

MEMORANDUM

To : **Licensing**

From : **Elisabeth Laughland - Principal Environmental Health officer**

Date : **16/08/2023** Ref : **383058**

**LICENSING ACT 2003
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE
LICENSING SUB COMMITTEE – 17 AUGUST 2023
THE VENUE THE JAILHOUSE, GAOL STREET, HEREFORD, HR1 2HU**

Representation made by Environmental Health – Environmental Protection Team

I am a Principal Environmental Health Officer for Herefordshire Council authorised to investigate and enforce nuisance issues under the Environmental Protection Act 1990 and Anti-Social Behaviour Act 2003. I have been consulted on this application as a responsible authority consultee from Herefordshire Environmental Health – Environmental Protection Team.

I refer to the application made for a variation in the premises licence in respect of the 'The Venue', Goal Street, Hereford. An application for the addition of sale of alcohol licensable activity in an outside the rear yard / garden area of the premises up to 03:30 hrs Monday to Sunday. The licensing objective – Prevention of Public Nuisance is my principal considerations when assessing this licence applications.

This premises is currently predominantly operating as a Nightclub premises, where the playing of very loud amplified music, dancefloor and sales of alcohol takes place inside an enclosed building, up to 04:00hrs. There are currently limited external areas open for customers to socialise, drink and smoke. The Venue application to extend its licensable activities to sell alcohol in an outside area would in effect be creating an outside pub area. This in my opinion would bring about a significant change of the premises main activity from a night-club to a dual activity of nightclub and late night outdoor pub. (See Venue Licensing Plans – Document 1).

The proposal to run an outside bar area into the early hours of the morning raises significant noise concerns and its impact on local residents. The outside bar will encourage customers to socialise for longer and in larger numbers in the outside area, which is highly likely to increase people noise in this small area. This yard / garden area is surrounded with hard surface that reflect sound and further concentrates / increase noise volume (see photographs - Document 2). In close proximity (under 50m) to this open rear yard / garden area a significant number of residential flats over looked and backs on to this area (See area map – Document 3).

People noise is very difficult to control / manage and can become very loud and unpredictable. This is highly likely to cause disruptive noise disturbance to local residents - disturbing sleep (ever weekend throughout the year). The noise impact being further compounded by the reduced background noise levels as the night goes on.

In addition to people noise there is concern over high volume music breakout from the internal night-club area out to the outside areas. To access the rear yard / garden area (proposed outside bar area) there is a double door that leads directly out from the main nightclub internal

area, where there is a bar just inside the door and dance floor beyond, where extremely loud amplified music is played up to 04:00; the main nights being Thursdays to Saturday.

Environmental Health have current noise concerns at this premises with regards to loud music noise breakout, especially excessive bass levels. People noise – crowds creating loud talking / shouting noise has been witnessed from people queuing to enter the premises, which has a significant noise impact at the front of the premises. This que alters in number of people and volume of noise as they are admitted into the premises (large que's have been witnessed between 01:00 to 02:00 when other late night establishments in the area close). This noise would be anticipated to continue through and increase in the outside rear yard / garden area from this time onwards.

The applicant has submitted steps to reduce and manage noise in this area to promote the licensing objectives, whilst a number of these are acceptable to Environmental Health, there remains significant concerns over the change to licensable activity to permit an outside bar area. This proposed change in premises licensable activity does not show a positive approach to the promotion of the licensing objective Prevention of Public Nuisance.

Therefore Environmental Health object to this application, as to grant will undermine the licensing objectives with regards to the Prevention of Public Nuisance.

Attached documents

Document 1 – Venue Licensing Plans 09.02.15

Document 2 –Venue Photographs – taken 19 July 2023

Document 3 – Area Map

If the Committee were minded to grant this licence the Environmental Health would request additional conditions to current conditions, to try and mitigate this public nuisance concern. Recommended additional conditions are as follows:

1. Double door shall be installed on all exits leading from internal licensable area into the outside licensed bar area. (*N.B These are fire exit doors so fire safety advice should be sought prior to works*).
2. The external doors into outside bar area shall be managed and kept closed from 24:00 hrs onwards (midnight), when not in use.
3. The outside bar to close at 01:30 hrs and the external area to be restricted to smoking only after 02:00 hrs.
4. A Noise Management plan as approved by Herefordshire Council must be provided at least 30 days before the commencement of the outside sale of alcohol bar area. The Premise Licence Holder must comply with the Noise Management Plan.