

Licensing Sub Committee

Agenda

Date:	Monday, 21st October, 2024
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Additional Information** (Pages 3 - 8)

Membership: Councillors R Moreton, R Kain and A Heler

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Anna Brakel, Development Director, Joule's Brewery

Leopard Inn, 33 London Road, Nantwich, Cheshire, CW5 6LJ

Details of the licensing action taken by the local authority have been provided for review and advice. There is a reluctance to propose a suit of mitigation measures at Licensing hearing which may create overly burdensome restrictions on business activity should the planning application be refused and the garden cover on the pre-existing decking be removed. It is recommended that this is given careful consideration to ensure that any decisions made reflect this potential.

The planning application has comments from Environmental Health. These comments recommend that details of mitigation are provided to enable the use of the space and its potential impact to be considered in full. This comment is considered reasonable.

The planning comments go on to suggest BS8233:2014 guidelines are achieved at nearby sensitive receptors and that a BS4142:2014 style assessment would be required to demonstrate impact. Given that BS4142:2014 specifically notes that it should not be used for people and entertainment noise this latter aspect is considered to be a challenging assessment to apply to activity exclusively of this type. In terms of the BS8233 aspect it is not known what the noise levels were without the provision of the standalone canopy which would need to be considered.

In terms of the licensing hearing that has been called, the request made is to remove the area from the red lined premises boundary. It is not known what the relevance of this would be and clarification is requested. It is suggested that removing the area from the red lined boundary may reduce the potential for the licensing regime to regulate this space and as such suggest that there are benefits to keeping the area within the red lined boundary of the premises license. The approach of calling a review with no opportunity to discuss with Environmental Health in order to discuss details of the complaint in full, what the environmental health team consider reasonable management and mitigation measures of the space, which is still subject to the planning decision.

On the application to review the license submitted by Mark Vyse, there is a statement that a noise monitor was installed in July 2024. When it was requested that we were provided a copy of the noise monitoring findings to assess the recordings with our noise consultant, only the video was provided no evidence of noise levels were provided. We as the Premise License Holder have not had the opportunity to review this monitoring or sound levels from the noise monitoring carried out. There is also a list of dates of noise overspill affecting residents dating from March 2024 – 17th August 2024, however there are over 10 dates listed where the Hunter's Hideout was not in use and others include local town events such as the Jazz Festival on the 29th – 20th March 2024.

In respect of noise, it is noted that music is being played in the area under canopy. As noted, there is only the existing fence to provide mitigation to noise from this source it is suggested that it would be reasonable to discuss with the local authority a regime whereby the frequency, duration, timings and potentially volume of any music to be played are stipulated so as not to be considered a nuisance under either the Environmental Protection Act 1990 or licensing regime. In doing so it is expected that it is made clear to all that the area could provide music entertainment already in the area under existing planning and licensing rules. It is suggested that control measures would best fall to the licensing regime as conditions on the premises license rather than under the planning regime which is considered more suited to physical mitigation aspects.

As we have had no opportunity to discuss with Environmental Health, no concerns have been shared and when we met with a representative from Environmental Health in April 2024, no issues were raised to Joule's Brewery or the Franchisees. As such we are not aware of what level of mitigation is required. Given several noisy periods have been mentioned in information provided where the area in question was not being used this suggests that noise complaints may be being made about general noise coming from the general beer garden uses which occur without any changes made associated with the specific area under cover which is the area we think is under consideration as no mention of general beer garden activities have been raised.

In order to move forward we would welcome discussion to understand a regime that can be put in place to avoid the alleged nuisance activity, which to clarify we are still not fully informed of the issue and have noted several dates mentioned in evidence provided was not when the area in question was in use, is achievable for an existing pub garden area and easily enforceable for both authorities and the management on site. It would then be recommended that these conditions, if any, are promoted to the planning authority to ensure that there is consistency with stress made that management of noisy operations is considered more appropriate to be controlled through the licensing regime.

At licensing hearing it is stressed that any conditions considered necessary are placed in a way that mean if the canopy cover is removed due to a planning permission refusal that the conditions do not apply, particularly concerning use of the area by patrons as it may prove very difficult to manage any restriction in practice. Removal of the area from use may concentrate patrons in remaining accessible areas which may in turn raise noise levels. A larger area for use reduces density and could reduce noise impact at neighbouring properties.

LEOPARD, NANTWICH

NOISE MANAGEMENT PLAN

Objective

The purpose of the management plan is to provide details of management processes in place to mitigate the noise from all potentially noisy operations from our operating activity in order to be a good neighbour and to minimise any disturbance from our local community.

Focus

The focus of the plan is to moderate noise from the Hunter's Hideout, however the noise management plan is applicable for the whole of the premises.

Core Strategy

External socialising has become increasingly fashionable and desirable, as well as the demand for safe outdoor spaces for customers to use post Covid 19. Joule's Brewery's community investments have shown that external socialising is the primary source of noise, and a key priority for us is to manage this effectively and respectfully for customers and neighbours alike.

Pub Positioning

The pub is designed to appeal to a maturing customer group, that is post 'party years', our target is mixed groups of friends and families who are looking to socialise with each other rather than looking for a high-energy, late-night entertainment venue, which is something the Leopard is not. Typically,

this will be 25+ mixed groups of couples and friends, young professionals. The demographic is mid-market, quiet sophistication, customers looking for a premium yet inclusive offer.

The group require premium products and a high level of service, a food offer is key for this group.

The pub has a food mix of 45% and our core focus on the offer is the maintain this spilt and build on it further. The environment we want to create is safe, sociable, relaxed chat, mellow and extremely civilised.

This positioning increases the likelihood that our customers are respectful and well behaved, albeit enjoying social occasions, we expect a high standard of behaviour. This is a core objective to remain attractive to our customer groups.

Managing Noise breakout from the internal space

Amplified music is controlled via a system installed by BSB and has set control limits built into the technology to control maximum sound levels. This has been achieved by a developed distribution of music using multiple speakers ensuring an even sound distribution and reducing any peak requirement.

Sound levels are all controlled, and the system cannot be overridden, it is restricted to management access only. All doors and windows are closed from 9pm on evenings where live music is played internally from the pub.

Live Amplified Music.

In order to control the sound level, all artists who play in the garden room have to use the built in PA system. This utilises the distribution system above. The system also has a program to ensure maximum levels cannot be exceeded.

Measurement

Management will control the level and validate annually with BSB, or in the event that the level is perceived as changed. Management check sound levels during sound checks to ensure when the set starts levels are set to a suitable level.

External Socialising

Beer Garden

The grass area of the beer garden accommodates 18 6-seater benches and promotes customers to be seated when using the beer garden area. This is a reduction of outdoor seating prior to the Leopard Refurbishment in 2023. The immediate outdoor space from the rear double doors of the extension is dressed in 5 picnic benches and barrels for customer's use.

Hunter's Hideout

This is noted to be the most noise sensitive side of the premises due to the proximity of neighbours on Jackson Avenue but is located directly next to the busy main road (London Road)

Prior to the investment development of the Leopard in 2023, the area known as the Hunter's Hideout was a pre-existing decking area with 5 8-seater benches for customers to use for the

duration of the opening hours and was a popular seating area for customers as the sun trap for the beer garden.

The Hunter's Hideout is now used considerably less than when the area was a decking area, with bookings for the space only being used in the warmer summer months and no more than 3 events per week with the area being closed off at 9pm when it is used.

The speakers in the Hunter's Hideout are played for background music only and controlled centrally in connection with the pub sound system.

Key tools: Management of the Outdoor Seating Areas

Customers are informed at the time of enquiry to book the space to be respectful of nearby neighbours, the area is closed off at 9pm and that there is a member of management supervising the area at all times to ensure the policy is adhered to.

The duty manager will be responsible for closing the terrace at 9pm latest.

When closing the terrace staff will support this by glass collecting and requesting that customers move to other areas of the beer garden or inside, explaining we close the Hunter's Hideout to manage noise and disturbance.

Training to establish the right language and techniques is an ongoing process and frequently reviewed. After over twelve months of operating this system, our clientele are now generally aware of how we look to manage the area and are made aware at the booking stage.

During busy summer periods of good weather, the area can be used as part of the beer garden and is monitored via CCTV and is checked regularly and the closing time is still 9pm.

Peak usage Weekend sessions: Interventions.

We have identified that peak usage in the warmer sunnier weather and bookings are not taken during the colder, winter months.

Any group becoming noisy will be asked to be respectful of our neighbours, and if they continue to cause a concern in terms of sound levels, will be respectfully asked to leave. An unwillingness to comply with the staff and management requests will result in these customers being refused service and asked to leave the premises.

Complaint Response

The Landlord will respond to any complaint and investigate the source using the tools above and if needed via CCTV.

Complaints will receive an acknowledgement within 3 days [max] and a response following enquiry within 7 days [max]. Records of all complaints will be kept and made available if requested.

The email for all complaints is theleopardpubnantwich@outlook.com

Local Outreach

The Landlord will engage cooperatively with nearby residents and share details and dates of the Hunter's Hideout use as requested.

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