

Licensing Act 2003

Representation made in respect of a Grant/Variation of a Premises Licence or Club Premises Certificate

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE ATTACHED FORM.

You have notified the Licensing Authority that you wish to make a representation concerning an application to grant/vary a Premises Licence or Club Premises Certificate.

The law does not require a representation to be in a standard format however, Pendle Borough Council, as the Licensing Authority, is obliged to decide whether your application is valid within the requirements of the Act and Regulations.

Under the provisions of the Licensing Act 2003 (Hearings Regulations) 2005, the Licensing Authority requests that you clarify the grounds upon which you are making representations. This form will assist you in ensuring that you have entered your representations properly and fully.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records. You may use your copy as an aide memoir at a hearing before the Licensing Committee.

The ground(s) for representation must be based on one of the licensing objectives.

Please list any additional information or details to support your application and attach any documentary or other information that you may wish to use. If you have not disclosed this information, you will not be able to introduce it at the hearing unless all the other parties consent.

Please note that by ticking the section below which appears on page 5 of this form -

<p>I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. (You must tick this box)</p>	<p>Yes √</p>
--	-------------------------

and signing and dating the form, you are agreeing that a copy of your representation can be passed to the applicant and other associated parties.

If you do not want this to happen, you should contact the Licensing Office on 01282 661987 immediately and discuss it with an Officer. However, it should be noted that some or all of your personal details can only be withheld in exceptional and isolated circumstances and this course of action will only be considered where the circumstances justify such action.

I (insert name of person making representation whether as an individual or on behalf of a group or authorised to make a representation as a responsible authority)

..Jackie Dickinson – Environmental Health Pendle BC

make representations in respect of a grant/variation of a; (tick as appropriate)

Premises Licence	<input checked="" type="checkbox"/>
Club Premises Certificate	<input type="checkbox"/>

Premises or club premises details

<p>Name, address and postcode of premises or club premises in respect of which you are making representations.</p> <p>The Lounge 79 – 81 Gisburn Road Barrowford Lancashire</p>	
<p>Post town Nelson</p>	<p>Post code (if known) BB9 6DX</p>

I am;

Tick as appropriate

- (a) a person
- (b) a body representing persons
- (c) a person involved in a business
- (d) a body representing persons involved in a business
- (e) a Responsible Authority
- (f) elected Borough Councillor

Please provide your details below -

DETAILS OF INDIVIDUAL / ORGANISATION / RESPONSIBLE AUTHORITY
(mark as appropriate)

Mr.	<input type="checkbox"/>	Mrs.	<input checked="" type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other	<input type="checkbox"/>
-----	--------------------------	------	-------------------------------------	------	--------------------------	----	--------------------------	-------	--------------------------

Surname	Dickinson	First Name	Jackie
---------	-----------	------------	--------

I am 18 years of age or older	<input checked="" type="checkbox"/>
-------------------------------	-------------------------------------

or

Name of the Organisation or Responsible Authority	Environmental Health Pendle Borough Council
--	--

Address

Elliott House 9 Market Square Nelson
Postcode BB9 0LX

Contact name	Jackie Dickinson
Job Title	Commercial Team Leader Environmental Health
Daytime contact telephone number	01282 662007
E-mail address	Jackie.dickinson@pendle.gov.uk

Details of the licensing objectives which will be undermined by the variation.

This representation relates to the following licensing objective(s) (tick as appropriate)

the prevention of crime and disorder	<input type="checkbox"/>
public safety	<input type="checkbox"/>
the prevention of public nuisance	<input checked="" type="checkbox"/>
the protection of children from harm	<input type="checkbox"/>

Information and details of the Representation

Please note that if your representations relate to the Variation of an existing Licence or Certificate, the representations can only relate to the variation of the Licence or Certificate.

Please provide as much information as possible to support your representation. Please note that if you have not disclosed this information, you may not be able to introduce it at the hearing unless all the other parties consent.

..... continued on page 4

The Prevention of Public Nuisance

Environmental Health has been in receipt of complaints regarding The Lounge, Barrowford since May 2017.

Complaints related to :

- Noise from patrons using the outside area for drinking and smoking, in particular past the permitted hour of 20.00.
- Noise from music, clearly audible in complainant's property.
- Noise from taxis
- Noise from cleaning operations at 06.00
- Noise from the emptying of beer bottles late in the evening
- Noise from smokers at the rear of the property in the evening.

Following complaints of noise nuisance, the Council use various means in order to investigate the allegations made. This includes:

Night Time Noise Service (NNS) – This service operates between the hours of 20.00 and 03.00 on Friday and Saturday evenings. It is staffed by trained EHO's, who visit and provide statements in the way of an email the following week. Officers also carry out pro-active visits to monitor complaint premises.

The Noise App – This is an App for smart phone users, whereby they can record any disturbances they are experiencing. These are emailed directly to Officers, at which point they can listen to the recordings. The complainant will need to note where the recording was taken and how it is affecting them at the time. Each recording lasts for 1 minute.

Noise Equipment – This is installed into a complainant's property, whereby the complainant will be asked to record the disturbance they are experiencing as it occurs. A recording lasts for 5 minutes each.

Following investigation by Environmental Health Officers, via the Night Noise Service, recording equipment and the Noise App, excessive and intrusive noise was witnessed, in particular in relation to Loud Music, early morning cleaning operations and the use of the outdoor seating area beyond the permitted hours of 20.00, as per planning permission. (see Appendix 7). The noise was deemed to be a Statutory Noise Nuisance under the Environmental Protection Act 1990 and a Notice was served on the 16.6.17.

Breaches of the Notice were witnessed, however further action was not taken as the complainant moved out of the property before sending further evidence.

Further complaints were received in January 2018, relating to music and general noise from patrons. This was witnessed by Officers of the night noise service and via the noise app and a warning letter was issued to The Lounge. Following this, The Lounge employed a new manager and the situation improved.

However, Environmental Health received a further complaint regarding noise from the premises in June 2018. The complaint relates to the use of the premises 'after time, during lock ins'.

On Sunday 17th June 2018 at 1.05am an Officer from the night noise service reported that

'Music playing from a dj audible. Noted front door open. Some taxis pulling up- no horns

beeping just idling. No patrons on front veranda. Noted staff cleaning up inside. Manger sweeping front pavement. Some patrons came on front veranda and started smoking but then got into taxi. Noted last customer leave at 1.20am and get into taxi. Noted about 6 people left inside cleaning up. DJ packing up. Nothing to report. Left at 1.30am.'

As far as I am aware no music should be played from the premises after 12.30am. I therefore passed this information to Mick Armfield in the Licensing team.

I have concerns regarding public nuisance if the premises licence is varied according to the application. Given the history of the premises and the fact that we are in receipt of ongoing complaints regarding noise, should the premises licence be extended to 01.00 (Friday) and 02.00 (Saturday) I am concerned that further and increased Nuisance will be caused to residents. The complainant has advised me that whilst she agrees things have improved since the new manager has been in position, she 'puts up' with a certain level of noise due to the fact she knows it will cease at 11pm. This would also be exacerbated by the extension to the permitted hours for recorded music on Saturday evenings.

Due to the inherent nature of some of the causes of the noise, for example when patrons are leaving the premises and taxis are collecting them, it would not be something that Environmental Health could take action on using current Legislation. Therefore, I would be unable to take action even if this sort of noise is deemed to be excessive.

Actions from The Lounge, Barrowford by Environmental Health.

2.5.17: Environmental Health received complaints about loud music from the Lounge.

13.5.17: Night noise officer visit at 22.28. Loud music and conversation witnessed from inside the complainants property. (see Appendix 1 for report)

26.05.17: Night noise officer visit at 20.45/ 21.45. Reports that bi-fold doors open, people and music audible. (see Appendix 2 for report)

27.5.17: Night noise officer visit at 22.20. 25 people sat outside on the terrace.

27.5.17: Noise app submission from the complainant. 23.18 – people noise and music could be heard. 23.52 – music bass beat audible, low volume.

28.5.17: Noise app submission from complainant. 21.31 Live saxophone, people and backing music audible. 21.40 Rowdy people and music including drums audible.

30.5.17: Complaint received from another complainant. Complaint states that '*many people at the rear of the premises at the weekend and music from within (saxophone player) could be heard. Also, bottles being disposed of before 0600 daily and broken bottles being left in the back street. Also, beer deliveries to back street risking damage to cars*'. Diary sheets sent to complainant.

31.5.17: Telephone call from the complainant. She was very upset and claims she is now disturbed early in the morning at 0600 when the cleaners go into the premises. She is also disturbed every Tuesday at 0545 when the bottle skips are emptied.

01.06.17: Visit to The Lounge by EHO Carmela Lo Presti. Spoke to the DPS Jade Pilling and her partner Gary. Discussed alleged noise issues and the use of the outdoor seating area beyond permitted time of 20.00. Jade Pilling said that the planning manager and Cllr Crossley have already discussed this with her. Discussed the issue of noise from emptying the bottle bins and the cleaner and explained this

would have to be carried out at different times so as not to cause a nuisance. Also discussed the level of noise from music within the premises, in particular when the doors are open.

01.06.17: Email from the MP. (see Appendix 3 for correspondence)

2.06.17: Night noise officer visit at 21.55. Patrons using the terrace to drink and smoke. Music audible from across the street. 6 patrons observed drinking on the front street. 22.10pm patrons observed stood on the street drinking and smoking. 22.19pm Officer went inside the complainants property and could hear music, including a loud bass beat from the living room and the bedroom. (see Appendix 4 for report).

10.6.17: Night noise officer visit at 23.30. Officer observed 2 groups of people sat on the front outside seating area, drinking. Officer commented that the patrons appeared to be sat drinking, as opposed to 'popping out for a cigarette'. He also commented that there was additional noise from taxis pulling up and collecting drunken patrons leaving'

16.06.17: Environmental Protection Act 1990 Statutory Nuisance Notice served on The Lounge, in relation to loud music, patrons using the outdoor seating area after 8pm and early morning cleaning operations. (See Appendix 5)

20.06.17: Contacted by the manager at The Lounge following service of the notice. They have now taken action to reduce the noise and have employed door staff.. He also wants help to set an acceptable level for the music.

29.06.17: EHO attended the premises and advised of acceptable levels for the music.

1.7.17 Night noise officer visit at 2105. Complainant thinks noise was louder than was set during Thursday's visit. Officer went into 2nd floor bedroom, only just audible, Officer wouldn't say there was a problem in here. Went into 1st floor bedroom and music was clearly audible in here and bass beat. Would be annoying if trying to sleep. Likely to be louder than level set.

Complainant moved out of the property and therefore no further issues – complaint closed.

08.1.18: Complaint received regarding The Lounge, Barrowford in relation to loud music and noise from patrons over the festive period. The complainant was happy to 'put up' with the noise over Christmas, but is now concerned it will continue as it is the 6th of January and she has been advised they will be having live music on every week.

13.01.18: Noise app received from complainant's property at 22.43. Assessed by JD. Music clearly audible and intrusive. Voices heard. In my opinion would prevent sleep.

13.01.18: Night noise officer visit at 23.37. Officer states that *'On 13th January at 23.37 I entered complainants property. I could hear a thumping bass from music being played at The Lounge and the music was a dance track. At 23.43 I stodd on the first floor landing and could still hear the thumping from the bass on the track 'want more and more, free from desire'. I returned to the living room and at 23.51 the volume increased slightly and the bass began to vibrate. The music continued at the same level then wasw turned off at midnight. At 00.08 there was a smashing/ clattering of bottles into the bottle bin outside the rear. At 00.15 the music was off and the odd voice could be heard. I left at 00.21 and the noise I witnessed was a statutory nuisance.*

19.01.18: Noise App received. Complainant states that recorded from within the kitchen and identifies patrons of The Lounge at the rear of the property 'smoking and laughing loudly'. JD assessed recording and can clearly hear people talking loudly and girls laughing loudly. Clearly audible.

22.1.18: Warning letter sent to The Lounge. (see Appendix 6).

26.01.18: 22.41pm Noise app recording received. Complainant states that it is recorded from the bedroom. JD assessed recording and can clearly hear music and the lyrics to a 'slow song'. Intrusive.

2.2.18: 21.27 noise app recording received. Complainants states that it is recorded in the living room. JD assessed the recording and can clearly identify the song 'Aint no sunshine, by Bill withers'. Intrusive over the tv, which can also be heard on the recording.

February 2018 – The Lounge employ Adam Foster, who improves the situation at the 'The Lounge'. The complainant is much happier with the way the premises is being managed and the volume of music has reduced. No further action taken.

5.6.18: Complaint received regarding The Lounge. Complainant states that they are starting to have issues again. Taxis pulling up, people leaving noisily outside of operating hours. General noise and use of outdoor beer area, patrons being noisy. Complainant has also discussed these issues with Mick Armfield. Jackie Dickinson (EHO) advised that we will re open the complaint, but a lot of the issues such as operating after time, taxis and noise from patrons wouldn't be covered under Statutory Nuisance Legislation. Advised she can use NNS and I will put it back on the pro – active list.

9.06.18: Night noise officer visit. Visit by CLP to The Lounge, Barrowford - 'comp rang to say it had been horrendous on Friday night, they had a lock-in and people left noisily at 0245 Saturday. She told me she had an early shift on Sunday so wanted to try to sleep but asked me to visit and make obs. I visited at 0035. The premises were quiet, no-one outside, only one light inside'.

16.06.18: Visit by night noise officer at 1.05am- 'As soon as I arrived I saw 4 staff members exit the premises (black t shirts). I saw only Adam in the bar tidying up. Left at 1.15am. I got a call for another job. Nothing to report'.

17.6.18 - 1.05am- Visit by night noise officer at 1.05am. Report states that 'Music playing from a dj audible. Noted front door open. Some taxis pulling up- no horns beeping just idling. No patrons on front veranda. Noted staff cleaning up inside. Manger sweeping front pavement. Some patrons came on front veranda and started smoking but then got into taxi. Noted last customer leave at 1.20am and get into taxi. Noted about 6 people left inside cleaning up. DJ packing up. Left at 1.30am. (see Appendix 8)

Have you made any representations in respect of these premises before? (Delete as appropriate)	Yes	No √
Date that you made representations	19.6.18	

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. (You must tick this box)	Yes √
--	----------

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION OR REPRESENTATION.

Section 6 Signatures

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises or on behalf of a responsible authority please ensure that have the right to sign a representation on their behalf and state the capacity in which you are signing.

Signature

J L Dickinson



Date

19/06/18

Capacity

Commercial Team Leader, Environmental Health.