

Appendix 3

Relevant Extracts from Cheshire East Council's Licensing Policy

Noise and Vibration

9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies

9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control any noise from customers arriving and departing from the premises

9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

9.7 If it is considered that any noise emanating from within the curtilage of a licensed premise is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.

Eating, Drinking and Smoking Outside Premises

9.8 The Licensing Authority will take the following into consideration:

- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
- Whether premises are under or near residential accommodation
- The hours of sale of alcohol in open containers or food for consumption outside the premises
- Measures to make sure that customers move away from outside premises when such sales cease
- Measures to collect drinking vessels and crockery, cutlery and litter
- The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

Other Environmental Impacts

9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
 - Street fouling
 - Light pollution
 - Congestion of the pavement or roadway, impeding reasonable access arising from the proposed licensable activity that may cause nuisance to people in the vicinity.
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- 9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:
 - Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
 - Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
 - The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
 - The steps taken to prevent disturbance by patrons arriving at or leaving the premises
 - The steps taken to ensure staff leave the premises quietly
 - The arrangements made or proposed for parking by patrons and the effect of parking on local residents
 - Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
 - Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
 - Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
 - The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
 - The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
 - If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
 - Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.

