

Appendix 5 – Mediation between Environmental Health and the applicant.

From: Clayton, Nick <Nick.Clayton@wyre.gov.uk>
Sent: 26 April 2022 14:34
To: Licensing <Licensing@wyre.gov.uk>
Cc: Cantley,Patrick <Patrick.Cantley@wyre.gov.uk>
Subject: Re: 18 Breck Road, Poulton: Application for a Premises Licence Ref Harrison Drury:MA:BUSI0003.0001

Good afternoon,

Following discussion between Malcolm and myself, Prevention of Public Nuisance conditions have now been agreed for 18 Breck Road's premises licence application (please see the attached word document). As such I do not wish to raise a representation against the application provided the agreed conditions are required as part of the premises licence.

Additionally, it is my understanding a representation has been raised that argues that the cut off point for the outdoor area should be reduced to 19.00pm as noise from the outdoor area will adversely impact nearby residents. I would like to address this point; throughout this process I have been fully aware of the proximity of residential premises and of the need to safeguard them.

I believe that the conditions agreed which are summarised below;

- limiting the number of people who can use the outdoor area,
- not allowing amplified music or sound (including amplified voices), protecting the noise climate,
- noise monitoring
- monitoring of the outdoor area.
-

These conditions combined with conditions agreed with the police will to my mind address the noise arising from the outdoor area and prevent public nuisance. therefore it is reasonable to allow the outdoor area to be used up to 21.00pm and not stop its use at 19.00pm.

Should you wish to discuss this matter further, then please feel free to contact me.

Kind regards,

Nick

From: Malcolm Ireland <malcolm.ireland@harrison-drury.com>
Sent: 25 April 2022 14:49
To: Clayton, Nick <Nick.Clayton@wyre.gov.uk>
Cc: Kristian Torgersen <Kristian.Torgersen@Harrison-Drury.com>
Subject: FW: 18 Breck Road, Poulton: Application for a Premises Licence Ref Harrison Drury:MA:BUSI0003.0001

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Hi Nick,

Hope all's well.

Just wanted to check you had picked this up? Feel free to give me a call if you wish to discuss.

Many thanks,

Malc

Malcolm Ireland

Partner

01200 401 131

07436 219 979

https://url6b.mailanyone.net/v1/?m=1niz5x-000CNR-4X&i=57e1b682&c=rZxouSJffHjHaUV8aGgw4jwDOcLDI_hgveKv9QeWW1dPntB9dXleGeJyax1nwEx0tABBbVfHLo2h5f7v_aWXEnKRUwNST5hywZxigDc7_YWqHKVNJL5F9mH2fjPSbWYoncSjNtSS4VvfX18rKt3DIGo4mFgD8gWGpx0sldk6QB6is_xPwGBsVZtnm2Y9er3ASMkbFOrLgTIVAQzrVir9yg

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From: Kristian Torgersen <Kristian.Torgersen@Harrison-Drury.com>

Sent: 22 April 2022 11:23

To: Nick.Clayton@wyre.gov.uk

Cc: Malcolm Ireland <malcolm.ireland@harrison-drury.com>

Subject: 18 Breck Road, Poulton: Application for a Premises Licence Ref Harrison Drury:MA:BUSI0003.0001

Hi Nick,

Malcolm is on annual leave today, but he prepared some conditions on the back of your discussion yesterday (see attached) and they have now been approved by the client.

Malcolm said that they should reflect everything that you discussed, but please could you confirm that you are happy with them? They are of course in addition to the ones we have already offered in the application and the ones that have been agreed with the Police.

Kind regards,

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Conditions

1. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
2. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
3. There shall be no amplified sound including but not limited to music or voices emitted to the external licensed area.
4. No more than 45 customers will be permitted to enter or remain in the outdoor area of the premises at any one time.
5. Whenever more than one door supervisor is on duty at the premises, a door supervisor will be specifically tasked with monitoring the external area (when in use) to ensure that customers are behaving in an acceptable way, and that the area is not used for the consumption of alcohol after 21.00hrs.
6. The Licensee shall ensure that staff departing at night when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents.
7. The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.
8. The volume of amplified sound including but not limited to music and voices shall, at all times, be under the control of the Licence Holder or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
9. Staff will be trained to encourage customers to leave the premises and the area quickly and quietly, in order to minimise any disturbance to residents.

10. Management at the premises will routinely assess the noise emanating from the premises and take steps to reduce the level of noise where it is considered likely to cause a disturbance to residents living in the vicinity. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
11. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.