

APPENDIX 3

To: Licensing

YourRef: Getliffes Yard

F.A.O: Sandra Bradbury, Licensing Officer

From: Environmental Health

Our Ref:

Direct Dial:

Date: 14th August 2019

Application for Premises Licence: Getliffes Yard (Leek Bar & Grill), Leek

Advice: The Environmental Health Section object to the above highlighted premises application.

Comments: Agreement has been sought with the applicant to agree to conditions (attached below) which he has refused. These conditions have been drawn from the existing licence, his own noise assessment and good practice. He has refused specifically to agree to Environmental Health condition 8. This condition requests that doors to Bath Street and York Street are used as emergency exits only, signed as such and acoustically sealed. The current licence specifically requires these points to be complied with. He has refused to agree on the grounds that he cannot guarantee that this door would be kept shut due to the comings and goings of other traders and customers when his bar is busy. We have raised the point that it is currently a condition of his licence that this door should be kept shut but his refusal has been maintained.

The transfer of these licence conditions are entirely reasonable in that their presence on the current licence has caused complaints since 2012 to stop under different management companies. It is reasonable to expect an operator seeking a 1am licence to monitor all points where break out noise can occur. These fire doors are breakout points for noise, the nearest noise sensitive property to this York Street door is approx. 1m. The applicant's business is the only premise which operates at night and there is no obvious reason why this door cannot be monitored. The hearing in March 2012 required an upgrade from a gate to an acoustically sealed door which should be kept shut during entertainment, previous to this there were numerous complaints about noise caused by music, customers and furniture dragging on floors.

It is felt these conditions would prevent nuisance and ensure the premises extend its hours without causing adverse impacts to neighbouring properties. If they are accepted then the objection can be removed.

Environmental Health Proposed Conditions

1. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
2. All windows and skylights shall be kept closed at all times when regulated entertainment takes place except for the immediate access and egress of persons.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

4. A suitably calibrated music noise limiter should be installed in accordance with the advice set out in the Peak Acoustics Noise assessment Report. The commissioning and installation should be undertaken in compliance with the scheme and levels set out in the noise assessment paragraph 7.2. This installation should be conducted under the guidance of a suitably qualified acoustics specialist.

5. The details of the noise limiter installation should be submitted to and approved by the Local Planning Authority. This noise limiter should be maintained in accordance with manufacturer's instructions and requirements of the noise assessment.

6. All access and egress should be down the courtyard entrance at Derby Street. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

7. The courtyard area should not be used between 23:00 to 09:00. The operator shall ensure that patrons and third parties are not permitted to make use of chairs and tables in the courtyard after 23:00.

8. Customers and staff shall not enter or leave the premises by way of the York Street or Bath Street fire exits except in the case of emergency. The fire exits shall be signed on both sides to indicate that it is not to be used as an entry point to Getliffes Yard/ the premises and should not be used as an exit except in case of emergency. The fire doors should be acoustically sealed to the satisfaction of the Environmental Health Department.

9. When amplified live music is being played a minimum of 2 noise assessments shall be carried out after 23:00 to assess any noise emanating from the premises. The assessments will include a member of staff standing at various locations close to noise sensitive dwellings, assessing the noise and reporting the outcome on the noise logs. The noise logs will request the member of staff's name, the date, location and time the noise assessment was carried out, the result of the noise assessment and whether any action is required. Whenever said assessments indicate that noise is likely to cause nuisance to any residents or businesses in the vicinity, steps will be taken to reduce the level of noise. All noise checks must be recorded and made available to an authorised officer if requested. Staff will be trained in relation to the sounds checks.

Regards

Environmental Health