

From: [REDACTED]
Date: Tue, 24 Mar 2020 at 06:32
Subject: Fw: Northenden Social Club - Variation to Premises Licence – Application 243217/HH1
To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>

Sir / Madam.

I do not know whether the applicants will continue with the application in light of current circumstances, but in any event please find attached my objection to Application 243217/HH1 - Northenden Social Club, Variation to Premises Licence. I would be grateful if you would acknowledge receipt.

Kind regards,

[REDACTED]

Northenden Social Club

Variation to Premises Licence – Application 243217/HH1

Email to: premises.licensing@manchester.gov.uk

I write to **OBJECT** to the above application.

My house [REDACTED] social club. I have lived here since [REDACTED] and for over ten years have had no issue with the club and have welcomed its presence and the community facilities it provides. However, since 2018 I have experienced numerous noise-related problems with the club. This appears to coincide with the following changes to the external and internal layout of the club:

- The main bar being re-positioned to the rear of the building from a previously more central location;
- The installation of full length bi-fold doors at the rear which are regularly left open during warmer months; and
- An extended outdoor seating area which is in an elevated position vis-à-vis neighbouring residential properties, leading to smoke and noise drifting into neighbouring properties.

As a result, I have had to make a series of complaints which have been investigated and responded to by the Council's Licensing team, on the following dates:

- July 2018
- December 2018
- April 2019; and
- November 2019.

In brief, the complaints concerned excessive noise from music within and outside the premises (including the playing of external amplified music), and noise from patrons in the outside seating area.

1. The proposal to extend the hours for the sale of alcohol, regulated entertainment, opening hours

It is proposed to extend the period of regulated entertainment until **midnight** during the week and **1:30am** on Friday and Saturday nights, with associated extensions for selling alcohol and the closing time. It is also proposed for the sale of alcohol to commence every day at **9am** (previously noon). I am extremely concerned by these proposals.

I have reviewed Section 7 of the Council's Licensing Policy which sets out the local factors which the licensing authority must take into account in determining the application where objections have been received. I have set out the relevant factors here, with my comments where appropriate:

THE PROXIMITY OF THE PREMISES TO LOCAL RESIDENTS AND OTHER LOCAL BUSINESSES, PARTICULARLY IN RELATION TO THE POTENTIAL FOR NUISANCE.

7.25 Where its discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.

7.26 Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise***
- Prevention of noise disturbance from people entering and leaving the premises (eg. queue management, dispersal policy)***
- Prevention of disturbance by people outside the premises (eg. smoking areas)***
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)***
- Disturbance caused by deliveries associated with licensable activities, including waste collection.***

Comment: I have been provided with no details within the application as to the actions the club will take to prevent noise and vibration escaping from the premises as a result of the extended hours, or how the outside drinking/smoking area will be controlled to prevent a public nuisance during the extended hours. This is of concern due to the nature of the previous complaints I have made to the Council which demonstrate that historically the club has been operating in such a way that could give rise to a public nuisance. The proposals would exacerbate this. We are already experiencing disturbance from patrons using the outside seating and smoking area, especially in warmer weather. By extending licensing hours, especially during the summer months when it is lighter and warmer,

this will encourage patrons to remain outside for longer, thus disturbing sleep for the residents of all neighbouring properties.

7.27 The leisure and night-time economy can be an important contributor to an area's appeal to work, live or visit there. However, each of our neighbourhoods is different to each other and services need to be flexible to meet these different needs. For example, while doorstep access to a thriving late-night-time economy appeals to many living and working in the city centre, it will not be acceptable to those in other areas of the city.

Comment: Cumulatively the proposal will create a public nuisance and is wholly inappropriate for a residential area where the club is encircled by a number of residential dwellings. In view of the previous noise complaints, I have no confidence that the club would be operated in a way during these extended hours that would not cause a significant disturbance to its neighbours. My concern is exemplified by the seasonal variation requested, which would potentially see the club open for the sale of alcohol and regulated entertainment from 9am on 31 January to 1:30am on 1 January – a period of over 40 hours non-stop which demonstrates a lack of concern for the wellbeing of their neighbours. Extended drinking hours, whether that be the proposed extension or seasonal variation, will also increase the likelihood of crime and disorder.

7.28 Where its discretion is engaged, the licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the promotion of the four licensing objectives. While it is recognised that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the licensing authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the licensing authority deem this appropriate and proportionate following a hearing.

See comments above.

7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

See comments above.

7.30 Applicants are strongly encouraged only to apply for hours that they realistically intend to operate, as later hours are typically more likely to attract objections.

Comment: With this in mind, it appears that it is the club's intention to operate from 9am to close every day, not just for special events. This is incompatible with a residential area and raises concern of an increase in crime and disorder if drinking is to be encouraged from 9am.

7.31 It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

See comments above.

7.32 Therefore, where its discretion is engaged, the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority

expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property.

See comments above.

7.33 Later hours will generally be more appropriate within the city centre than other areas due to the developed infrastructure in respect of managing a later night-time economy, such as the comprehensive integrated CCTV network, increased access to public transport, cleansing services, and a more visible enforcement presence. In mixed-use environments, such as the city centre, noisier impacts are not always derived from actions of a small number of excessively antisocial individuals but can also come from large numbers of people going about the business of having a good time. While such environments will not be expected to be completely noise-free and peaceful environments, the authority considers that noise affecting residential properties should remain within tolerable levels such that home life remains viable and restful sleep a possibility.

See comments above.

7.34 Where noise nuisances can be clearly identified as arising from the activities of customers of a specific licensed premises, or there is risk identified upon application of such nuisance occurring, where its discretion is engaged, the licensing authority may reduce the trading hours of licensed premises on the grounds of their noise impact if it is determined that the licensing objectives will be undermined. Where objections are made to the lateness of the terminal hour, it would be appropriate for an applicant to engage with local residents and other parties to try to address the issues raised. The licensing authority would strongly encourage applicants to engage proactively prior to the making of an application and as appropriate when an application is pending.

Comment: I have received no prior communication from the club about the application, which is disappointing given that they are aware of the previous complaints. This appears to show a lack of intention to work with its neighbours and an unwillingness to cooperate with the Council's own licensing policies.

The Council also has standards to promote the licensing objectives, the most relevant being:

MS8 Prevent noise nuisance from the premises.

Noise disturbance from licensed premises normally arises two ways. The first is in noise breakout from licensed premises themselves, which affects adjacent properties either via transmission through the structure of the building, or through airborne sound. This can be caused by noise from music, vibration and/or raised voices.

Research has identified seven factors that influence the magnitude of people's subjective response to noise. These are sound level, background (ambient) level, differences between listeners, the context into which the sound intrudes, music type, bass level, and bass beat.

Low-frequency energy is also more transmissible over distance and through building structures and tends not to be present in the background noise environment. The introduction of a low-frequency bass-beat will therefore be more noticeable to nearby residents, particularly late at night.

Consideration should be given to the risk of nuisance from music breakout from the premises and include all appropriate measures. Relevant measures could include:

– The provision of acoustic glazing

- *The installation of sound limiters linked to any sound amplification equipment at appropriate levels*
- *The provision of acoustically treated ventilation*
- *The installation of an acoustic lobby at entrances and exits to premises to act as a physical barrier between the inside of premises and the outside environment*
- *Prohibition of the external playing of amplified music*
- *Restriction of the hours of operation of outside drinking areas*
- *Establishment of maximum noise levels*
- *The provision of a scheme of internal acoustic treatment to the premises.*

Comment: I have been provided with no information to suggest that the applicant acknowledges the additional disruption the extended hours would cause, and no information about the measures it proposes as to how this would be addressed, for example:

- improved sound insulation;
- keeping doors (including bi-fold doors) and windows shut;
- playing (internal) music at an appropriate level;
- removing external amplified speakers.

As it stands, I can frequently hear the bass beat of music from within the club in my living room and bedroom, and would be extremely concerned if this were to be permitted later into the night. The application also does not address how the outside drinking area would be controlled to prevent a public nuisance.

MS9 Effectively manage exterior spaces (eg. beer gardens, smoking areas, table and chair areas on the highway)

Where the premises include any exterior areas, licensees should demonstrate the measures in place to prevent issues that may give rise to problems. Relevant considerations should include:

- *A limit on the number of patrons in such areas*
- *Whether there is a curfew on using a limit*
- *How a limit will be delineated, if relevant*
- *How premises will be kept clean and free of litter, particularly at the end of trading – The type of supervision to be put in place*
- *Whether the premises should be covered by CCTV*
- *Whether glasses should be allowed outside*
- *The glass collection arrangements to be put in place*
- *How to avoid customers causing noise disturbance*
- *How the premises will prevent begging at, and in the immediate exterior of, the premises.*

Comment: As explained above, I am frequently disturbed by the use of the outside seating area as it stands. Whilst I appreciate that this application cannot be used to remedy existing issues, I would be extremely concerned if the outside area could be used for drinking/socialising from 9am to a much later close of business as this would have a severe impact on the amenity of the many residential neighbours. I have been provided with no information as to how the applicant proposes to control the use of this area.

2. Proposal to vary the layout of the premises

You have kindly provided me with a copy of the “existing” and “proposed” layout plans. I would comment that it is very difficult to compare them in any meaningful way as they have been prepared at different orientations, and the “proposed” plan is a crude handwritten sketch whereas the “existing” plan is an architect’s drawing. Notwithstanding, and with my comments above in mind, I

The objector has been provided with the correct proposed plan since this objection was received, HH

would object to any proposals that would increase the conflict between the club's activities and neighbouring residents. This includes locating focus points for noise away from residential neighbours; and providing appropriate screening from the large windows overlooking residential properties to provide sufficient privacy and minimise light pollution.

Next steps

Please acknowledge receipt of this objection.

I would request that a site visit is undertaken before the application is determined so that the elevation change between the club and the neighbouring properties is appreciated, which puts my representations into context. I request that you keep me informed of any hearing that will take place, including any right to attend, and confirm the outcome of the application to me in due course.

22 March 2020