23.00 hours on any day.
3. All doors shall be fitted with a self-closing device. All doors and windows shall be kept closed, other than for access and egress, at all times.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
5. Speakers shall not be located/operated in the entrance lobby or outside the premises.
6. The volume of all amplified sound used in connection with all entertainment provided shall at all times be under the control of the licensee or management and the controlling mechanism so installed shall be maintained and operated from a part of the premises inaccessible to the public.
7. While live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of West Lancashire Borough Council.

8. The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08.00 and 21.00 only, so as to prevent disturbance to nearby premises.
9. Notices shall be displayed at public exits, in a clear and prominent position, requesting that patrons respect the needs of local residents and leave the premises and the area quietly.
10. The Designated Premises Supervisor shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

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Jill Antrobus
Principal Environmental Health Officer
Ext 5251