

Relevant Sections of Cheshire East Licensing Policy

9. Prevention of Public Nuisance

- 9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:

- Noise from premises
- Waste
- Litter
- Car parking
- Light pollution
- Noxious odours

- 9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

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.

3. Matters within the Control of the Premises Licence Holder

3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises, and therefore away from the direct control of the premises licence holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus on matters which are within the control of the individual licensee and others who are granted relevant permissions. Nevertheless licensees should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, e.g. on the pavement, in a beer garden or in a smoking shelter, where and to the extent these matters are within their control.

3.2 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that harm is not caused to the Licensing Objectives as a result of activity in, or in the vicinity of, the licensed premises.

3.3 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained.

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.
- 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.