

I am Nathan Howson, Enforcement Team Leader (Licensing), an authorised officer of Chorley Council under the Licensing Act 2003. I make these representations on behalf of the Licensing Authority, acting in the capacity of a responsible authority, following an application for the review of a premises licence made by Lesley Miller on behalf of the Environmental Health Department of Chorley Council.

These representations relate to the premises known as Cosmopolitan, 30 St Georges Street, Chorley, PR7 2AA and are concerned with the following licensing objective being undermined at the premises:

- The Prevention of Public Nuisance

Since the re-opening following the Covid lockdown, the licensing team has received a number of noise complaints regarding the premises and has attended a number of joint visits to the premises.

On 24/04/21, I attended the premises following a noise complaint and met with the premises licence holder and DPS. We had a discussion regarding the noise in the outside area and the playing of music in the same. This discussion was well received with the management promising to carry out patrols in the outside area and challenge customers who were becoming rowdy and to keep music to a background level.

On 29/04/21, I attended the premises with Lesley Miller following another noise complaint. We spoke with the DPS again regarding his responsibilities and explained that having loud music outside until 2am was completely unreasonable. The DPS stated that the music was off by 00:30hrs. At the request of the DPS, Lesley Miller amended the music controls to reduce low bass frequencies in an effort to reduce the disturbance being caused. At this point, indoor hospitality was not permitted due to coronavirus regulations and wouldn't be permitted for approximately 3 weeks.

On 02/09/21, I again attended the premises with Lesley Miller following a further noise complaint. The noise recorder had been installed in a residential property the previous weekend and music had been completely unreasonable. Again, discussions were had with the DPS advising that music was the main issue which was contributing to a public nuisance and, particularly, that having a DJ on Saturday night was causing nuisance. The DPS committed to not having a DJ on the Saturday and to closing all windows and doors whilst playing music indoors.

On 10/09/21, I was in company with my manager Tracy Brzozowski in Chorley Town Centre carrying out visits to licensed premises. At approximately 2345hrs, we attended Cosmopolitan to assess the level of noise being generated at this late hour. On attending the bottom of St Georges Street, junction with Market Street, music was clearly and plainly audible. I was able to hear the main tune of a song playing and follow along with the words, despite being approximately 130 metres away from Cosmopolitan. As we approached the premises, the music became louder until I stood outside the gate to the premises. The music was at such a volume that I would describe it as an "outside club"; I was able to observe patrons stood outside having to speak into each other's ears in order to be heard over the volume of the music. It was impossible to speak at a regular volume over the sound being generated from the premises.

As a result of the music being so loud, the noise being generated from patrons outside was also very loud; customers were having to shout to be heard over the music, contributing to the overall

unreasonableness of the sound. We observed the premises for approximately 5 minutes to see whether there would be any change or control exerted over the premises. There didn't appear to be any whilst we observed and so we left the premises.

### **Statement of Licensing Policy**

Chorley Council is currently consulting on a new Statement of Licensing Policy which is due to go before Full Council on 16<sup>th</sup> November if approved by Licensing and Public Safety Committee on 3 November as far as it is able. I therefore include extracts from the policy on the proviso that this Policy is approved as currently stands. Clarifications shall be made prior to the hearing if they are required.

The Statement of Licensing Policy states:

*Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.*

*Where relevant representations are received, the authority may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after 23:00, the licence holder will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The authority also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance.*

*The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas.*

I would invite the Sub Committee to consider that the following conditions are appropriate for the promotion of the licensing objectives and to impose the conditions on the licence in making their determination:

- At any time the playing of recorded music or the performance of live music is being carried on at the premises after 2200hrs, the windows and doors of the premises shall be kept closed, save for access and egress. Following a review of the premises licence, Section 177A of the Act does not apply to this condition.
- No music, whether live or recorded, shall be played or performed in the outside areas of the premises after 2200hrs. Following a review of the premises licence, Section 177A of the Act does not apply to this condition.

- After 2300hrs and until the close of business, the premises licence holder, designated premises supervisor or other person nominated in writing, shall conduct hourly patrols in the outside areas of the premises, as defined by the plan attached to the premises licence, to assess the levels of noise generated by patron. Where noise is above background noise, remedial action shall be taken. A record shall be made in a dedicated diary which shall include, as a minimum, the person making the entry, the time and date of the entry, what the findings of the patrol were, and what remedial action, if any, was taken. This diary shall be kept on the premises at all times and shall be produced to a police constable or authorised officer on request. Completed diaries shall be kept for a minimum period of 12 months from the date of the final entry in it or for such longer period as may be directed by a police constable or an authorised person.
- Alcohol shall not be permitted to be taken into the outside areas of the premises after 2300hrs.
- The premises licence holder shall cause signage to be displayed in the outside areas with wording to the effect of asking customers to leave quietly and with respect to neighbours.