

Supplement to the agenda for

Licensing sub-committee

Friday 18 March 2022

2.00 pm

Online Meeting

	Pages
5. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'SHOOTERS BAR, GRAFTON HOUSE, BURGESS STREET, LEOMINSTER. HR6 8DE' - LICENSING ACT 2003.	3 - 16



SHOOTERS NOISE MANAGEMENT PLAN 2022

Introduction:

As professional operators we acknowledge that we have a primary responsibility to ensure that our premises do not generate excessive noise disturbance. The purpose of this Noise Management Plan is to detail the procedures we adopt to ensure, as far as possible, the minimisation of disturbance to local residents by activities in and around Shooters Bar.

A balance of needs must be achieved by ensuring social activity is not marred whilst controlling potential adverse noise effects. Our aim is to adopt the best practicable options to ensure that the conditions of the Licensing Act 2003 are met. This plan has been developed to prevent public nuisance and meet the licensing objectives under the Licensing Act 2003. The plan has been designed to minimise any adverse impact on the natural environment.

With the Noise Management Plan, we have the following in place:

- Robust procedures re noise management at Shooters Bar.
- Training for Staff.
- A dispersal procedure designed to move customers from the premises quickly and quietly to have minimum disturbance or nuisance to our neighbours.
- An ongoing and proactive monitoring process.
- A detailed list of steps taken to manage the risks of noise pollution.
- A detailed complaints investigation system.
- A phone number available to members of the public to contact the venue direct if there are any complaints.

However, the Premises Licence already contains Conditions regarding the Prevention of Public Nuisance, which are set out as follows...

The Premises Licence Conditions regarding the Prevention of Public Nuisance:

1. All windows will be kept shut after 22:00 hours when amplified sound is provided on the premises.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
3. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
4. 'Noise' from the premises must not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed.
5. In these conditions; 'Noise' - is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both.
6. Audible or discernible' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.
7. The outside area at the front of the premises shall be clearly defined and separated from any public car park by way of a substantial but demountable barrier, additionally
8. (a) Any furniture used in the outside area shall be substantial and removed from the area when the area is not in use.
9. (b) The premises licence holder will ensure that empty glasses, plates etc. are removed from the area within 15 minutes of the end of their use in order to ensure safety and hygiene in the area.
10. (c) The outside area shall be covered by the premises CCTV system and meet the same criteria as specified in that condition.
11. (d) There shall be no use of the area for licensable activities and consumption of alcohol after 2100hrs on all days of the year.
12. (e) The outside area shall be suspended in accordance with any request made by a police officer of the Rank of Inspector or above where, in their opinion, any of the 4 licensing objectives may be threatened should it remain
13. (f) No live or recorded music to be played in the outside area of the premises.
14. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
15. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

16. Live Music will be permitted until 1am and recorded music until 2am on a Thursday on no more than 12 occasions per year and only one event will be permitted per 4 week period. The Licensing Authority will be notified by email (licensing@herefordshire.gov.uk or any other email address subsequently used by them) 14 days prior to each event taking place. A written noise management plan (NMP) shall be provided within 28 days of the date that this condition first appears on the licence. No event shall take place until such time as the NMP has been agreed by Environmental Health.

NB: There has been some confusion within the EH Dept about when a Noise Management Plan need to be served upon them.

We would clearly state for the avoidance of any doubt whatsoever...

- a. The provision of a Noise Management Plan is contingent to Condition 16 above – i.e., the provision of live and recorded music on a Thursday night on no more than 12 occasions per year, and in any event only on one occasion every four weeks and then and only then after the Licensing Authority has been notified at least 14 days prior to such an event taking place.**
- b. A Noise Management Plan was served on the EH Dept in August 2019. For whatever reason a reply, signalling EH agreement or otherwise, was never received back from the EH Dept.**
- c. Most crucially, AT NO TIME between July 2019 and the present has any event described in Condition 16 EVER OCCURRED at the premises, and consequently this Condition has NEVER BEEN BREACHED by the Premises Licence Holder.**



Key Elements of this Noise Management Plan

Overview of Location of Venue (including times and duration)

Shooters is located on Central Carpark, Burgess Street, LEOMINSTER, HR6 8DE.

OPERATING HOURS:

The current Licence permits...

Indoor Sporting Events:

Sunday - Thursday - 10:00 - 23:30

Friday - Saturday 10:00 - 02:00

Non-Standard Timings:

Bank Holiday Sunday 11:00 – 02:00

Recorded Music:

Sunday - Wednesday - 11:00 – 24:00

Thursday 11:00 – 02:00

Friday – Saturday 11:00 – 03:15

Non-Standard Timings:

Christmas Eve, Boxing Day, New Year's Eve & Bank Holiday Sundays until 03:15

Live Music:

Sunday – Wednesday 11:00 – 24:00

Thursday – Saturday 11:00 – 01:00

Non-Standard Timings:

Christmas Eve, Boxing Day, New Year's Eve & Bank Holiday Sundays until 03:15

Performance of Dance:

Sunday - Thursday - 11:00 - 23:30

Friday – Saturday 11:00 - 01:00

Non-Standard Timings

Bank Holiday Sunday 11:00 – 01:00

Late Night Refreshment:

Thursday 23:00 – 02:30

Friday – Saturday 23:00 – 03:45

Non-Standard Timings:

Christmas Eve, Boxing Day, New Year's Eve & Bank Holiday Sundays until 03:45

Supply/Sale of Alcohol:

Sunday – Wednesday - 10:00 - 24:00

Thursday 10:00 – 02:00

Friday – Saturday 10:00 - 03:30

Non-Standard Timings:

Christmas Eve Boxing Day, New Year's Eve & Bank Holiday Sundays until 03:30

The Opening Hours of the Premises:

Sunday – Wednesday 10:00 – 00:30

Thursday 10:00 – 02:30

Friday – Saturday 10:00 – 04:00

Non-Standard Timings:

Christmas Eve until 02:30

Boxing Day, New Year's Eve & Bank Holiday Sundays until 04:00.

Premises Details

Shooters occupies a building that was once an agricultural merchant's warehouse. The structure was originally sat on a solid foundation, with wooden walls and roof, skinned with corrugated iron and punctuated by single glazed windows. It was converted to an entertainment use first, being a snooker club called Re-Rack. Events involving live and recorded music commenced some time later, and due to the fabric of the building, noise complaints from neighbouring properties ensued.

Subsequently, much improvement work has been undertaken.

Currently the premises consists of three parts – (i) the downstairs hall, bar, kitchen and toilets, (ii) the upstairs bar and (iii) the pool room.

The current management took over Shooters in 2018. They met with members of the Environmental Health Team on a site in July 2019 on the occasion of a Licence Variation being submitted, and levels were set at night whereby noise was confirmed not to be an issue in neighbouring noise sensitive properties. Indeed, EH staff visited the home addresses of anonymous complainants to assess the noise levels in their premises, and found them acceptable.

Thereafter the **Noise Limiter** in the building was set not to exceed such pre-set levels (106db), else the sound equipment would automatically cut the power to any and all amplification system(s). The Noise Limiter (Formula Sound Sentry MK2) displays electronically a bar graph of sound, consisting of six green bars followed by one yellow and three red bars that is fitted to the rafters of the building, in direct line of sight of both the DJ and passing Management.

Consequently, all DJs and Bands are instructed that they are not permitted to play any music louder than two green bars into that display (a reading of 91db when the premises is empty). This is monitored, not only by the DJ but also the DPS and the Duty Manager. In the event that the third green bar is illuminated by any live or recorded music event, the DJ or Band are instructed by the Management that they are exceeding the sound levels that were agreed prior to the event, and that they should turn down the volume in order to desist from illuminating the third green light.

As such, this practice has obviated any event where the Noise Limiter has been triggered to cut out power since 2019.

All Bass **Speaker Systems** have been detached from their previous wall fittings and are now floor mounted. Stand-alone BOSE 802 units are wall mounted but only carry Mid to Top range. This modification has much reduced noise and vibration levels being transmitted through the fabric of the building structure.

Additionally, in September 2019 the management paid for the building to receive **Additional Soundproofing** works in the form of Rockwool blown insulation added to sections of the walls, stud, doors, sealed window voids, and roof which we believe has stopped any noise escaping to neighbouring properties. This opinion is informed though our regular liaison with our neighbours who reside in previously noise sensitive houses adjacent to our premises.

Location

As previously stated, Shooters is located on Central Carpark, Burgess Street, LEOMINSTER, HR6 8DE. This carpark is surrounded by numerous ancient business premises, some of which contain a residential element, and other purpose-built dwellings.

The proximity of our premises to dwellings has become something of a blessing, as we have been able to engage with and seek feedback from our neighbours regularly to ascertain whether our operation is causing any noise issues for them. All our near neighbours state that there has been a sea change in noise nuisance since we took over the club, and in the process took our responsibilities to manage any noise nuisance proactively. It is our belief that there have been zero noise complaints since 2019.

It must also be noted that Central Carpark is bounded by other premises that are active in the Night Time Economy, namely the Black Swan public house, Reet Petite Bar, IPL Sports Bar and the Shebagh Indian Restaurant. The car park is also a public thoroughfare with several vehicular and/or pedestrian rights of way throughout that facilitate access to it and through it at all times of the day and night. It is our experience that many persons who frequent it are not our customers, but the clientele of other premises that enter it and/or cross it during night time hours. Therefore, we respectfully stress our belief that we are not the source of any/all noise nuisance at this particular location.

That said, we are more than willing to manage the noise emanating from our customers responsibly and we do so in the following ways:

- Doors: We have a double swinging door on the hall to reduce noise pollution.
- Doors: are closed after 22:00hrs, save for access and egress.
- Windows: are closed after 22:00hrs.
- Notices: Displayed on exits and verbal announcements prior to dispersal asking customers to leave the premises in a quiet and orderly fashion to show respect to local neighbours.
- Benches: Outside are put beyond customers' use after 21:00hrs.
- Drinks: Outside are not permitted whilst smoking, to discourage persons loitering outside smoking and drinking simultaneously.
- Designated Smoking Area: Proactively monitored by a Door Supervisor whose role inter alia is to advise customers to be quiet.
- Dispersal Policy: Door supervisors are employed after closing to make sure dispersal takes place in a quiet, orderly and proper manner.

Noise Management Responsibilities

Ultimate responsibility for Noise Management at Shooters vests in the Premises Licence Holder, which is Shooters Bar Limited. The current owner of this business is the sole director of this Company and therefore 'ownership of any problem lies' with Mr Jon R F RUDGE, as proprietor.

In terms of the Licensing Act 2003 and the legal responsibilities regarding the Prevention of Public Nuisance Licensing Objective, the Designated Premises Supervisor charged with the day-to-day management of the licensing operation of the premises is also Mr Jon R F RUDGE. He is more than competent and conversant with his role and responsibilities as DPS under the LA'03.

As concerns the hands-on management of the downstairs bar with musical entertainment, this function is delegated to Mr Karl JEFFRIES. Mr JEFFRIES maintains a proactive stance to noise management, and indeed throughout all his duties at Shooters. He briefs all DJs and Performers prior to their appearance at the premises, explaining the management's expectations and requirements regarding the Noise Limiter, and detailing the visitors' own responsibilities in adhering to same and the consequences of not adherence to same i.e., cessation of event and discharge of services forthwith.

All members of staff are trained to a minimum of Level 1 Responsible Alcohol Retailing but most to Level 2 Award for Personal Licence Holders, which includes a substantial element on the Licensing Objectives in general and the Prevention of Public Nuisance in particular.

Furthermore, all staff receive six monthly refresher training which includes their responsibilities regarding the Prevention of Public Nuisance in general and their relative responsibilities under this Noise Management Plan in particular.

Event Noise Sources

The identification of the range of potential noise sources relating to the premises:

Hazard	Risk	Controls
Excess noise from Live or Recorded Music	Disturbance to nearby Noise Sensitive Receptors	<p>Noise Controls</p> <ul style="list-style-type: none"> • Noise Limiter set at 106db. • Re-fixing and re-positioning of Speaker Systems as demonstrated to EH Officers during site visit of 25/02/22. <p>Sound Proofing</p> <ul style="list-style-type: none"> • Doors: We have a double swinging door on the hall to reduce noise pollution. • Doors: are closed after 22:00hrs, save for access and egress. • Windows: are closed after 22:00hrs. • Walls: Cavity Insulation. • Windows: Double Glazing. <p>Proactive Monitoring by ALL Staff</p> <p>Environmental Scanning</p> <ul style="list-style-type: none"> • Periodic noise sampling is undertaken outside our premises using our own Noise Monitoring equipment in the locality of the premises. These recordings are noted and retained alongside this NMP for future reference. <p>Neighbour Liaison</p> <ul style="list-style-type: none"> • We regularly engage with our neighbours to ascertain whether our operation is causing noise nuisance issues in neighbouring properties. <p><i>NB All report no problems to date and a vast improvement on the history of the premises under earlier management regimes.</i></p>
Noise from Customers Smoking outside Premises.	Disturbance to nearby Noise Sensitive Receptors	<p>Benches Outside</p> <ul style="list-style-type: none"> • Put beyond customers' use after 21:00hrs. <p>Drinks Outside</p> <ul style="list-style-type: none"> • Not permitted whilst smoking, to discourage persons loitering outside smoking and drinking simultaneously.

		<p>Designated Smoking Area</p> <ul style="list-style-type: none"> • Proactively monitored by a Door Supervisor whose role inter alia is to advise customers to be quiet.
Noise from Customers Leaving Premises	Disturbance to nearby Noise Sensitive Receptors	<p>Dispersal Policy</p> <ul style="list-style-type: none"> • Door supervisors are employed after closing to make sure dispersal takes place in a quiet, orderly and proper manner. • Any member of the public who requires a taxi may obtain one by calling 01432 354321, and quoting 'Shooters' directly. A taxi will be despatched forthwith. <p><i>NB This number is displayed behind both bars in the premises.</i></p>
Bottling Up/Out and Refuse Collection	Disturbance to nearby Noise Sensitive Receptors only during NTE.	<p>Refuse</p> <ul style="list-style-type: none"> • No refuse of any sort will be put out between 22:00 and 07:00hrs nightly.

Noise Monitoring Procedure

Details of the noise monitoring procedure to assess noise levels throughout the event, including sound tests.

o Detail noise monitoring equipment specifications.

Currently the premises has acquired our own handheld Noise Monitoring Equipment.

Although we are advised by EH Dept that this equipment is not officially calibrated and regularly re-tested so as to be of 'evidential quality and value', it certainly is indicative and is therefore put to regular use. In the event that we experience excessive noise, we record this evidence by means of a video recorded on smartphone showing the noise readings, and then emailing this video evidence contemporaneously into the business email address. This exercise is conducted proactively at regular once-monthly intervals.

NB We have found this a useful practice and in 2019 were able to show such video recordings to visiting EH Officers to evidence that we were not in fact the source of excess noise in the vicinity.

o Identification of environmental noise self-monitoring locations used to monitor environmental noise impact on the area.

The locations self-selected for self-monitoring are...

- (i) outside our front door
- (ii) outside our fire exit
- (iii) entrance to Central Carpark from Burgess Street
- (iv) entrance to Central Carpark from West Street
- (v) eastern edge of Central Carpark adjacent to the rear of Holland & Barrett.

o Detail lines of communication and follow-up actions.

In the event that we are found to be generating excessive noise, the source of that noise within our premises will be adjusted down and/or terminated with immediate effect, by order of the Management. Any member of staff found to be responsible, directly or indirectly, by act or omission to act, will be subject of normal managerial corrective action.

o Documentation to be kept and made available to Local Authority staff on request.

Our monthly self-assessment records will be retained for six months and made available to EH Department on reasonable request.

Noise Complaints Procedure

Details of the Noise Complaints Procedure:

o **The direct telephone number for complaints:**

The dedicated telephone line is 07803 208127 and is active 24/7.

o **Actions required to investigate noise complaint.**

1. Upon receipt of any noise complaint, the details shall be noted in the Incident Register, and brought to the attention of the DPS immediately.

2. The first receiver of the complaint will record full details of the complainant (where given) along with the time, day, date and precise nature of the noise complained about. This will include any third part complaints passed on from EH Dept.

NB Even if UNPROVEN, these details WILL be recorded and entered in the register, and past experience has shown complaints being made against the premises when the premises were actually closed and empty.

o **Record of complaints and actions taken; including corrective action and follow-up assessment.**

- The DPS will then make an initial investigation of the complaint immediately, or as soon as reasonably practicable thereafter.
- Where possible the DPS will secure the cooperation of the complainant to attend the location of the noise complained of in person in order to ascertain its precise nature and source.
- Where noise nuisance is established and the cause of it is self-evident, the DPS or his nominated representative will take whatever corrective action is reasonable and necessary to remove the source of the noise complaint.
- The investigative measures taken, and the outcome of the initial investigation, will be recorded in the same Incident Register maintained by the premises.
- The complainant will be updated of the enquiry on a weekly basis until the investigation is completed, whereupon the outcome will be explained to the complainant in writing.
- A copy of the incident report, investigation and outcome document will be sent to the EH Dept as per the paragraph below.

o **Documentation to be kept and made available to Local Authority staff on request.**

Any noise complaints recorded within the Incident Register shall be shared with the EH Dept as soon as reasonably practicable and in any event within 72 hours of first contact with the complainant.

Copies of all paperwork will be scanned and retained by the DPS for three calendar years from the date of initial report.

