

From: Pollitt, Carol <Carol.Pollitt@westlancs.gov.uk>
Sent: 21 January 2023 10:49
To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>; Murray, Michaela <Michaela.Murray@westlancs.gov.uk>
Subject: Kaizan, Unit 14 Burscough Wharf - Environmental Health Comments

Message classification: **OFFICIAL**

Hi Michaela,

Please find attached EH representation for the above application.

In summary, the applicant seeks a new licence with the provision of live and recorded music as follows,

**Provision of Live Music - from 23.00 – 02.00 Monday to Sunday,
Provision of Recorded Music – from 23.00 – 02.00 Monday to Sunday.**

From an Environmental Health perspective, the hours between 23.00 and 07.00 on any day are considered noise sensitive. Noise generated beyond 23.00 which is distinctive from background noise can have a detrimental effect on residents of nearby properties. Noise from music and people congregating/leaving licenced premises would be considered distinctive in nature. The nearest noise sensitive premises lie within 35m of Unit 14 Burscough Wharf.

Environmental Health have concerns regarding the proposal to provide music into the early hours of the morning. The area adjacent to the Burscough Wharf site is predominantly residential in nature and the protection of those occupants from public nuisance has been considered when assessing this application. Subsequently, it would be remiss of Environmental Health to not make a representation given the application seeks to operate in a primarily residential setting. As stated, this application seeks the provision of live and recorded music to 02.00.

The main aspects that the application fails to address are as follows

- The application presents little information as to how the management aim to control noise output from live and recorded music.
- The applicant has not fully considered the location of the premises and the proximity of residential units.
- The application does not detail the measures be employed to prevent music noise breakout, especially when music is provided late into the evenings/early hours of the morning and on a frequent basis. It is noted on the accompanying plan that some access and egress point are not served by a lobby to assist in the prevention of noise break out including the terrace area.
- There is no information provided on the ability of the building's envelope to adequately contain music noise or assessment of the weak points in the structure or mitigation of any weaknesses.
- The application fails to advise the practical noise control measures (limitation devices etc) to be employed to reduce the risk of unacceptable noise associated with the licence premises. These measures should be detailed in the operating schedule or within a noise management plan which supports the application.

Given the current lack of information and controls identified, Environmental Health do not feel it is possible to support the provision of live music beyond 23.00 or the provision of recorded music beyond 00.30, until such a time when the concerns have been adequately addressed.

The suggested cut off for live and recorded music falls in line with current hours permitted at other licensed premises occupying the Burscough Wharf site. Environmental Health have reviewed the current premises licences for the other establishments on the Wharf and most have the facility to provide live and recorded music (some at weekends only). Currently no premises has the provision to provide live music beyond 23.00 or recorded music beyond 00.30 on any day. A president appears to already be in place with respect to hours when live and recorded music can take place. This measure supports the objective to prevent public nuisance proves useful when managing the cumulative impact when several licenced premises are concentrated in a relatively small area.

Notwithstanding the comments above, Environmental Health would ask that the applicant considers agreeing to the following conditions in order to promote the objective of prevention of public nuisance.

1. All external doors and windows shall be kept closed, other than for access and egress, whenever regulated entertainment is occurring. All external entrance doors shall be fitted with an automatic, self-closing devices.
2. Noise from music and associated sources (including amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 20.00 hours.
3. No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.
4. 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.
5. The Designated Premises Supervisor and other members of staff to request customers to leave quietly and have respect for their residential neighbours.
6. The Designated Premises Supervisor or nominated person shall regularly monitor levels of noise in any external area used for consumption and / or smoking, and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
7. The external seating and terrace seating area to be closed between the hours of 21:00 hours and 08:00 hours on Sunday to Thursdays and between 22:00 hours and 08:00 hours on Friday and Saturdays.
8. No deliveries will take place between the hours of 20:00 and 08:00 hours.
9. The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08:00 and 21:00 hours only, so as to prevent disturbance to nearby premises.

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