

Licensing Sub-Committee Hearings Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ
Friday, 23 June 2017 at 14:00**

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003. This includes licensing the sale of alcohol and the provision of a variety of licensable activities such as recorded music, stage plays and the showing of films.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Audio Recording, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and but not to vie or participate in social media.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

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Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003

- (1) All questions and statements will be directed through the Chairman.
- (2) The Chairman will at the beginning of the Hearing explain to the parties the procedure to be followed and shall consider any request made by a party for permission for another person to appear at the Hearing.
- (3) The Hearing shall take the form of a discussion led by the Council's representative.
- (4) Cross examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may be.
- (5) The Chairman of the Sub-Committee may require any person attending the Hearing who in his opinion is behaving in a disruptive manner to leave the Hearing and may:
 - (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the Sub-Committee may specify.

Provided that any such person may before the end of Hearing submit to the Council in writing any information which they would have been entitled to give orally had they not been required to leave.

- (6) A party who wishes to withdraw any representations they have made may do so:
 - (a) by giving notice to the Council no later than 24 hours before the day or first day on which the Hearing is to be held, or
 - (b) orally at the Hearing.
- (7) The Sub-Committee in considering any representations or notice made by a party may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the Hearing, or with the consent of all other parties, at the Hearing.
- (8) The Sub-Committee shall disregard any information given by a party or any person to whom permission to appear at the Hearing had been given which is not relevant to:
 - (a) their application, representations or notice(as applicable) or in the case of another person, the application representations or notice of the party representing their appearance, and
 - (b) the promotion of the licensing objectives or, in relation to a Hearing to consider a notice given by a chief officer of police, the crime prevention objective.
- (9) If a party has informed the Council that he does not intend to attend or be represented at a Hearing, the Sub-Committee may decide to proceed with the Hearing in his absence.
- (10) If a party has not informed the Council that he does not intend or be represented at a Hearing and fails to attend or be represented at a Hearing, the Sub-Committee may:
 - (a) where it considers it to be necessary in the public interest adjourn the Hearing to a specified date (notice being given forthwith to the parties concerned of the date, time and place to which the Hearing has been adjourned), or
 - (b) hold the Hearing in the party's absence

Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

The Council's case:-

- (11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

The Applicant's case:-

- (12) The Applicant and/or representative will begin with their opening remarks and present their case.
- (13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.
- (14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

Submissions from other persons or their representatives and from Responsible Authorities:-

- (15) Each party will present their case.
- (16) Each party's witnesses (if any) will give evidence in support of the party's case.
- (17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.
- (18) Each party may question their witness again to clarify any points which may have arisen.
- (19) If the Applicant or other parties wish to question each other, questions may be directed through the Chairman.
- (20) Closing Statements may be made by the Applicant and/or representative.
- (21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

Determination of the application by the Sub- Committee

- (22) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.
- (23) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.

COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Friday, 23 June 2017 at 14:00

Member:

John Elliott - Member, Mike Hogg - Member, Darius Laws - Member

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 4 are normally brief.

1 Appointment of Chairman

To appoint a Chairman for the meeting.

2 Welcome and Announcements

a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

3 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

Flowchart - Hearings

9 - 10

5 Pizza & Grill Bros

11 - 52

See report by Head of Professional Services

Part B

(not open to the public including the press)

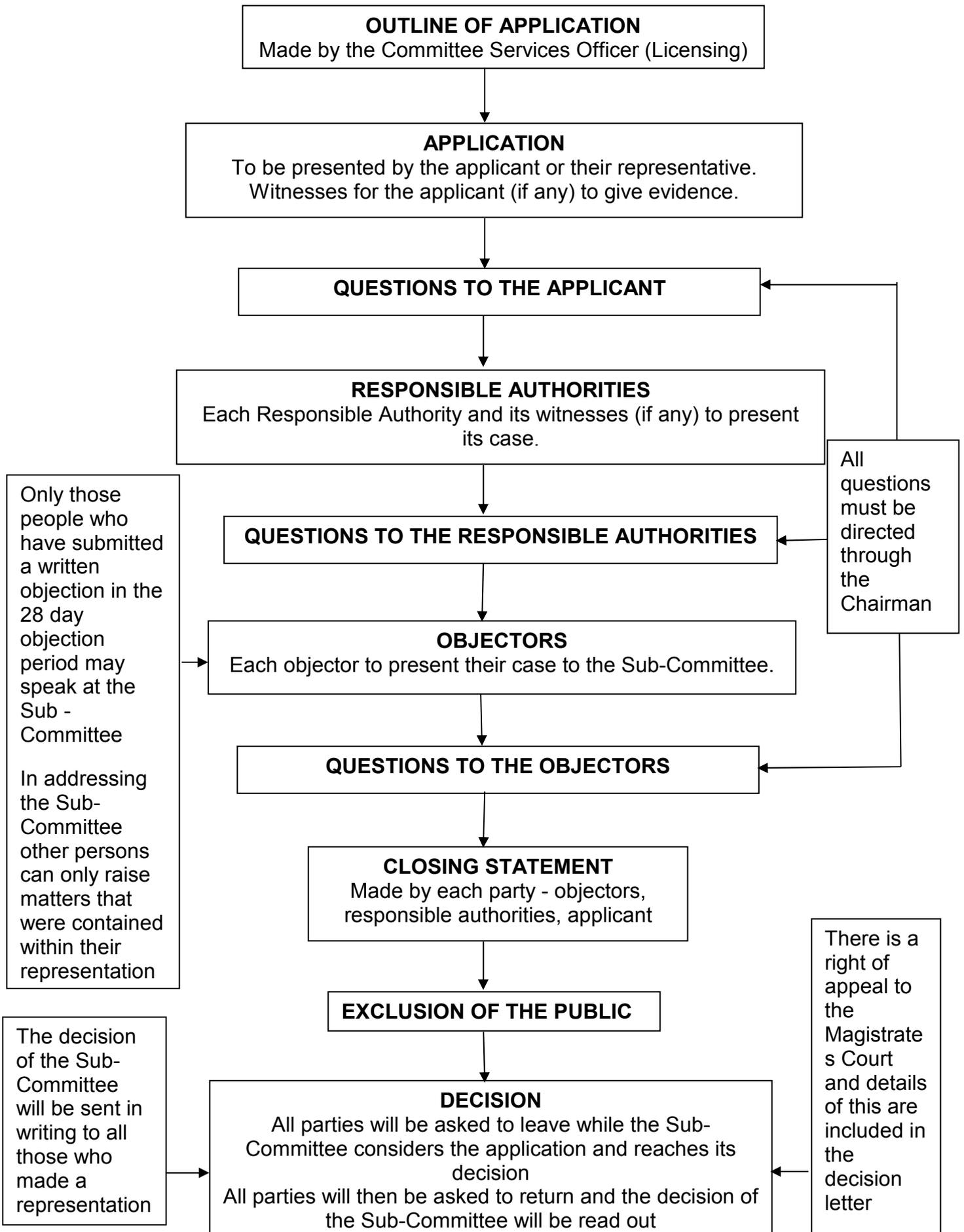
6 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example

confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

e-mail: democratic.services@colchester.gov.uk
website: www.colchester.gov.uk

The Licensing Sub-Committee Hearings Process





Licensing Sub-Committee	23 June 2017
Pizza & Grill Bros	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a new premises licence under the Licensing Act 2003.
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1. Application

Applicant and Premises	
Application Type	New application (M/091567)
Applicant	Pizza & Grill Bros 66-68 Butt Road Colchester
Premises	Pizza & Grill Bros
Premises Address	66-68 Butt Road Colchester
Premises description	Premises serving kebabs and pizza
Ward	Ward: New Town & Christ Church

Proposed licensable activities and hours

Provision of late night refreshment							
Indoors/Outdoors or both			Indoors		Outdoors		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	14.00	14.00	14.00	14.00	14.00	14.00	12.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

2. Conditions

Offered on the operating schedule
The following conditions are taken from the application form attached at Appendix 1.

Only those that are enforceable under the Licensing Act 2003 are set out below; some conditions have been re-worded to ensure clarity. The exclusion of certain conditions, for example in relation to public safety, does not mean they should not be complied with but rather than the enforcement measures in relation to these matters lies within other primary legislation.

A number of the conditions listed in the operating schedule refer to the sale of alcohol but it should be noted that the application does not seek permission for the sale of alcohol and therefore these conditions are not relevant.

1. Management controls and effective training of all staff in the premises' duty of care, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this licence; this is to ensure the promotion of the licensing objectives.

2. The premises must install, operate and maintain a comprehensive digital colour CCTV system enabling facial identification of every person entering the premises and covering all public areas of the licensed premises, including all public entry and exit points. The CCTV cameras must continually record while the premises are open to the public and recording must be kept available and unedited for a minimum of 31 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system must be able to produce/download/burn CCTV images upon request by a Police officer or an authorised officer of the Licensing Authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums must be provided.

3. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

4. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

5. Deliveries of goods necessary for the operation of the business will be carried out at such a time as to prevent nuisance and disturbance to nearby residents. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.

6. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

7. Customers will be asked not to stand around loudly talking in the street outside the premises.

8. The movement of bins and rubbish outside the premises will be kept to a minimum after 23.00. This will help to reduce the levels of noise produced by the premises.

9. Adequate waste receptacles for use by customers will be provided in the local vicinity.

2. Representations

Licensing Authority	Representation	Annex 3a
Environmental Protection	Representation	Annex 3b

3. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.9 Applicants are expected to consider all the policies relevant to their application; these include general policies, key factors and where appropriate special policies.

3.14 **Subject to compliance with the other policies** the types of licensed premises set out in the Matrix below will generally be acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

KF1 - What we aim to encourage

Please note

- **The times given in the Matrix above are for licensable activities.**
- **In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating**

schedule.

- Any application which falls outside the times given in the Matrix will need to demonstrate a genuinely exceptional case to justify departure from the Policy. The reasons for the exception should be shown in the operating schedule and must demonstrate that there will be no derogation in the licensing objectives, including from departing customers

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Late Night Takeaways *	Yes until 22.00	Yes until midnight	Yes until 01.00

KF2 - The location of licensed premises

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard to the licensable activities applied for, the size, structure and proposed capacity, the type/nature of the business
- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

3.18 There is the need to balance the needs of residents with that of the night time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise

Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)

Prevention of disturbance by people outside the premises (e.g. smoking areas)

Litter from the premises (This issue is considered particularly relevant in respect of late night takeaways and smoking-related litter outside of licensed premises)

Disturbance caused by deliveries and collections at the premises including waste and bottle collection

KF3 - Hours for licensed premises

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol-driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

3.25 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

4. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application

- Reject the whole or part of the application

Appendices

Appendix 1	Application
Appendix 2	Premises plans and location plan
Appendix 3	Responsible authorities/other bodies representations and supporting documentation

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840
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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. 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.

I/We AMA EG LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Pizza & Grill Bro' 66-68 Butt Road			
Post town	Colchester	Postcode	CO33DA

Telephone number at premises (if any)	01206760553
Non-domestic rateable value of premises	£3650

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name AMA EG Limited
Address 66 Butt Road , Colchester , CO33DA
Registered number (where applicable) 10588121
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company
Telephone number (if any) 01206760553
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	06	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
Shop located in Colchester 66-68 butt road, the building is detached. shop as ground floor and flat above it. It is near town centre and opposite to the police station. The surrounding area is mixed residential and commercial. The premises used for serving food (kebab and pizza) no alcohol allowed.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)	
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun								

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	14:00	02:00	Please give further details here (please read guidance note 4) Only serving food and soft drinks, no music will be amplified	Both	<input type="checkbox"/>
Tue	14:00	02:00			
Wed	14:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) No seasonal variations		
Thur	14:00	02:00			
Fri	14:00	03:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) There will be no changing for the finishing time		
Sat	12:00	03:00			
Sun	12:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 No adult entertainment, it will be only serving food and soft drinks that is suitable for children and adults

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) No sessional variations
Day	Start	Finish	
Mon	14:00	02:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) No different time. it will be always the same timetable
Tue	14:00	02:00	
Wed	14:00	02:00	
Thur	14:00	02:00	
Fri	14:00	03:00	
Sat	12:00	03:00	
Sun	12:00	02:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol

b/ no drunk and disorderly behaviour on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale

- CCTV system installed with recording option available

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed. Not selling of alcohol to customers. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises. Prevention and vigilance in illegal drug use at the retail unit area. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective. Well trained staff adherence to environmental health requirements. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. Customers will be asked not to stand around loudly talking in the street outside the premises. Customers will not be admitted to premises above opening hours. The movement of bins

and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents. Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

No alcohol will be allowed in the premises
Well trained staff about requirement for persons' identification, age establishment etc. All the details provided in Training Record Book available the retail unit. Log Book will be kept upon the premises all the time. Nothing belong existing Health & Safety requirements.

Checklist:

Please tick to indicate agreement

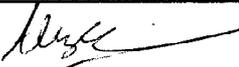
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	23.04.2017
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

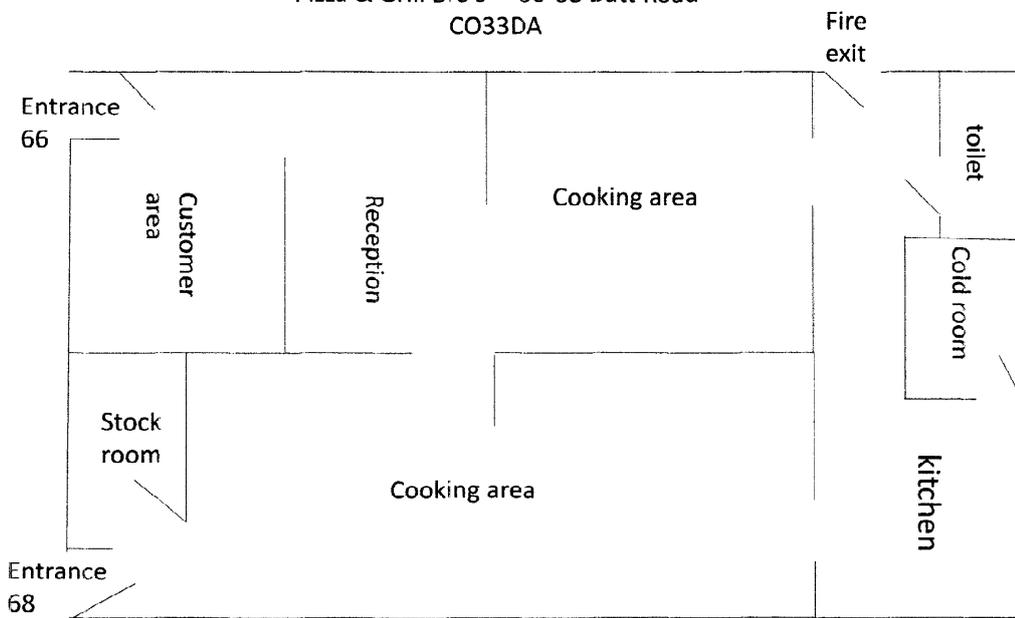
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) 66-68 butt road			
Post town	Colchester	Postcode	CO33DA
Telephone number (if any)	01206760553		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08 00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08 00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or

Pizza & Grill Bro's 66-68 Butt Road
CO33DA





Premises Location Plan

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Application Reference: 091567
Premises Address: Pizza & Grill Bros, 66-68 Butt Road, Colchester, CO3 3DA
Date Produced: 9 June 2017

(Map Not to Scale)



Licensing Authority – Representation

Premises Name	Premises Address
Pizza & Grill Bros	66-68 Butt Road, Colchester

Licensing Objectives affected

Failure to address the requirements of the Policy will undermine the following licensing objectives –

- Prevention of public nuisance

Licensing Authority Representation

The Licensing Authority objects to this application on the following grounds –

- It is contrary to the Council Borough Council Statement of Licensing Policy 2016-2021 in relation to hours of operation.
- The application does not demonstrate exceptional circumstances that would justify a departure from the current Policy, and more particularly, there are no measures listed in the operating schedule to mitigate against possible harm.
- Failure to address the requirements of the policy will result in the licensing objectives of the prevention of public nuisance being undermined.

Policy References

Key factors

We will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

Key Factor 2 - The location of licensed premises

3.18 There is a need to balance the needs of residents with that of the night time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise.
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)

- Prevention of disturbance by people outside the premises (e.g. smoking areas)
- Litter from the premises (this issue is particularly relevant in respect of late night takeaways and smoking related litter outside of licensed premises)
- Disturbance caused by deliveries and collections at the premises including waste and bottle collection



Consultation Response

Environmental Protection Officer: Guy Milham

Licensing Reference No: 091567

Ward: New Town & Christ Church

Location: Pizza & Grill Bros 66-68 Butt Road, Colchester, CO3 3DA

Details: Premises Licence Application

Scheduled Response Date:

Environmental Protection's Comments: -

The following comments are made in respect of the "Prevention of Public Nuisance" licensing objective

We wish to object to this application as we have concerns regarding the potential for public nuisance for the following reasons:

- Extending the opening hours of the business until 2 and 3am in an area that has a significant number of residential properties in close proximity to the premises will increase the potential for disturbance from customers very late at night when residents will be expecting to sleep. As the dominant noise source (traffic on Butt Road) reduces the background noise level will decrease and any noise generated by the premises will become more noticeable.
- The odour extraction plant is located at the rear of the premises just a few metres away from several residential properties. Late at night when ambient noise levels decrease noise from the plant will become more audible and have the potential to cause a nuisance during recognised sleep hours. The area behind the premises is partially enclosed by surrounding buildings leading to a reverberant environment that is likely to exacerbate noise levels.

Signed: Guy Milham
Environmental Protection Officer

Date: 09/05/2017

**ENVIRONMENTAL PROTECTION OBJECTION
TO PREMISES LICENCE APPLICATION 091567:**

**PIZZA & GRILL BROS.,
66-68 BUTT ROAD, COLCHESTER:
EXTENSION OF OPENING HOURS**



Prepared by: G Milham, BSc (Hons).

Report date: 22 May 2017

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1. Introduction

- 1.1** The Environmental Protection team has been consulted by the Colchester Borough Council Food, Safety and Licensing team with regard to the prevention of public nuisance licensing objective for Premises Licence application 091567.
- 1.2** Application 091567 seeks to increase the hours of operation for Pizza & Grill Bros. in Butt Road, Colchester, from the current 11pm until 2am Sunday to Thursday and 3am Friday and Saturday.
- 1.3** The purpose of this report is to examine the grounds for objection with regard to the prevention of public nuisance licensing objective, i.e. the potential impact of the application on residents with regard to noise.

2.0 Background

- 2.1** Pizza & Grill Bros. is a takeaway located at 66-68 Butt Road, Colchester. We understand that it currently closes at 11pm every day.
- 2.2** A noise complaint was received by the Environmental Protection team at the end of 2001. This was regarding noise from the odour extraction plant causing a statutory nuisance to a resident located behind the premises, then known as the Balti House restaurant. It was resolved informally by noise attenuation measures carried out by the proprietor. At the time of the complaint the premises was not open as late as 2 or 3am, so noise assessments were conducted earlier in the evening and during the day.

3.0 The current application

- 3.1** Application 091567 seeks to increase the hours of operation for Pizza & Grill Bros. from the current 11pm until 2am Sunday to Thursday and 3am Friday and Saturday.
- 3.2** As a result of the application some on-site noise monitoring was conducted by officers from the Council's Weekend Noise Service on 20 May 2017 in order to obtain measurements of the noise levels when the odour extraction plant was running and switched off.
- 3.3** The Environmental Protection team are concerned that the significant extension to late-night operating hours will increase the potential for public nuisance to nearby residents caused by noise from the odour extraction plant and customers when background noise levels decrease.

4.0 Site description

4.1 The location of the site is shown in Figure 1.

Figure 1: Site location and surrounding residential properties



The site is located in Butt Road, Colchester. This part of Butt road comprises a mix of residential properties, including a row of terraced Victorian properties between the application site and the beginning of Butt Road to the north. There is some business use in the immediate vicinity which is mainly office-based, with a firm of accountants immediately to the south and surveyors opposite. No other businesses in the immediate vicinity are open late.

- 4.2 When looking at Figure 1, the property immediately adjacent to the north (62) is residential, as is the property to the north set back from Butt Road (64). There is also a residential unit immediately adjacent to the south side of the site, located to the rear of the accountants at 70. We also understand that an HMO is located above the application premises.
- 4.3 The odour extraction plant is located on a flat-roofed extension to the rear of the premises, just 4 metres from the nearest residential property to the rear (64) and

approximately 5-6 metres from the residential properties to each side (62 and 70).

5.0 Standards, guidance and criteria

5.1 British Standard 8233:1999 provides noise levels for living areas and bedrooms within dwellings and is based on advice contained in a draft of the World Health Organisation (WHO) 1999 document '*Guidelines for Community Noise*'. Night is considered to be between 11pm and 7am.

5.2 The current WHO guidance provides the guideline values summarised in the following table:

Table 1: WHO Guideline Values (the bold section applies to night-time noise)

Value	Guidance	Location
$L_{AeqT} = 55$ dB	Few seriously annoyed, daytime and evening	Continuous noise, outdoor living areas
$L_{AeqT} = 50$ dB	Few moderately annoyed, daytime and evening	Continuous noise, outdoor living areas
$L_{AeqT} = 35$ dB	Acceptable level to avoid speech interference, daytime and evening	Continuous noise, dwellings indoors
$L_{AeqT} = 45$ dB	To avoid sleep disturbance, window open at night	Continuous noise, outside bedrooms, outdoor values
$L_{AeqT} = 30$ dB	To avoid sleep disturbance at night	Continuous noise, bedrooms, indoors
$L_{AMAX} = 60$ dB	To avoid sleep disturbance, window open at night	Noise peaks, outside bedrooms. Outdoor values
$L_{AMAX} = 45$ dB	To avoid sleep disturbance at night	Noise peaks, bedrooms, indoors

5.3 The WHO also produced a document Night Noise Guidelines for Europe 2009 which shows that average noise attenuation through a partially open window is 21dB.

5.4 British Standard 4142:2014 is used to assess the potential impact of noise from industrial/commercial plant and activities on residents. It compares the noise produced by the activity in question against the background noise levels.

6.0 Noise assessment

- 6.1** Noise measurements were taken at the application site on the night of 20 May 2017. Monitoring took place with the odour extraction plant both on (21:29-21:46) and off (23:49-00:01) in order to assess its impact against background noise levels.
- 6.2** Monitoring took place in mild and dry conditions with no wind.
- 6.3** Measurements were undertaken with:
- Norsonic 118 type1 sound level meter (SLM) (serial no. 31354)
CEL 284 acoustic calibrator (serial no. 3_03818909)
The SLM was calibrated before each measurement session.
- 6.4** Assessment was from the rear of the premises at the top of a flight of steps beside number 70, 2.1 metres from the façade of number 70 (see Figure 1).
- 6.5** In addition to measurements with a SLM we considered it was equally important to subjectively assess the noise in person to determine its character and level of intrusiveness.

7.0 Assessment results

Measured levels

- 7.1** With the odour extraction plant operating the average noise level was:
- Laeq (the continuous sound level over a period of time. Best thought of as the average energy level the noise level averaged over the measurement period):
65.0dBA.
- 7.2** With the odour extraction plant switched off the average noise level was:
- Laeq (the continuous sound level over a period of time. Best thought of as the average energy level):
59.0dBA.
La90 (the background noise level with the loudest 10% of noise excluded):
45.0dBA.

Subjective assessment of plant noise

- 7.3** With the extraction plant switched on the overwhelming noise to the rear of the premises was from the odour extraction fan.

Background noise

- 7.4** Background noise is dominated by traffic on Butt Road when the extraction plant is switched off. This will decrease in relation to reduced traffic flow late at night.
- 7.5** Despite being located on a busy road, the area around the properties to the rear of the premises is partially screened from Butt Road and is relatively quiet.

8.0 Public nuisance and impact on residents

Explanation of noise levels and effect

- 8.1 To fully appreciate the noise levels measured a simple explanation of the decibel scale is useful. Typical noise levels from various sources are shown in Figure 2.

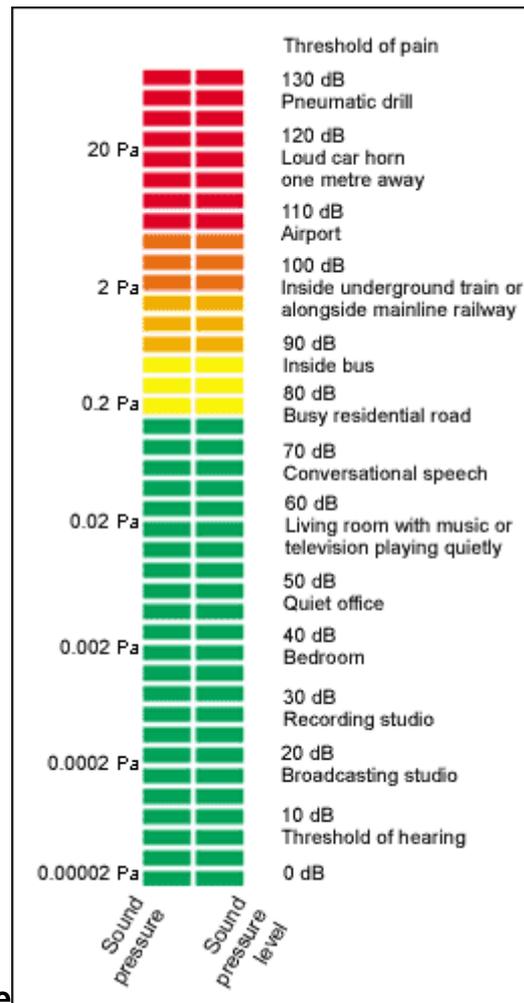


Figure 2: The decibel scale

It is important to understand that the decibel scale is a logarithmic one, which compresses sound pressure values that would otherwise be too wide ranging and inconveniently large. Therefore, whereas a value of 110 dB for an airport is numerically 10 dB (or 10%) higher than 100 dB inside an underground train, in acoustic terms the difference is actually perceived as a doubling of the noise. Therefore small increases in decibel levels can be significant.

Impact of the noise from the odour extraction plant

- 8.2** As can be seen in Figure 1, the odour extraction plant is located on a flat-roofed extension to the rear of the premises at relatively low level. It is just 4 metres from the nearest residential property (64) (excluding the residential flat above the application premises) and 5-6 metres from two other adjacent properties (62 and 70).
- 8.3** A previous complaint indicates that this plant has the potential to cause a nuisance to nearby residents.
- 8.4** To the rear of the premises the area is partially enclosed by a number of buildings, forming a reverberant area that will amplify sound.
- 8.5** The dominant source of noise in the area is traffic on Butt Road when the odour extraction plant is switched off. The extraction fan is the dominant noise to the rear of the premises when operating, even earlier in the evening around 9:30pm. Late at night the traffic noise will significantly reduce causing a decrease in background noise levels, making the fan noise even more noticeable.
- 8.6** The proposed opening hours until 2 and 3am will mean that the extraction fan operates until literally the middle of the night when residents will expect to sleep undisturbed.
- 8.7** Measurements have shown that noise from the plant is 65dBA outside of residential property. If an average annual sound attenuation of 20dB is allowed for a partially open bedroom window, this equates to an internal noise level of 45dBA. This is 15dBA in excess of the WHO/BS8233 guidance for 'good' sleeping conditions and likely to disturb sleep. Residents would have to have double-glazed windows closed in order to achieve recommended internal noise levels within bedrooms.
- 8.8** According to the current version of BS4142 the plant noise rating level is +23dB, a level likely to be an indication of significant adverse impact if operated until the proposed hours when background noise has reduced.

Impact of noise from customers

- 8.9** Although the application states that signs will be displayed asking customers to be quiet, it is likely that at the opening hours proposed a proportion of the customers will be intoxicated and, having been in noisy clubs and bars, will have a tendency to shout in the street outside.
- 8.10** The noise level of an adult shouting is approximately 88dBA. Allowing a distance attenuation to the upstairs window of the property immediately adjacent to the premises and fronting Butt Road (62), this will equate to a maximum noise level of at least 63dBA outside of the front bedroom. Through a partially open window

this is likely to be close to the WHO recommended 45dBA maximum noise limit inside, and likely to cause sleep disturbance, especially when traffic noise reduces.

- 8.11** At the operating times proposed even the occasional shout from a customer could potentially disturb sleep.

9.0 Summary and recommendations

- 9.1** Recent monitoring has shown that noise levels from the odour extraction plant are likely to cause disturbance to nearby residents when trying to sleep with bedroom windows open after 11pm and will worsen further when background noise levels decrease late at night.
- 9.2** Maximum noise levels from some customers shouting outside the premises will be close to the WHO guidance for the inside of the nearest bedrooms and may disturb sleep, particularly when background noise levels decrease late at night.
- 9.3** We therefore object to this application and any extension of opening hours on the grounds of prevention of public nuisance.

