

**Report of Director of Technical & Environmental Services
to
Licensing Committee
on
19th November 2003**

Proposal

Report prepared by : Philippa Bradwell

**The Cliff Public House, Hamlet Road, Southend-on-Sea, Essex
Application for the Grant of a Provisional Public Entertainment Licence
(Part I – Public Agenda Item)**

1. Purpose of Report

- 1.1. This report considers an application by the owners of The Cliff Public House for the grant of a provisional annual Public Entertainment Licence.

2. Recommendations

- 2.1 Should Members be minded to approve the application for a provisional licence then it is recommended that the following conditions be applied:-

2.1.1 Prior to the licence being made final the applicant shall:

- a) **Employ the services of a competent person to carry out an acoustic assessment of the Ground and First floor of the premises and to recommend such works as necessary to ensure inaudibility in noise-sensitive property at all times, based on a realistic assessment of future sound levels within the premises. The assessment should pay particular regard to :**
 - i) **Structure-borne noise through the party wall including sound insulation testing by an approved method of the party wall**
 - ii) **Sound insulation to the existing ventilation extracts and any new ventilation system which may be installed to achieve the required ventilation standard.**
 - iii) **The construction and design of the entrance/exit doors to limit sound transmission**
 - iv) **Sound transmission through glazed structures,**
 - v) **Measures to control internal sound levels**

(A 'competent person' is considered for this purpose to be a member of the Institute of Acoustics or Association of Noise Consultants or other similarly qualified person with experience in carrying out environmental noise surveys.)

The acoustic report shall be submitted for approval to the Group Manager – Environmental Health with full details of the acoustic measurements and calculations in support of the reports recommendations. The recommendations detailed in the acoustic report shall be completed to the satisfaction of Environmental Health to ensure inaudibility in noise-sensitive properties.

- b) **Carry out all works as detailed in the schedule of work dated 29th July 2003 for the ground floor of the property and the schedule to be produced for the first floor function room, to the satisfaction of Group Manager- Environmental Health**

2.1.2 The licensee shall take all reasonable steps to ensure that bottles or drinking vessels are not taken from the premises by departing patrons. (The term premises shall be taken to include all external areas under the control of the licensee(s)). The licensee(s) shall provide and maintain a suitable bin at the exit(s) for items collected in compliance with this clause.

2.1.3 Before any licence is granted, the licensee shall put in place appropriate managerial measures designed to reduce so far as is reasonably practicable disturbance to residential occupiers, in accordance with a scheme to be submitted to and approved by the Group Manager – Environmental Health. (In the absence of such approval, the matter to be referred back to the Licensing Committee for decision).

3. Background

3.1 The premises comprise a public house on the corner of Hamlet Road and Park Street with external seating. The applicant's legal advisor has recently confirmed that the licence sought is to cover the first floor function room, in addition to the ground floor bar. The venue is in a predominantly residential area with residential accommodation within 2 metres of the application premises on the North side and directly adjoining the party wall on the East side.

3.2 The premises have been a public house for a considerable number of years.

4. Proposals

4.1 The application is for the grant of a Provisional Annual Public Entertainment Licence operating on Mondays to Saturdays to 11.00 pm. and on Sundays to 10.30 p.m within the ground floor bar and first floor function room.

5 The Liquor Licensing Position

5.1 The premises have the benefit of a Justices On-Licence allowing the sale and consumption of alcohol up to 11.00 p.m. (with twenty minutes drinking-up time) on Mondays to Saturdays and 10.30 p.m (with twenty minutes drinking-up time) on Sundays.

6 Consultation with Elected Members

6.1 A consultation letter was sent to all elected members. No responses have been received.

7 Consultation with Surrounding Occupiers

7.1 A consultation letter was delivered by hand to 92 premises within the surrounding area seeking comments on the application. In addition, the applicant was required to display a public notice on the premises.

7.2 Three letters of objection have been received, all from residents living in close proximity to the application premises. One of these letters was sent on behalf of three residents.

7.3 All three letters of objection make reference to what are stated to be existing intolerable levels of noise, particularly in the Summer months, from patrons sitting outside from the afternoon until past Midnight. One letter refers to noise until 12.30 am. (extending to 1.00 a.m. on fine evenings) on Thursdays, Fridays and weekends.

7.4 Another letter makes reference to disturbance from persons leaving and slamming of the doors of cars parked on the pavement outside their bedroom windows.

8 Consultation with Police

8.1 The Police have made no objection to the application.

9 Control of Noise and Disturbance

- 9.1 The application premises is in close proximity to adjacent residential property with the potential for sound transmission. A schedule of works was sent on the 29th July 2003 requesting an acoustic assessment to be submitted. The applicant's legal advisor has indicated that they sought to await the results of the present hearing before submitting such an assessment. It is recommended that, if the licence is granted, it should be subject to the submission of the acoustic report and satisfactory completion of the works agreed. It should be recognized that the achievement of a satisfactory level of acoustic separation between the public house and adjoining residential property is likely to require substantial works and may present considerable practicable difficulties.
- 9.2 All letters of objection make reference to disturbance by patrons using the outside seating areas. Members may wish to hear from the applicant in detail on any action to be taken to reduce disturbance from this source.
- 9.3 The premises is situated in a residential area with patrons walking through these areas to reach their cars or walk home. There is therefore the potential for disturbance to residents. The terminal hour requested for the Public Entertainment Licence is no later than that already existing through the Liquor Licence for the public house, however, entertainment premises are by their nature lively venues. Members may wish to hear from the applicant as to any action to be taken to reduce disturbance from this source.

10 Fire Safety and Related Matters

- 10.1 A schedule of fire precautionary and safety works was sent to the applicant on the 29th July 2003 relating to the ground floor. As a result of the late notification of the inclusion of the first floor function room in the application, a visit has been made and a schedule of work will be sent as soon as possible. If the provisional licence is granted it is recommended that it should not be made final until the works as per the two schedules have been satisfactorily completed.

10 Background Papers

- 10.1 Consultation letter to surrounding occupiers.
- 10.2 Letters from surrounding occupiers.

11. Appendices

- 11.1 There are no appendices to this report.