

**LICENSING ACT 2003 SUB-COMMITTEE**  
**Tuesday, 25 October 2022**

**PRESENT** – Councillors, Floyd and Hussain (Chair)

**OFFICERS** - Niky Barret (Principal Officer, Licensing) Shelagh Lyth (Solicitor), John Wood (Principal Officer Environmental Protection) and Tayyab Mulla (Governance Officer)

**RESOLUTIONS**

**1 Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Lillian Salton.

The Chair asked the Applicants if they were prepared to agree to there being two Members on the Sub Committee in the absence of a third member and agreed to the proposal.

**2 Declaration of interest**

No Declarations of Interests

**3 Application for a new premises licence - The Bakehouse**

An application had been submitted under section 17 of the Licensing Act 2003, by the Bakehouse Group Ltd, for a new premises licence in respect of The Bakehouse, Borough Road, Darwen.

Following discussions with Environmental Health during the consultation period a number of amendments to the hours and activities sought in the initial application had been offered by the applicant which were as follows:

- The applicant wished to be able to sell alcohol for consumption on the premises between 8am and 10 pm on Sunday to Thursday and between 8am and 11pm on Friday and Saturday.
- The applicant also sought authorisation to provide regulated entertainment as follows: Live music, recorded music, the performance of dance, anything similar to live or recorded music or the performance of dance, plays and films between 8am and 11pm on Sunday to Thursday and between 8am and midnight on Friday and Saturdays.
- The applicant also wished to provide late night refreshment from 11pm and 2am the following day, on each day of the week and to be open to the public on each day of the week between 8am and 2am the following day.

The applicants confirmed during the hearing that they no longer wished to be authorised to supply late night refreshment.

The Principal Licensing Officer informed the Panel that the application was advertised in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005 and had been served on all of the Responsible Authorities.

At the close of the statutory consultation period there were two outstanding representations from other persons and one from Environmental Health in their capacity as a Responsible Authority in respect of this application.

The first representation was from Councillor Brian Taylor who was concerned about noise pollution affecting nearby residential homes and the potential of antisocial behaviour late at night when the venue was closing. He had suggested a condition to prohibit the consumption of drinks on the pavement outside the premises to address the potential for noise and disturbance from patrons.

The second representation was from Councillor Lilian Salton who shared Councillor Taylor's concerns citing that the premises was in a residential area and another licensed venue might cause disruption at the end of the evening.

Some additional conditions have also been agreed with the Public Protection Service, during the consultation period in respect of Challenge 25 and staff training.

Despite a number of changes being agreed with the applicant to address some of Environmental Health's concerns about noise and disturbance, it was noted that they had not been able to fully agree on additional controls or conditions to ensure that the premises did not undermine the public nuisance objective and so had submitted an objection to the application in its current form.

The Environmental Protection Principal Officer had informed the Panel that there had concerns generally about the suitability of the building overall to contain sound, as the normal sound levels from such venues would be 90 – 95 Db. In addition to this the acoustic report provided by the applicant only referred to the basement which was not sufficient as there needed to be a report and testing done on impacts of events run on the First Floor.

However, the Environmental Protection Principal Officer advised the Panel he would remove his objection if he were to be presented with a favourable acoustics report which gave information about the measurements from the noise receptors.

The Panel were reminded that any discussions in relation to Planning Permission were irrelevant and should not be taken into account.

The Sub Committee shared the concerns of the EHO re the size of the building with its potential for noise break-out and proximity residential properties and determined the existing acoustic reports submitted were not satisfactory and did not provide sufficient evidence that the residents would not be affected by noise. They did not measure the noise in the correct way

nor did they adequately measure the noise break-out from the premises in question on the first floor of the building.

**RESOLVED –**

The Sub Committee considered that the appropriate steps to secure the promotion of the licensing objectives would be to grant the licence but subject to the following additional condition which they determined would be appropriate for the promotion of the objective of the prevention of public nuisance:

Regulated entertainment was not to commence until the Applicants have:

1. Obtained an acoustic report by a person affiliated to the Association of Noise Consultants or by another person subject to the prior approval of the Principal Environmental Health Officer and submitted it to the Licensing Authority, and
2. The report showed to the satisfaction of the Environmental Health Officer that there was no significant risk of public nuisance, and the Principal Licensing Officer issue written notification to the applicant, or
3. The report provided that the risk could be acceptably reduced with mitigating measures and the Environmental Health Officer confirmed to the Principal Licensing Officer that the measures had been implemented and written notification was issued to the applicant.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed