

## LRS Representation - Peter Malough

An application for Review of the above premises has been submitted by the Environmental Health Section.

The application sets out the grounds for the Review and has proposed a number of conditions that they believe should be attached to the licence to assist in the promotion of the licensing objectives.

This application primarily relates to the prevention of public nuisance and outlines that the premises is not suitable, or appropriate for live or recorded music to be provided until appropriate control measures are put in place.

The premises licence has been in place for many years and was transferred to HD Pub Investments Ltd in April 2021.

On reviewing our complaints logs I can confirm 11 complaints have been made from August 2010 to August 2022.

The complaints have come from residents and the Environmental Health Section.

You will note that 9 of these complaints were from 2021 onwards, details outlined below:-

- 17<sup>th</sup> August 2010 – Music being played in function room – Resident
- 28<sup>th</sup> March 2011 - Excessive noise as a result of live music being played – Resident
- 10<sup>th</sup> May 2021 - Noise from customers outside, bar being used in external area TV loud - Resident
- 17<sup>th</sup> May 2021 - Music playing outside until midnight, customers shouting and swearing – Resident
- 17<sup>th</sup> May 2021 - Premises playing loud music until 00.15 on Saturday night. Customers swearing and shouting – Resident
- 20<sup>th</sup> July – Loud music and general customer disturbance from 20:45 on Friday 16th July - Resident
- 8<sup>th</sup> November 2021 - Noise from bands from 7pm on a Sunday – Environmental Health
- 21<sup>st</sup> March 2022 – Noise complaints from premises over the weekend - Environmental Health
- 27<sup>th</sup> May 2022 - Environmental Health Officers have witnessed music emanating from the above premises
- 20<sup>th</sup> August 2022– Noise complaints following festival weekend – Residents
- 23<sup>rd</sup> August 2022 - Complaint alleging various dates in July and August where noise nuisance has occurred allegation premises breaching licence conditions

As the Review application states I have been involved in a number meetings with the licence holders, Designated Premises Supervisor and area manager to deal with the matters reported above.

In regard to the conditions proposed within the Review application I am aware the licence holders have already engaged with a consultant and I would hope by the time this application is put before the committee this process would have been completed.

I would say the licence holders are under no obligation to obtain a noise impact assessment unless the conditions proposed in the Review are approved by the Licensing Sub Committee, however it's positive that this work has started and wasn't disputed.

As there has already been engagement with the noise assessment company this suggests that the premises licence holder recognises improvements are required and hopefully the noise impact assessment will address many of the concerns raised in the application in regard to noise nuisance.

There are a number of conditions attached to the premises licence that deal with the prevention of public nuisance however with the deregulation of live and recorded music these conditions are only enforceable after 23.00 hours.

It is mentioned in the Review that some conditions have been breached and allegations were made that customers were being allowed entry in to the premises after 11pm, this was reported by a resident and then raised with the DPS and area manager at a meeting on 13/09/2022.

In regard to the existing premises licence conditions I would add that on 23/07/2022 & 01/10/2022 the premises was visited by licensing officers and the police to carry out routine licensing visits. On both these occasions there were no SIA door supervisor present resulting in a breach of the condition outlined below:-

*Every Friday and Saturday night, the Sunday night preceding any public holiday, Christmas Eve, Boxing Day and Good Friday, a minimum of two (2) SIA registered door supervisors will be on duty from 09:00pm until closing time*

Letters were sent to the licence holder regarding this and a meeting was had with the area manager and DPS to deal with this matter.

Section 11 of The Councils Statement of Licensing Policy outlines what it expects from premises in regard to the licensing objective Prevention of Public Nuisance.

The Policy acknowledges the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution.

It also recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

The Policy recognises that the impacts of licensable activities are not contained solely within a premises building. Residents could be affected as customers travel to and from a premises or congregate outside whilst it is in operation.

It is important to clarify and this is also raised in the Policy that beyond the immediate area surrounding the licensed premises the control that a licence holder has over its customers diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

Taking in to consideration the Councils Statement of Licensing Policy and the high standard of control that should be implemented, I submit this representation supporting the conditions relating to the noise impact assessment.

The application confirms 6 Environmental Health Officers have witnessed noise nuisance on 7 separate occasions and there have been numerous letters and meetings to resolve the issues outside of the Review process.

I believe the licence holders acceptance to carry out a noise assessment prior to the hearing demonstrates an understanding that this course of action is appropriate to resolve the noise issues reported.

Clearly live music is a big part of this premises and has been for many years so it is important that a balance is found where the premises and the residents can work/live together amicably. The noise impact assessment will help achieve this as it will set out how this premises can successfully provide live music without causing a noise issue.

There is also a proposal within the Review to reduce the terminal hour for the sale of alcohol from 01.00 to 23.00hrs this primarily is to deal with the alleged anti-social behaviour issues. I am unable to provide any further evidence regarding this and would suggest that the police or residents living in the vicinity are better placed to comment further on this.