

Public Document Pack

Licensing Act 2003 Sub-Committee

Tuesday, 25th October, 2022
6.00 pm

AGENDA

1. **Welcome and Apologies**
2. **Declaration of interest**
3. **Application for a new premises licence - The Bakehouse**
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Date Published: Tuesday, 25th October, 2022
Denise Park, Chief Executive

Agenda Item 3

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO: LICENSING ACT SUB-COMMITTEE Date: 25.10.22

TITLE: APPLICATION FOR A NEW PREMISES LICENCE
The Bakehouse, Borough Road, Darwen, BB3 1PL

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| 1. | <u>PURPOSE OF REPORT</u> |
| 1.1 | For members to consider an application for a new premises licence in respect of The Bakehouse, Borough Road, Darwen, BB3 1PL. |
| 2. | <u>BACKGROUND</u> |
| 2.1 | The Licensing Act 2003 provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by the Licensing Committee. The Licensing Committee may delegate these functions to sub-committees. The Council's constitution has been amended to incorporate this. |
| 2.2 | The Statement of Licensing Policy indicates how the licensing authority approaches its various functions. |
| 2.3 | Where under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate, or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers. |
| 2.4 | The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation. |
| 2.5 | Each application that comes before this committee will be treated on its own merits, and this licensing authority will make its decision having regard to: <ul style="list-style-type: none">● The merits of the application● The promotion of the four licensing objectives● The policy of the licensing authority● The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 |

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| <p>3</p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> | <p><u>DETAIL</u></p> <p>An application has 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 (Appendix 1).</p> <p>Following discussions with Environmental Health during the consultation period a number of amendments to the hours and activities sought in the initial application have been offered by the applicant which are reflected below.</p> <p>The applicant wishes 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</p> <p>The applicant also seeks 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.</p> <p>The applicant also wishes 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.</p> |
| <p>4</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p> <p>4.5</p> <p>4.6</p> | <p><u>CONSULTATION</u></p> <p>The application was advertised in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005 and has been served on all of the Responsible Authorities.</p> <p>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 (Appendix 2).</p> <p>Rep 1 is from Councillor Brian Taylor who is concerned about noise pollution affecting nearby residential homes and the potential of antisocial behaviour late at night when the venue is closing. He has 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.</p> <p>Rep 2 is from Councillor Lilian Saltern who shares Councillor Taylor's concerns citing that the premises is in a residential area and another licensed venue might cause disruption at the end of the evening.</p> <p>Despite a number of changes being agreed with the applicant to address some of Environmental Health's concerns about noise and disturbance, they have not been able to fully agree on additional controls or conditions to ensure that the premises does not undermine the public nuisance objective and so have submitted an objection to the application in its current form (Appendix 3).</p> <p>Some additional conditions have also been agreed with the Public Protection Service, during the consultation period in respect of Challenge 25 and staff training. (Appendix 4).</p> |

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| <p>4.7</p> <p>4.8</p> <p>4.9</p> <p>4.10</p> <p>4.11</p> <p>4.12</p> | <p>Lancashire Constabulary have confirmed they have no objections to the application (Appendix 5).</p> <p>Lancashire Fire and Rescue Service have confirmed that they have no objection to this application (Appendix 6).</p> <p>Appendix 7 is a list of all of the conditions either offered by the applicant in the operating schedule, or agreed with consultees, which this licence would be subject to, if members are minded to grant the application in its current form.</p> <p>The relevant section of the Statutory Guidance issued under s.182 of the Licensing Act 2003 has been reproduced as Appendix 8.</p> <p>It has been determined that all objections from other persons are relevant in accordance with the requirements of Licensing Act 2003.</p> <p>The applicant has been given notice under Regulation 7 of the Licensing Act 2003 (Hearings) Regulations 2005 of this evenings meeting and has also been provided with copies of the documents specified in Column 3, Schedule 3 of the Regulations.</p> |
| <p>5</p> <p>5.1</p> | <p><u>POLICY CONSIDERATIONS</u></p> <p><u>TRADING HOURS</u></p> <p>This Policy recognises that longer and more flexible licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks and private hire offices, fast food outlets etc.</p> <p>The Policy will not set fixed trading hours within any designated area though the Policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas. Additional security measures may need to be considered on premises which remain open to the public after 3:00am. Each application will be judged on its merits with the discharging of the licensing objectives being paramount in every case.</p> <p>Unless there are good reasons to the contrary on the grounds of public disorder or crime prevention, shops, stores and supermarkets that sell alcohol will be permitted to do during the times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case.</p> <p>As a general presumption, applications for licences to sell alcohol for consumption on the premises (including club premises) who wish to open between 10 am and midnight Sunday to Thursday and 10 am to 1 am Friday and Saturday will have their licence granted - subject to the rights of other persons to object and thereby require a hearing.</p> <p>Any premises wishing to open for longer hours, or where amplified music is to be a feature of the entertainment which is provided, will need to demonstrate specifically within their operating schedule, how they will discharge the Licensing Objectives.</p> |

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| | <p>Applicants should be aware that there is no automatic presumption In favour of longer hours and all cases which are referred to the Licensing Committee the Committee will consider if the hours requested by the applicant undermine the licensing objective. Where the Committee concludes that they do, the Committee may reject the application, or impose conditions and/or grant the licence with permitted hours which are different to those requested.</p> <p>In the interests of reducing crime, disorder and anti-social behaviour, the Council will prefer applications for public houses, nightclubs and registered clubs that demonstrate in their operating schedules a responsible approach to alcohol sales by ending such sales some time before the premises themselves are closed ('drinking-up time'). There is no obligation on the holder of a premises licence or club premises certificate to remain open for the entire period permitted by his licence or certificate.</p> |
| <p>6</p> <p>6.1</p> <p>6.2</p> <p>6.3</p> | <p><u>THE LICENSING ACT 2003</u></p> <p>Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 29 September 2022.</p> <p>The licensing authority must have regard to the application and representations and take such steps as it considers are appropriate to secure the promotion of the licensing objectives.</p> <p>It may take any of the following steps</p> <ul style="list-style-type: none"> • Grant a licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives. • Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities). • Reject the whole or part of the application |
| <p>7</p> <p>7.1</p> <p>7.2</p> <p>7.3</p> | <p><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></p> <p>Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.</p> <p>Members are reminded that they should have read or should hear all the facts prior to making a determination.</p> <p>Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.</p> |

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| 8 | <u>BACKGROUND PAPERS</u> |
| 8.1 | Application and Appendices |
| 8.2 | Statement of Licensing Policy |
| 8.3 | The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 |
| 8.4 | The Licensing Act 2003. |
| 9 | <u>RECOMMENDATION</u> |
| 9.1 | Members consider the application and representations and determine whether granting a licence in the terms applied for, would adversely impact on one or more of the Licensing Objectives. |
| 10 | <u>WARDS AFFECTED</u> |
| 10.1 | The premises are situated in the Darwen West Ward. |
| 11 | <u>CONTACT OFFICER</u> |
| 11.1 | Niky Barrett, Principal Licensing Officer – 01254 585585 |
| 12 | <u>DATE PREPARED</u> |
| 12.1 | 10 October 2022 |



Blackburn with Darwen
Application for a premises licence
Licensing Act 2003

For help contact
licensingteam@blackburn.gov.uk
 Telephone: 01254 267666

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

The Bakehouse Group Ltd

* Family name

The Bakehouse Group Ltd

You must enter a valid e-mail address

* E-mail

hello@bakehouse.events

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

14197364

Business name

The Bakehouse Group Ltd

If your business is registered, use its registered name.

VAT number

- none

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Director of company - The Bakehouse Group Ltd

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Director of company - The Bakehouse Group Ltd

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Date of birth

dd mm yyyy

Nationality

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /

dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /

dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The property is located just on the outskirts of Darwen town center. It has multiple rooms which we will hire out for different events and a bar that will cater for these events, as well as being an event space of it's own for hire. The basement of the building is being turned into a nightclub by our landlord and he is in the process of applying for a license for this too.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of a play take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We are looking to be permitted to host stage shows within our event space. Music will generally be amplified although not always.

State any seasonal variations for performing plays

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always be used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always be used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We would like to be able to show films in our commercial space in line with other permissions needed and appropriate age restrictions. Music in this situation would be amplified.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Continued from previous page...

Will you be providing indoor sporting events?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The downstairs area lends itself to the octagon needed for MMA with its concrete floors and high ceilings. Commentary for such an event would be amplified.

State any seasonal variations for indoor sporting events

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Continued from previous page...

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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THURSDAY

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SUNDAY

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Will the boxing or wrestling entertainment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The downstairs area lends itself to the octagon needed for MMA with its concrete floors and high ceilings. Commentary for such an event would be amplified.

State any seasonal variations for boxing and wrestling entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

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Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We intend to have bands and singers as well as other entertainment acts in our bar space, both at our own events and for events organised by customer using our space. Music will be amplified in these instances.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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Will the playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We are requesting a license to play low level background music in the bar as well as using pre-recorded music for artists' sets too. This music will generally be amplified.

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always be used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always be used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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SATURDAY

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SUNDAY

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Will the performance of dance take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We are looking to be permitted to host stage shows, artists and bands within our event space. Music will generally be amplified although not always.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start End

Start End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

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| Start | <input type="text" value="08:00"/> | End | <input type="text" value="02:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

WEDNESDAY

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THURSDAY

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| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

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| Start | <input type="text" value="08:00"/> | End | <input type="text" value="02:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

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SUNDAY

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Give a description of the type of entertainment that will be provided

We are looking to be permitted to host stage shows within our event space. Music will generally be amplified although not always.

Will this entertainment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We are looking to be permitted to host stage shows within our event space. Music will generally be amplified although not always.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Continued from previous page...

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

In general, we won't be serving hot drinks within these hours but may offer midnight snacks as part of our organised events as a way to encourage responsible drinking and having this option would allow for party organisers to serve food beyond 11pm too.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The space will not always been used for this purpose; the usage will change dependent on the clients needs (including any events we organise ourselves) and we will not exceed the times stated previously.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

Name

First name

Family name

Date of birth
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Within events organised, there will be the possibility of films with age restrictions and semi-nudity within some of the stage shows as well as the possibility of adult language. Tickets will be age restricted for these type of events.

Continued from previous page...

WEDNESDAY

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| Start | <input type="text" value="08:00"/> | End | <input type="text" value="01:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="01:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="01:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

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|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="01:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

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|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="01:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We have requested the longest times that we would intend to supply alcohol. Because it is dependent on dates of events, we wouldn't be looking to serve alcohol for all of the stated times in a week, but this would give us the flexibility to be able to host events for people on any day. As is the case for all other permissions requested.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

We have requested the longest times that we would intend to supply alcohol. Because it is dependent on dates of events, we wouldn't be looking to serve alcohol for all of the stated times in a week, but this would give us the flexibility to be able to host events for people on any day.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

These hours are not the regular hours that the building would be open but are the possible hours. They allow for the whole range of activities we would like to be able to offer within the building over the year to cater for everyone from families, to young adults and the older generations.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

There will never be a need for us to exceed these hours and you are requesting the longest possible hours to account for all

Continued from previous page...

possibilities. We are aware of an application by our landlord (Grant Mizon) to open a nightclub in the basement of our building so we would like these hours to work alongside him and wouldn't want to open later as we wouldn't want to detract from his venue.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We will do everything within our power to ensure that The Bakehouse becomes a hub for events within Darwen and has an atmosphere that is welcoming and safe for all users. In each section we go into detail about things we will put in place for our events and the events of others to ensure we comply with the 4 licensing objectives.

We will have door staff/security who will comply to the rules and regulations of such and will be a key part in the prevention of crime and disorder and public nuisance and will also be integral to keeping the public safe.

We ensure that all safety signs comply with safety signs and colours guidance. Free drinking water will be available at all times while operational and we will have a hot line for local taxi firms. The whole property is under a no smoking policy at all times.

b) The prevention of crime and disorder

The property will be fitted with CCTV cameras in the bar, downstairs and outside of the property which will be on and recording during all events. Any instances of crime or disorder will reported to the police as soon as reasonably practicable and CCTV footage will be exported to support this. Each event will have a capacity limit and tickets will be sold to ensure this is not exceeded. A Task 25 approach will run at the bar where staff will be trained to ask for ID from anyone they believe could be under the age of 25 and a lack of ID will result in refusal of sale. All inclusive nights and irresponsible drinks promotions will not be permitted.

c) Public safety

All drinks will be served from plastic or toughened glasses and any glass bottles will be emptied into a glass at the point of sale. Customers will not be permitted to bring their own alcohol or bottles of liquid onto the premises and door staff will make necessary inspections upon entry. We have a zero policy on drugs and any seized will be reported to the police and secured safely until collection can happen. We will have a policy on the safe management of large groups and a personal license holder will always be present when there are to be sales of alcohol. We have conducted a suitable fire risk assessment & require anyone renting the space with additional set up to do the same; implementing necessary control measures. All fire fighting equipment will be checked and verified as part of this risk assessment. Fire exits will be clearly labeled and be easily operational without the use of a key or code during all times of operation. Staff will be trained to do a safety check of the building at the beginning of every event. Exits will always remain unblocked and access to the building for emergency services remains a priority. Regular fire drills will be conducted and staff trained in how to best escort customers out of the building safely and using the most effective route. Exit doors open outwards. There are adequate first aid supplies on site and trained first aiders will be on duty for all events. Fire safety notice and emergency lighting will be installed and regularly maintained. The premises will have suitable Public Liability insurance and a certificate for this will be displayed at the premises. At any MMA or similar events, a medical practitioner will be present throughout the event and the octagon will be constructed and maintained by a competent person and inspected before use.

d) The prevention of public nuisance

A noise management plan will be devised and be operational at the premises. Doors and windows will be kept closed when regulated entertainment is taking place and all are double glazed to minimise the outbreak of noise. Prominent, clear and legible notices to be displayed at all exits requesting patrons to respect the needs to local residents and to leave the premises and the area quietly. Staff will conduct a litter pick of the local area at the beginning of each day or the end of each event when one is not planned for the following day.

e) The protection of children from harm

Continued from previous page...

Any events involving adult entertainment will be ticketed events and will carry age restrictions which match the entertainment on offer. A Task 25 approach will run at the bar where staff will be trained to ask for ID from anyone they believe could be under the age of 25 and a lack of ID will result in refusal of sale. When events are for children there will always be a member of staff with DBS clearance in attendance and all stairs will be secured to prevent falls.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee. If you are unsure whether the higher fee applies please contact the licensing team on 01254 267666.

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time. If this requires further clarification please contact the licensing team on 01254 267666.

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

Continued from previous page...

AUTHORITY POSTAL ADDRESS

Address

| | |
|-------------------------------|---|
| Building number or name | <input type="text"/> |
| Street | <input type="text"/> |
| District | <input type="text"/> |
| City or town | <input type="text"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text"/> |
| Country | <input type="text" value="United Kingdom"/> |

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my * licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

| | |
|-------------------|----------------------|
| * Full name | <input type="text"/> |
| * Capacity | <input type="text"/> |
| Date (dd/mm/yyyy) | <input type="text"/> |

| | |
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| * Capacity | <input type="text"/> |
| Date (dd/mm/yyyy) | <input type="text"/> |
| <input type="button" value="Remove this signatory"/> | |

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/blackburn-with-darwen/apply-1> to upload this file and continue with your application.

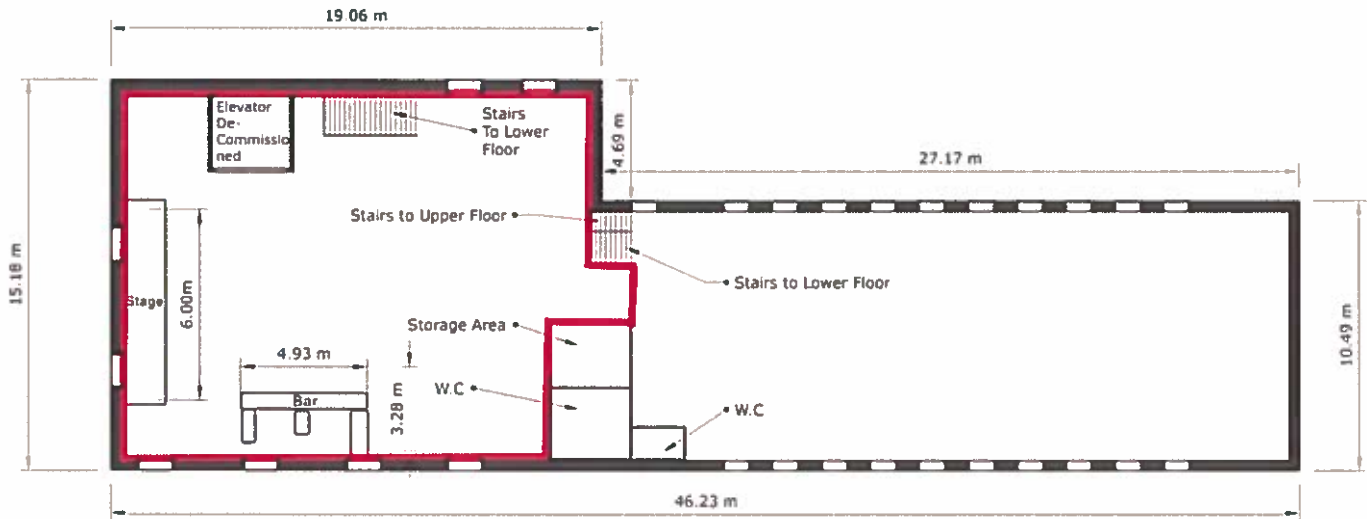
Don't forget to make sure you have all your supporting documentation to hand.

Proposed Changes to the Premises License Application for The Bakehouse

In order to reduce the risk of public nuisance we are proposing that the following changes be made to our application for premises license for The Bakehouse, Borough Road, Darwen, BB3 1PL.

- Removal of indoor sporting events and wrestling/boxing from the application.
- Change of area we are requesting license for, to:

(UPPER FLOOR)



Meaning all licensable activities will be restricted to the furthest end of the building; closest to the town centre and away from residential houses. We still intend to use the other areas of the building but for non-licensable activities.

- Changes to hours for activities:

For live music, dance, plays, films:

- Sunday – Thursday 08:00 – 23:00
- Friday & Saturday – 08:00 – 00:00

For recorded music:

- Sunday – Thursday 08:00 – 23:00 – nothing beyond BGM after 22:00
- Friday & Saturday – 08:00 – 00:00

For sale of alcohol:

- Sunday – Thursday 08:00 – 22:00
- Friday & Saturday – 08:00 – 23:00

Allowing an hour at the end of the evening for customers to finish their beverages and clear the building.

Please also find attached both the sound report for the entire building (commissioned by the landlord) and the activity specific noise assessment done for The Bakehouse space; both done before any sound reduction measures had been put in place. From the recommendations the following are being implemented with immediate effective (with full consideration given to additional measures if necessary.)

**The stage, tech stand and sound equipment have all been fitted to the specification recommended in the report.*

**Removable soundproofing is being constructed for the windows which are street facing.*

**A processor has been installed at the tech stand to give full control over sound levels from any entertainment as suggested.*

From: Brian Taylor
Sent: 02 September 2022 17:56
To: Janet White
Subject: Re: Application for premises licence - Bakehouse

Hi Janet,
I'm very concerned about the possible noise pollution for adjacent homes, traffic parking and the potential of antisocial behaviour late at night when the venue is closing. This site is on the edge of the town centre and will effect a row of houses almost opposite. I believe that the environmental issues must be carefully considered. On balance I would like to register my objections to this proposal.
Regards
Cllr Brian Taylor

From: Brian Taylor
Sent: 12 September 2022 12:21
To: Janet White
Subject: Re: Application for premises licence - Bakehouse, Borough Road, Darwen

Is it possible to apply a condition that customers are not allowed to consume drinks outside of the premises on the pavement.
Regards
Brian

Appendix 2

Rep 2

From: Lilian Salton
Sent: Sun 04/09/2022 19:07
To: Janet White
Subject: Re: Application for premises licence - Bakehouse

I agree with the objections Brian Taylor has already expressed. This is a residential area & there are already a number of licensed premises in the area so need to be mindful of the disruption another might cause at the end of the evening. Hence I wish to object to this application

From: Lilian Salton
Sent: Tue 13/09/2022 15:38
To: Janet White
Subject: Re: Application for premises licence – Bakehouse Tue 13/09/2022 15:38

Like Brian I would only be happy if a proviso could be added about consuming alcohol within a certain distance from the premises.

Simon Kirby

From: Simon Kirby
Sent: 28 September 2022 12:34
To: rebecca.hitchman
Subject: RE: Premises Licence Application - Bakehouse, Borough road, Darwen

Hi Rebecca,

I'm just emailing to make a two minor amendments (in red) to the email that I sent yesterday.

Regards,

Simon Kirby
 Senior Environmental Health Officer,
 Public Protection Service, Blackburn with Darwen Borough Council,
 Davyfield Road Depot, Roman Road Industrial Estate, Blackburn, BB1 2LX
 Tel: 01254 585165
 Or: 01254 267699 and ask for Simon Kirby

From: Simon Kirby
Sent: 27 September 2022 14:23
To: Janet White
Cc: rebecca.hitchman; John Wood; hello@bakehouse.events
Subject: Premises Licence Application - Bakehouse, Borough Road, Darwen

Hello Janet,

I'm emailing in response to the Bakehouse premises licence consultation.

The applicant submitted additional information on the 26/9/22 in support of their premises application (see attached). However, the submitted reports don't provide a robust assessment of the potential impact of noise on residents living nearby. As a consequence, I wish to object to the premises licence application on the grounds of public nuisance.

However, if the applicant submits additional information we'd be happy to review our position to see if we can reach a mutually agreeable way forward. I have listed a number of comments below which may be of use.

I've spoken with the applicant and copied them into this email.

The applicant has submitted two noise reports:

1. The Old Bakery Sound Report.pdf – this relates to a proposed basement venue which isn't the subject of this application, although some of the information that it contains is relevant.
2. The Bakehouse Noise Report – this relates to noise from the proposed first floor venue.

Individual points regarding the report on the proposed first floor venue (report 2):

- a) The report states that the venue structure will reduce sound levels by "some 15dB", which is realistically low given the number of windows and doors. It is unusual to receive an application for this type of noisy licensable activity in a venue with such poor acoustic performance, particularly when it is close to residential premises. Some soundproofing of windows and doors has been recommended, but the effectiveness of these measures hasn't been evaluated.
- b) There are 6 large windows facing on to Borough Road, and large loading bay doors which "pose a large sound leak risk" according to the report, so there will be multiple noise breakout points. In these circumstances it would be appropriate to model the expected noise levels.
- c) The report assumes an indoor music volume of 84 dB(A) in the main bar area, which is low for a lively pub/dance venue, and it doesn't evaluate the potential impact of noise in the lower frequencies*.
- d) The assessment methodology isn't clear. It appears that a noise source was used and the resulting levels were measured? If so, it would be appropriate to include a frequency spectrum for the noise source. Where was the noise source located?

- e) Background noise levels haven't been identified in the report. An important aspect of a noise report is a comparison between the predicted noise from the venue and the background noise level (i.e. when there is no noise from the venue), and to take into account any distinctive noise character (e.g. impulsive or tonal noise). **It would be appropriate to include evening and night time background noise levels in the report, as these will be periods of specific interest.**
- f) The residual "no music" noise level of 62 dB is high and it doesn't appear to be representative**. Noise from the venue is most likely to give rise to disturbance in the late evening and at night, so these will be periods of specific interest. It would be appropriate to include evening and night time residual noise levels in the report.
- g) There is no quantitative evaluation of predicted noise levels on residents living nearby (see comment above about modelling).
- h) Will internal doors be fitted which limit the propagation of noise through areas of the building **from** within the red outline on the submitted plan?
- i) Will there be a smoking area, and what are the noise implications (e.g. customer noise if they are smoking outside at the front of the building)?

*See https://www.researchgate.net/publication/44708828_Noise_from_pubs_and_clubs_-_Final_report which states that, "Many bars playing music had noise levels of 90 – 95 dB LAeq during busy periods, with levels of up to 115 dB Leq in the 63 Hz octave band and 110 dB Leq in the 125 Hz octave band recorded on the dance floors of night clubs."

**The Old Bakery Sound Report indicates a daytime residual/background of 59/43 dB(A) and a night time residual/background of 51/31 dB(A)LAeq.

Regards,

Simon Kirby
 Senior Environmental Health Officer,
 Public Protection Service, Blackburn with Darwen Borough Council,
 Davyfield Road Depot, Roman Road Industrial Estate, Blackburn, BB1 2LX
 Tel: 01254 585165
 Or: 01254 267699 and ask for Simon Kirby

From: Daniel France <hello@bakehouse.events>
Sent: 26 September 2022 17:24
To: Simon Kirby <simon.kirby@blackburn.gov.uk>
Cc: rebecca.hitchman@blackburn.gov.uk; janet.white@blackburn.gov.uk; John Wood
Subject: Re: Bakehouse, Borough Road, Darwen

Hi Simon,

Thanks for the reminder.

I did try and call to chat about the best way to submit our information this afternoon but I couldn't get through to you so if you do need us to submit this in an adapted form then I can do that for you instead.

Please find attached a document outlining our suggestions for alterations as well as the noise reports detailed in the document.

Many thanks

Becca



On Mon, 26 Sept 2022 at 15:08, Simon Kirby <s.kirby@bbkbc.gov.uk> wrote:

Hello Rebecca,

The consultation deadline for the Bakehouse premises licence application is approaching (29th September), so if you intend to send us some additional information in support of your application I suggest that you submit it at the earliest opportunity.

As I explained in my email below, in its current form we are objecting to the premises licence application on the grounds of public nuisance. But we'd be happy to review this if you'd like to put forward some modifications to your proposal.

Thanks for your time.

Regards,

Simon Kirby

Senior Environmental Health Officer,

Public Protection Service, Blackburn with Darwen Borough Council,

Davyfield Road Depot, Roman Road Industrial Estate, Blackburn, BB1 2LX

Tel: 01254 585165

Or: 01254 267699 and ask for Simon Kirby

From: Simon Kirby

Sent: 13 September 2022 16:29

To: Daniel France <hello@bakehouse.events>

Cc: John Wood <j.wood@bbkbc.gov.uk>; Janet White <j.white@bbkbc.gov.uk>

Subject: RE: Bakehouse, Borough Road, Darwen

Hello Rebecca,

Regarding your intentions for the premises and submitting information in support of your premises licence application - Janet has confirmed that you won't have to resubmit the whole application, but you could send in additional plans indicating your intention for each area of the building, and in particular where the licensable activity is going to take place.

To avoid any potential confusion, I have to say that we'd object to the premises licence application in its current form because we're concerned about the potential for public nuisance. The size of the venue, the potential for noise break-out, and the proximity of residential premises are all factors. But we'd be happy to discuss potential compromises.

Sorry to repeat what I said in my email below, but would you be willing to propose some prudent measures that will limit the potential for excessive noise, such as limiting licensable activity to specific parts of the building, or imposing other noise control measures? We'd also be keen to see a significant reduction in the hours of opening at this stage.

You'd still have the option of applying for a temporary event notice which could give you more flexibility, and you could apply to vary a premises licence at a future date.

Janet has also made the following additional points:

- As you have only applied for on sales we need a commitment that the alcohol/regulated entertainment will be kept to the main room where the bar is situated only. Customers could therefore not carry alcohol outside of the bar area.
- Please include your smoking area on your plan(s) and explain how this activity will be managed to stop people congregating outside on Borough Road.

This email relates to your application for a premises licence, not the temporary event notices or your planning application. See my comments below relating to Planning and the temporary event notices.

Finally, I'd be grateful if you'd copy Janet White and John Wood in to any emails that you send, and please note that I will not be at work next week.

Regards,

Simon Kirby

Senior Environmental Health Officer,

Public Protection Service, Blackburn with Darwen Borough Council,

Davyfield Road Depot, Roman Road Industrial Estate, Blackburn, BB1 2LX

Tel: 01254 585165

Or: 01254 267699 and ask for Simon Kirby

From: Daniel France <hello@bakehouse.events>

Sent: 07 September 2022 14:07

To: Simon Kirby <

Subject: Re: Bakehouse, Borough Road, Darwen

Hi Simon,

We are happy to agree to background music only on Sunday and Monday evenings, from 10pm for the TENS applications.

We will provide further information about our plans for the building longer term over the next few days and would be happy to discuss this with you and to make some changes to our application. Although we know what our intentions are I can see how if you only look at the worst case scenario, that could be far scarier than what we actually have in mind. Would we have to submit a new premises license form or would this be done through a process of consultation?

I have heard from the planning permission and need to send a few more things to support the application so that's why that's not showing on the system yet but it is in hand.

Thank you very much for your support and advice.

Becca



On Wed, 7 Sept 2022 at 13:47, Simon Kirby <simon.kirby@...> wrote:

wrote:

Hello Rebecca,

Thank you for your time yesterday. The information you provided was very helpful.

As I explained, John and I are consultees in the licensing process, and we try to ensure that there are adequate controls in place to prevent noise disturbance where there is potential for public nuisance. The prevention of public nuisance is one of the licencing objectives.

I'd like to make the following comments:

Fear Factory TEN applications

You provided a fairly detailed account of how you envisage these events will take place. In much of the building there will be amplified effects which form part of the experience, but this won't be the focus of the activity. As such it can be readily controlled and could take place without excessive disturbance. The playing of Music and the consumption of alcohol will only take place in the upstairs room at the east end of the building. Music will need to be played at a volume which doesn't give rise to excessive noise breakout from the building. There are plenty of windows, and there is a large roof area which may have relatively poor acoustic properties, so careful control of music levels will be required. I acknowledge that you discussed removable sound insulation on the windows, but more detailed information wasn't available at the time of our visit.

Would you be willing to agree to background music only from 10pm onwards on Sunday nights (2nd, 9th, 16th, 23rd, 30th) and Mondays (Halloween 31st). I'd be grateful for a prompt response would be appreciated as the TEN consultation period is almost over.

As I explained during our visit, we are an internal consultee and get involved where noise could be a problem. However, subject to the issue about a 10pm finish on certain days, in light of the information that you provided we will not be objecting to the TEN applications.

Premises Licence Application

You explained that you've included the whole ground and upper floor areas in the application and asked for hours that extend into the really hours of the morning in order to give you some operational flexibility. You indicated that the majority of the licensable activity will not use the full extent of the application. However, from a Council point of view this doesn't provide sufficient degree of reassurance. Experience elsewhere has shown that circumstances may change, and there is the potential for more noisy activity that could be unacceptable.

A more detailed account of your vision for the premises would be helpful. In its current form it is likely that we will object to the application on the grounds of public nuisance. Would you be willing to propose some prudent measures that will limit the potential for excessive noise, such as limiting potentially noisy activity to parts of the building, and noise control measures? We would also wish to see a reduction in the hours of opening at this stage. You'd still have the option of applying for a temporary event notice which could give you more flexibility. I'd be happy to discuss this in more detail.

Planning Application

Please be aware that the application for planning permission is a separate process. However, it is likely that noise will be a significant consideration.

I can find the reference to the planning application for the basement Live Music Venue, the ref is 10/22/0758. However, I can not find an application for the rest of the building that is the subject of your current licence application. You can view the planning portal on the following link. If you do a general search for borough road you will find 10/22/0758 but there are no other applications that are pending on Borough Road.

<https://planning.blackburn.gov.uk/Northgate/PlanningExplorer/GeneralSearch.aspx>

I suggest you raise this one with planning.

<https://www.blackburn.gov.uk/planning/planning-permission-applications>

When an application is received we would be asking for more information in respect of noise. We have already asked for this information in respect of the basement Live Music Venue ref 10/22/0758. We have to have confidence that the building is or could be made suitable for purpose from an acoustics standpoint.

Regards,

Simon Kirby

Senior Environmental Health Officer,

Public Protection Service, Blackburn with Darwen Borough Council,

Davyfield Road Depot, Roman Road Industrial Estate, Blackburn, BB1 2LX

Tel: 01254 585165

Or: 01254 267699 and ask for Simon Kirby

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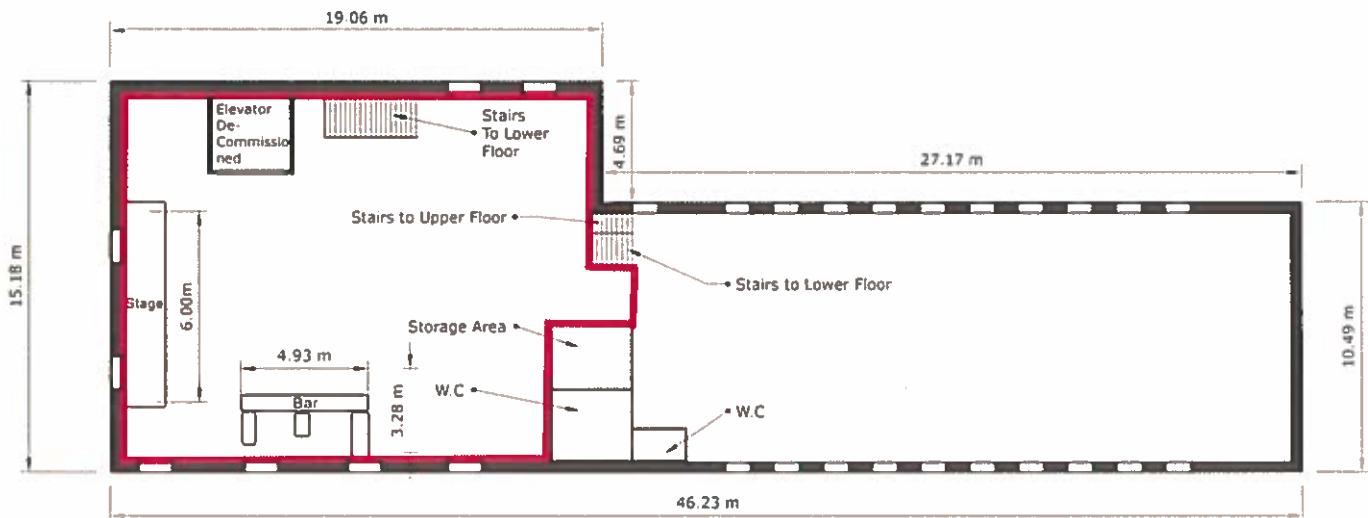
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Proposed Changes to the Premises License Application for The Bakehouse

In order to reduce the risk of public nuisance we are proposing that the following changes be made to our application for premises license for The Bakehouse, Borough Road, Darwen, BB3 1PL.

- o Removal of indoor sporting events and wrestling/boxing from the application.
- o Change of area we are requesting license for, to:

(UPPER FLOOR)



Meaning all licensable activities will be restricted to the furthest end of the building; closest to the town centre and away from residential houses. We still intend to use the other areas of the building but for non-licensable activities.

- o Changes to hours for activities:

For live music, dance, plays, films:

- Sunday - Thursday 08:00 - 23:00
- Friday & Saturday - 08:00 - 00:00

For recorded music:

- Sunday - Thursday 08:00 - 23:00 - nothing beyond BGM after 22:00
- Friday & Saturday - 08:00 - 00:00

For sale of alcohol:

- Sunday - Thursday 08:00 - 22:00
- Friday & Saturday - 08:00 - 23:00

Allowing an hour at the end of the evening for customers to finish their beverages and clear the building.

Please also find attached both the sound report for the entire building (commissioned by the landlord) and the activity specific noise assessment done for The Bakehouse space; both done before any sound reduction measures had been put in place. From the recommendations the following are being implemented with immediate effective (with full consideration given to additional measures if necessary.)

**The stage, tech stand and sound equipment have all been fitted to the specification recommended in the report.*

**Removable soundproofing is being constructed for the windows which are street facing.*

**A processor has been installed at the tech stand to give full control over sound levels from any entertainment as suggested.*

PEAK acoustics



Noise Impact Assessment

| | |
|-----------------------|---|
| Client: | Grant Mizon |
| Site: | Darwin Windows Ltd, Borough Rd, Darwen, BB3 1PL |
| Reference No. | JP0908223NR |
| Revision: | 0.0 |
| Date of Issue: | 14/09/2022 |

Project Consultant

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Web: www.acousticsurveys.co.uk

Peak Acoustics Ltd, Silk Point, Queen's Avenue, Macclesfield, SK10 2BB

Executive Summary

A Noise Impact Assessment has been undertaken at Darwin Windows Ltd, Borough Rd, Darwen, BB3 1PL, to assess the noise breakout from the proposed change of use from a vacant mill to a Live Music Venue (Sui Generis). The proposed licensed operating hours are from 18:30 – 23:30 Sunday – Friday and 18:30 – 04:00 on Saturdays.

Measurements of the prevailing background noise climate were undertaken from 2nd – 5th September 2022 at a location representative of the identified Noise Sensitive Receptors (NSRs).

The nearest or most-affected Noise Sensitive Receptors (NSRs) were identified as the residential properties southwest of the site on Borough Rd as well as the façade of 'Darwin Health Centre' facing the site. The closest habitable room windows of these properties will be considered as specific reception points in calculations.

Using the measured background noise survey data, a representative night-time background sound level of **31 dB L_{A90}** was derived for the assessment.

Guidance taken from the Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' March 2003, the University of Salford's 'Report for the department of Environment, Food and Rural Affairs' March 2005 as well as elements of BS4142:2014 has been utilised to create three assessment methodologies.

- Assessment Methodology 1: 85dB noise breakout vs background noise level (L_{A90}) 1m outside habitable rooms.
- Assessment Methodology 2: 85dB noise breakout vs NR25 curve within habitable rooms
- Assessment Methodology 3: Internal sound test of existing Ceiling/Separating floor.

Methodology 1 found the noise level to be up to **7 dB** below the measured background sound level at the NSR locations indicating a *Low Impact* in accordance with BS4142:2014.

Methodology 2 found that when comparing the noise breakout to the NR25 curve, levels at all frequencies are below the accepted criteria corresponding to the achievement of 'NOEL – No Observed Effect Level' in the NPSE.

Methodology 3 found that significant mitigation to the existing Ceiling/Separating floor is needed for the proposal to operate without '*Significant Adverse Effect*' on the commercial properties above.

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1. Introduction

- 1.1 A Noise Impact Assessment has been undertaken at Darwin Windows Ltd, Borough Rd, Darwen, BB3 1PL, hereby referred to as 'the site', to assess the noise breakout from the proposed change of use from vacant mill to Live Music Venue (Sui Generis).
- 1.2 The hours of operation of the proposal are as follows:
 - **Sunday – Friday: 18:30 – 23:30**
 - **Saturday: 18:30 – 04:00**
- 1.3 Data sourced from 'ANSI - Calculation of Speech Transmission Index in rooms' February 2014 and background music measurements taken by Peak Acoustics at other representative sites and utilised within the assessment to model the potential noise breakout using industry-standard acoustic modelling software 'SoundPLAN'.
- 1.4 An assessment of the noise breakout is to be undertaken to determine whether residents are likely to suffer a loss of amenity as a result of noise from the general use of the building. Mitigation will be given should any potential loss of amenity be indicated.

2. Planning Policy & Guidance

- 2.1 Guidance for the assessment of noise affecting new residential development is given in the National Policy Framework (NPPF). Section 15 of the NPPF states:

"174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

E) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution."

Section 185 further states:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

1. *Mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
2. *Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."*

Section 187 states:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

- 2.2 To avoid and mitigate adverse noise effects on health arising from and impacting new development, the NPPF makes reference to NPSE. The Noise Policy Statement for England (NPSE) was published in March 2010 and covers all forms of noise other than occupational noise. For the purposes of this report, “Neighbourhood Noise” is most relevant as NPSE defined in paragraph 2.5.

“neighbourhood noise which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.”

- 2.3 The Noise Policy Statement for England (NPSE) states the following aims in paragraph 2.2.

NOEL – No Observed Effect Level.

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level.

This is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level.

This is the level above which significant adverse effects on health and quality of life occur.

3. Assessment Criteria

- 3.1 Guidance taken from the Institute of Acoustics ‘Good Practice Guide on the Control of Noise from Pubs and Clubs’ March 2003 and the University of Salford’s ‘Report for the department of Environment, Food and Rural Affairs’ March 2005 consider two main measurements and assessment methodologies;

- 3.2 Absolute Criteria;

“using A-weighted target values for music intrusion within residential properties, generally based on World Health Organisation values. However, it is generally considered inappropriate to use only A-weighted target levels for music noise intrusion, because the impact of the bass elements of the noise.”

“A relatively common application of absolute criteria is to use Noise Rating Curves to provide a target level in design work.”

3.3 Relative Criteria;

“Developers should show that noise from the place of entertainment shall not be audible inside habitable rooms of the new development. Inaudibility shall be defined as: Zero increase in the LAeq,1 min (music playing) over the background LA90 (music off) and Zero increase in the L10,T vs L90,T exceedance in each 1/3 octave”

3.4 A common standard for the assessment of industrial and commercial sound is ‘BS4142 – Methods for rating and assessing industrial and commercial sound’. The industrial noise assessment method in BS4142 is based on the difference between the measured ‘background sound level’ (LA90), and the ‘Rating Level’ of the industrial source, at a noise-sensitive location (NSR).

An estimation of the impact of the specific sound can be obtained by the difference between the rating sound level and the background sound level whilst considering the following:

“A Sound Rating Level at or below the background noise level is indicative of Low Impact;

A Sound Rating Level that exceeds the background noise level by around +5dB is likely an indication of Adverse Impact, depending on the context;

A Sound Rating Level that exceeds the background noise level by around +10dB is likely an indication of Significant Adverse Impact, depending on the context;”

BS4142 further states:

“The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a negligible impact, depending on the context.”

Achievement of a *Low Impact* in accordance with BS4142 can be deemed to correspond to ‘NOEL – No Observed Effect Level’ in the NPSE, as detailed above in Paragraph 2.3.

3.5 Although Section 1.3 of BS4142:2014 states that the assessment of people and recreational activities is beyond the scope of the British Standard, the methods are still deemed a useful tool for the assessment.

3.6 A combination of these methods will be utilised for the assessment to ensure any potential loss of amenity to local residents will be indicated.

- Assessment Methodology 1: 85dB noise breakout vs background noise level (LA90) 1m outside habitable rooms;

Using industry-standard acoustic modelling software ‘SoundPLAN’ to model the proposal and calculate the noise breakout towards the nearest NSR at an internal level of 85 dB. This will then be compared against the measured background sound level.

An internal sound level of 85 dB has been assumed after onsite observations as the proposal is a relatively small development with no windows and a low ceiling.

- Assessment Methodology 2: 85dB noise breakout vs NR25 curve within habitable rooms.

The same internal sound source as used in Methodology 1 will then be compared to the NR25 curve within the nearest habitable room of the NSR. This assessment will account for the frequency response breakout from the proposal.

- Assessment Methodology 3: Internal sound test from proposed lower ground floor to commercial units above.

We will conduct a test of the floor/ceiling partition between the proposal and the commercial development on the floor above. The guidance in Approved Document E (ADE) regarding commercial uses is simply that a higher standard of sound insulation may be required between spaces separating domestic and non-domestic purposes, and that the appropriate level of sound insulation required will depend on the noise generated in the non-domestic space

For guidance, an improvement of 10dB compared with the normal residential sound insulation requirements might typically be suitable for general commercial use. A review of the proposals for the constructions separating the various spaces within the development may be required at a later stage. Such an assessment can be undertaken once the proposed plans have been confirmed and detailed construction proposals are available for review.

- 3.7 An environmental noise survey to measure background sound levels representative of the nearest noise-sensitive receptors (NSRs) will be taken. Measurements will be carried out in accordance with the provisions of BS7445 '*Description and Measurement of Environmental Noise*'. The measurements made will include both dBA and octave band noise levels including L_{eq} , L_{max} , and L_{90} parameters.

4. Site Location

4.1 The site is located on the west side of Darwin in an area of mixed-use approximately 120 metres south of the A666 which is the main road through Darwin connecting to the M65 to the north and Bolton to the south. Many commercial properties line this road including restaurants, takeaways, bars, clothing shops and a leisure centre. On the southeast boundary of the site lies 'Holy Trinity CE Primary school' with associated parking and playground with a further playground at the south of the site. Opposite the site over Borough Rd on Police Street is 'Darwin Health Centre' with many associated car parks and a bus stop directly outside. Further southwest of the site is residential developments namely those on James St West and Punstock Road. Either side and above the site are existing commercial buildings which are currently unoccupied.

4.2 The site, proposed noise source and receptor locations are shown in Figure 1 below:

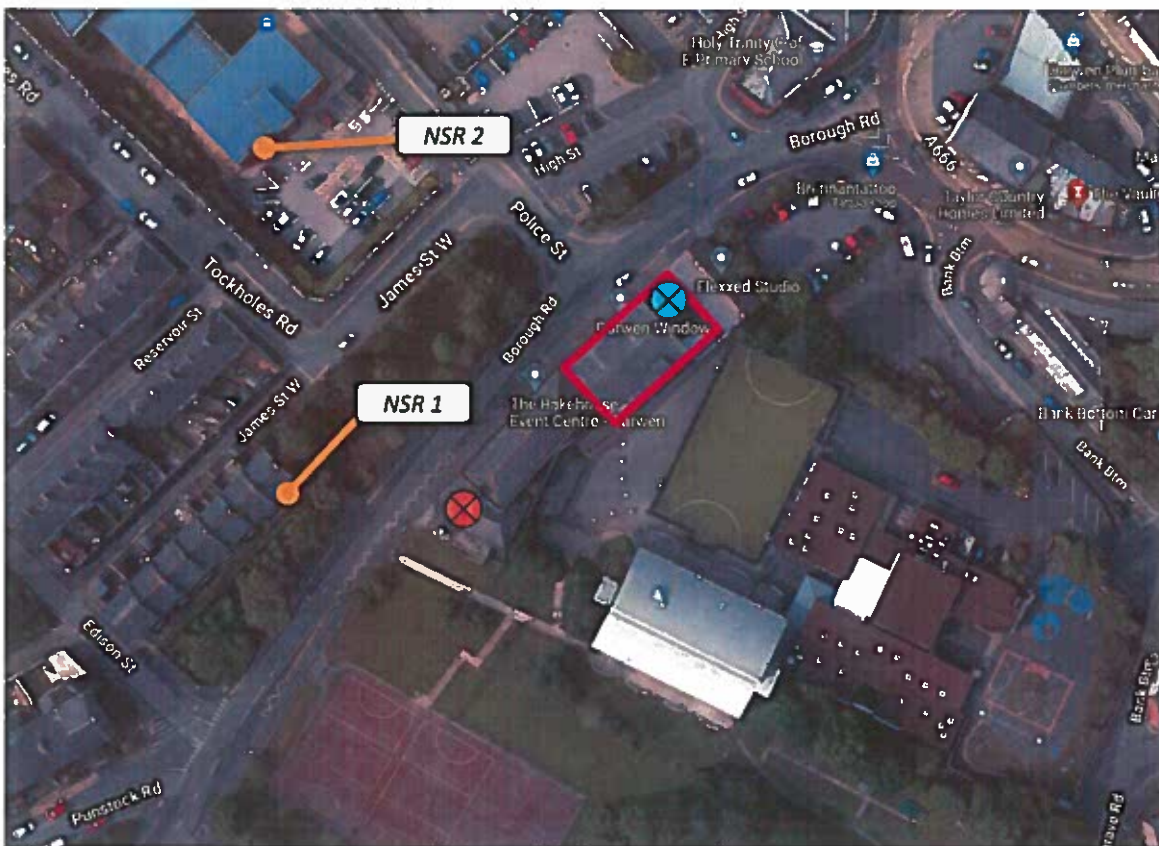


Figure 1: Site, Source & NSR Locations - <https://google.co.uk/maps>

-  Site Boundary (Approx.)
-  Noise Sensitive Receptors (NSRs)
-  Background Monitoring Location M1 (Approx.)
-  Background Monitoring Location M2 (Approx.)

5. Noise Sensitive Receptors

- 5.1 The nearest or most-affected Noise Sensitive Receptors (NSRs) have been identified as the residential buildings to the southwest of the site on James St West (NSR 1). Additionally, the façade of 'Darwin Health Centre' facing the site (NSR 2) is to be assessed although it is unclear if the centre has overnight patients.
- 5.2 The closest habitable room windows of these properties will be considered as specific reception points in calculations.
- 5.3 The NSR locations and reception points are shown in an aerial image (**Figure 1**) on Page 8.

6. Background Noise Survey

- 6.1 An unattended background noise survey was conducted at positions M1 and M2 over a period of approximately 3 days from 11:30 on the 2nd September to 12:30 on the 5th of September 2022. Measurements of $L_{Aeq,T}$ and $L_{A90,T}$ were logged in 5-minute intervals in accordance with BS7445 - 'Description and Measurement of Environmental Noise'.
- 6.2 At position M1 shown in **Figure 1**, the microphone was placed approximately 1.2m from local ground level and away from nearby reflective surfaces. Position M1 is located at the northern boundary of the site in the existing courtyard.
- 6.3 Position M2 shown in **Figure 1** was placed approximately 1.5m from local ground level and away from nearby reflective surfaces. Position M2 is located on the south boundary of the existing commercial buildings nearest the Primary School Playground and opposite the properties on James St West.
- 6.4 The noise climate at the monitoring positions was dominated by road noise from the adjacent Borough Road as well as activity associated with 'Darwin Health Centre' including car movements and pedestrians entering and leaving the Centre. Secondary sources were noted as construction work around the site, noise emanating from a nearby gas bottle supplier and conversing pedestrians.
- 6.5 Measurements were obtained using Class 1 instrumentation. Full equipment details are given in **Appendix B**.
- 6.6 Equipment was calibrated before and after use and no significant drift occurred during measurements. Up-to-date calibration certification can be provided upon request. Full calibration details are provided in **Appendix D**.
- 6.7 Daytime temperatures during the survey were noted as between 19 – 21°C with wind speeds being recorded typically between 4 – 4.5 m/s; Detailed meteorological information can be found in **Appendix C**.

7. Background Sound Levels

7.1 The day and night-time background sound levels from measurements M1 and M2 are summarised below.

| Measurement | Date(s) | Period | L _{Aeq,T} | L _{A90,T} |
|-------------|--|--|--------------------|--------------------|
| M1 | 2 nd – 3 rd & 5 th September 2022 | Daytime (07:00 – 23:00) (aggregated period) | 60 | 43 |
| | | Night-time (23:00 – 07:00) | 50 | 33 |
| | 3 rd – 4 th September 2022 | Daytime (07:00 – 23:00) | 59 | 44 |
| | | Night-time (23:00 – 07:00) | 51 | 35 |
| | 4 th – 5 th September 2022 | Daytime (07:00 – 23:00) | 63 | 43 |
| | | Night-time (23:00 – 07:00) | 52 | 33 |
| M2 | 2 nd – 3 rd & 5 th September 2022 | Daytime (07:00 – 23:00) (aggregated period) | 59 | 45 |
| | | Night-time (23:00 – 07:00) | 49 | 32 |
| | 3 rd – 4 th September 2022 | Daytime (07:00 – 23:00) | 56 | 43 |
| | | Night-time (23:00 – 07:00) | 51 | 40 |
| | 4 th – 5 th September 2022 | Daytime (07:00 – 23:00) | 57 | 43 |
| | | Night-time (23:00 – 07:00) | 51 | 31 |

Table 1: Background Noise Survey Results

7.2 Using the measured background noise survey data, the lowest night-time background sound level of 31dB L_{A90}, measured at M2 on the 5th of September 2022 will be used for the assessment.

7.3 A full-time history of the survey data is shown in **Appendix E**.

8. Source Noise Levels

8.1 'SoundPLAN' was used to model the internal source noise for Assessment Methodology 1: 85dB noise breakout, and Methodology 2: 85dB noise breakout vs NR25 curve within habitable rooms. The assumed internal sound pressure level is given below.

| Source | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k | dBA |
|---------------------------------|----|-----|-----|-----|----|----|----|----|------|
| Raised Vocal & Background Music | 99 | 97 | 90 | 81 | 71 | 66 | 56 | 45 | 85.5 |

Table 2: Modelled Source Noise Levels

8.2 Grid noise maps of Assessment 1 can be found in **Appendix F**.

9. Specific Sound Levels

9.1 The Specific Sound Level is denoted L_{A_s} and is the A-weighted, equivalent noise level at the NSR locations. Specific Sound Levels have been calculated for both assessments using industry-standard acoustic modelling software 'SoundPLAN'. This software uses ISO-9613-2 - *Attenuation of sound during propagation outdoors* and the model takes into account the following key factors:

- *Aerial Imagery & Terrain Data sourced from Google Maps/Elevations*
- *Geometric divergence of sound*
- *Atmospheric absorption of sound*
- *Ground absorption*
- *A light downwind correction toward the NSRs*
- *Surrounding structures and objects which may reflect or block sound toward the NSRs*
- *The height of the NSRs (e.g., First, second or third-floor reception point)*

9.2 The facades and ceiling of the proposal have been modelled to provide a minimum sound reduction of 48 dB R_w .

9.3 The Specific Sound Levels (L_{A_s}) have been calculated to the receptor locations shown in Figure 1 and described in Section 5. The Specific Sound Levels are tabulated below.

| Location | Specific Sound Level, dB L_{A_s} |
|------------|------------------------------------|
| NSR 1 (F2) | 19 |
| NSR 2 (F1) | 18 |

Table 3: Specific Sound Levels

9.4 The noise model input parameters were as follows:

| Parameter | Input |
|--------------------------|-------------|
| Reflection Order | 3 |
| Ground Absorption Factor | G = 0.2 |
| Air pressure | 1013.3 mbar |
| Relative Humidity | 70.0 % |
| Temperature | 10.0°C |

Table 4: Calculation Input Parameters

9.5 A Noise map showing external sound propagation is shown in **Appendix F**.

10. Rating Levels

10.1 In accordance with BS4142, the Specific Sound Levels may be corrected for characteristics that make the sound more noticeable at the NSR location such as tonality, impulsivity and intermittency. Section 9.2 of BS4142 gives commentary on these characteristics and appropriate penalties:

“Tonality

For sound ranging from not tonal to prominently tonal the Joint Nordic Method gives a correction of between 0 dB and +6 dB for tonality. Subjectively, this can be converted to a penalty of 2 dB for a tone which is just perceptible at the noise receptor, 4 dB where it is clearly perceptible, and 6 dB where it is highly perceptible.

Impulsivity

A correction of up to +9 dB can be applied for sound that is highly impulsive, considering both the rapidity of the change in sound level and the overall change in sound level. Subjectively, this can be converted to a penalty of 3 dB for impulsivity which is just perceptible at the noise receptor, 6 dB where it is clearly perceptible, and 9 dB where it is highly perceptible.

Other sound characteristics

Where the specific sound features characteristics that are neither tonal nor impulsive, though otherwise are readily distinctive against the residual acoustic environment, a penalty of 3 dB can be applied.

NOTE 2 Where tonal and impulsive characteristics are present in the specific sound within the same reference period then these two corrections can both be taken into account. If one feature is dominant then it might be appropriate to apply a single correction. Where both features are likely to affect perception and response, the corrections ought normally to be added in a linear fashion.

10.2 Intermittency

When the specific sound has identifiable on/off conditions, the specific sound level ought to be representative of the time period of length equal to the reference time interval which contains the greatest total amount of on time. This can necessitate measuring the specific sound over a number of shorter sampling periods that are in combination less than the reference time interval in total, and then calculating the specific sound level for the reference time interval allowing for time when the specific sound is not present. If the intermittency is readily distinctive against the residual acoustic environment, a penalty of 3 dB can be applied.”

- 10.3 The penalty’s outlined in BS4142:2014 relating to tonality, impulsiveness and intermittency are based on the assessment of mechanical or industrial noise sources. This assessment models human voice and background sound music, which is neither mechanical nor industrial. However, the source will be readily distinguishable over the background environment and have tonal aspects. A rating penalty of 5 dB has therefore been added to account for these features.

11. Assessment 1, Rating Level Vs Background

- 11.1 The Specific Sound Levels are to be compared to the representative background sound level to determine the noise impact in accordance with BS4142.

A Sound Rating Level at or below the background noise level is indicative of Low Impact;

A Sound Rating Level that exceeds the background noise level by around +5dB is likely an indication of Adverse Impact, depending on the context;

A Sound Rating Level that exceeds the background noise level by around +10dB is likely an indication of Significant Adverse Impact, depending on the context;

11.2 The indicated noise impact at the identified Noise Sensitive Receptors is summarised below:

| Location | Rating Level, dB L _r | Background Sound Level, dB L _{A90} | Difference, dB | Noise Impact |
|------------|---------------------------------|---|----------------|--------------|
| NSR 1 (F2) | 24 | 31 | - 7 | Low Impact |
| NSR 2 (F1) | 23 | | - 8 | Low Impact |

Table 5: Noise Impact

11.3 The noise impact at the receptor positions is indicative of a *Low Impact* in accordance with BS4142:2014 at an internal level of 85 dB.

12. Assessment 2, Specific Sound Levels Vs NR25 Curve

12.1 Noise levels 1 metre from the worst affected NSR have been calculated using 'SoundPLAN' and are denoted above as the Specific Sound Levels. The calculated noise levels have been compared to the limits of the NR25 curve in Table 6 below. This scenario represents the breakout of the proposal at 85 dB.

| Internal Space/Criteria | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k |
|--------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| All Windows / Doors Open | | | | | | | | |
| Noise Source (LpA) | 73 | 81 | 81 | 78 | 71 | 67 | 57 | 44 |
| NSR 1 (Receiver) | 14.7 | 16.2 | 11.5 | 2.8 | -11 | -21.6 | -43.4 | -59.3 |
| NR25 | 55.2 | 43.7 | 35.2 | 29.2 | 25.0 | 21.9 | 19.5 | 17.7 |
| Difference, dB | -40.5 | -27.5 | -23.7 | -26.4 | -36.0 | -43.5 | -62.9 | -77 |

Table 6: Building Breakout Vs NR25 Curve

12.2 As can be seen in the table above, the noise levels at the worst affected NSR are under the NR25 curve. It should also be noted that sound reduction due to a closed window at the NSR has not been included.

12.3 Graphs of the NR Curves can be found in Appendix E.

13. Assessment 3, Sound Test of Separating Floor

13.1 To further validate the sound insulation performance of the Ceiling/Separating floor between the proposal and the commercial properties above, an airborne and impact sound insulation test was conducted on the 2nd of September 2022.

13.2 The test was conducted in accordance with ISO 140-4. Test equipment is of class 1 instrumentation and holds valid UKAS certification. Full equipment details are given in Appendix B.

13.3 As discussed in Section 3.6 an improvement of 10dB compared with the normal residential sound insulation requirements might typically be suitable for general commercial use. This improvement is to be applied to the results of the sound test which are given below.

| Test | Test Type | Source Room | Receiving Room | Measured $D_{nT,w} + C_{tr}(dB)^{[2]}$ | Required $D_{nT,w} + C_{tr}(dB)$ | Pass/Fail | Improvement on Building Regs |
|------|--------------------|-------------------------|-------------------------------|--|----------------------------------|-----------|------------------------------|
| 1 | ABF ^[1] | Ground Floor Location 1 | Lower Ground Floor Location 1 | 28 | 53 | Fail | -25 |
| 3 | ABF ^[1] | Ground Floor Location 2 | Lower Ground Floor Location 2 | 27 | 53 | Fail | -26 |

Table 7: Airbourne Floor Test Results

[1] - Airbourne Floor.

[2] - Measured $D_{nT,w} + C_{tr}(dB)$ – Higher is better.

| Test | Test Type | Source Room | Receiving Room | Measured $L'_{nT,w}(dB)^{[4]}$ | Required $L'_{nT,w}(dB)$ | Pass/Fail | Improvement on Building Regs |
|------|--------------------|-------------------------|-------------------------------|--------------------------------|--------------------------|-----------|------------------------------|
| 2 | IMP ^[3] | Ground Floor Location 1 | Lower Ground Floor Location 1 | 81 | 54 | Fail | -27 |
| 4 | IMP ^[3] | Ground Floor Location 2 | Lower Ground Floor Location 2 | 72 | 54 | Fail | -18 |

Table 8: Impact Test Results

[3] - Impact.

[4] - Measured $L'_{nT,w}(dB)$ – Lower is better.

13.4 As can be seen in the results above, a significant improvement on the current Ceiling/Separating floor is needed. A review of the proposals for separating the various spaces within the proposal may be required at a later stage. Such an assessment can be undertaken once the proposed plans have been confirmed and detailed construction proposals are available for review.

13.5 A full Sound Test report can be found in Appendix H.

14. Conclusion

14.1 A Noise Impact Assessment has been undertaken at Darwin Windows Ltd, Borough Rd, Darwen, BB3 1PL, to assess the noise breakout from the proposed change of use from a vacant mill to a Live Music Venue (Sui Generis).

14.2 Measurements of the prevailing background noise climate were undertaken from 2nd – 5th September 2022 at a location representative of the identified Noise Sensitive Receptors (NSRs).

14.3 The nearest or most-affected Noise Sensitive Receptors (NSRs) were identified as the residential properties southwest of the site on Borough Rd as well as the façade of 'Darwin Health Centre' facing the site. The closest habitable room windows of this property will be considered as specific reception points in calculations.

- 14.4 Using the measured background noise survey data, a representative night-time background sound level of **31 dB L_{A90}** was derived for the assessment. Assessment methodologies 1 and 2 found the noise level to achieve acceptable outcomes in conjunction with the adopted assessment criteria, whilst acknowledging relevant context corresponding to the achievement of 'NOEL – *No Observed Effect Level*' in the NPSE.
- 14.5 Assessment methodology 3 found that significant mitigation to the existing Ceiling/Separating floor is needed for the proposal to operate without '*Significant Adverse Effect*' on the commercial properties above.

15. Uncertainty

- 15.1 The background monitoring equipment is subject to a 1dB error margin, however, calibration before and after measurements allows the drift within the margin to be monitored and thus demonstrates that minimal drift occurred throughout the measurements.
- 15.2 Uncertainty can arise in the prediction of noise propagation from and around flat reflective surfaces, such as the surrounding structures present on site. This has been reduced to a minimum by utilising an acoustic modelling software that uses the validated method, ISO-9613-2, as described in BS4142.

APPENDIX A – Measurement Details

| Measurement | Kit | Start Date | Start Time | End Date | End Time |
|-------------|-------|------------|------------|------------|----------|
| M1 | A5 | 02/09/2022 | 11:57 | 05/09/2022 | 12:37 |
| M2 | A4 | 02/09/2022 | 11:36 | 05/09/2022 | 12:31 |
| Sound Test | SKT 5 | 02/09/2022 | 10:00 | 02/09/2022 | 11:15 |

APPENDIX B - Equipment Details

| Kit | Equipment | Make | Model | Class | Serial Number |
|-------|-------------|---------|-------|-------|---------------|
| A4 | Sound Meter | Svantek | 971 | 1 | 60688 |
| A4 | Pre-Amp | Svantek | SV18 | 1 | 62781 |
| A4 | Microphone | ACO | 7052E | 1 | 66703 |
| A5 | Sound Meter | RION | NL-52 | 1 | 00219828 |
| A5 | Pre-Amp | RION | NH-25 | 1 | 00344 |
| A5 | Microphone | RION | UC-59 | 1 | 18806 |
| 1 | Calibrator | Svantek | SV33A | 1 | 83715 |
| A5 | Calibrator | RION | NL-75 | 1 | 34212936 |
| STK 3 | Sound Meter | Svantek | 977 | 1 | 36815 |
| STK 3 | Microphone | ACO | 7052E | 1 | 79006 |
| STK 3 | Calibrator | Svantek | SV33A | 1 | 32507 |

APPENDIX C - Meteorology Details

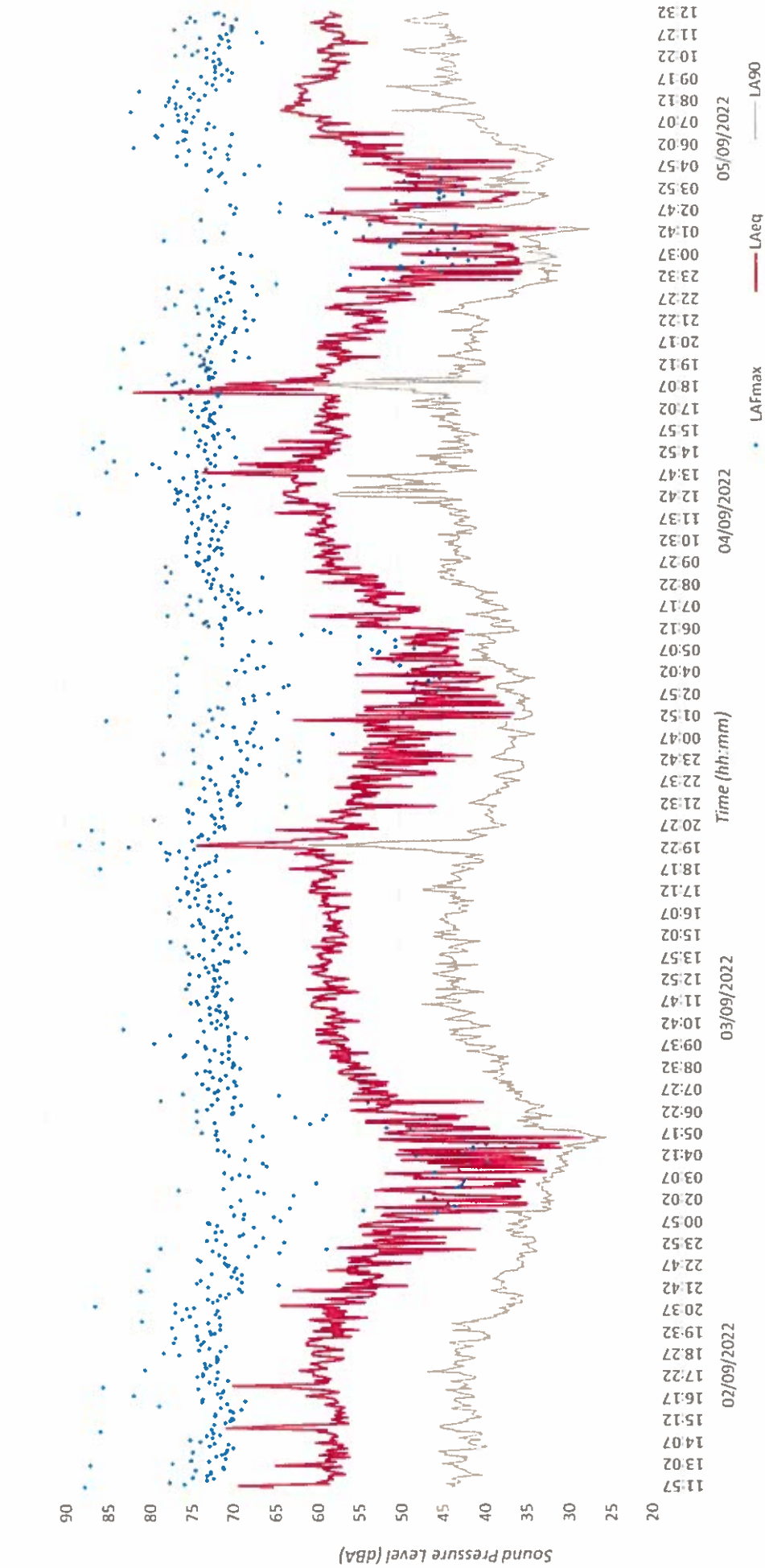
| Date | Temp C° | Wind Speed m/s | Wind Direction | Humidity % | Precipitation mm | Cloud Cover (Oktas) |
|------------|---------|-------------------|-------------------|------------|---------------------|------------------------|
| 02/09/2022 | 21 | 4 | ESE | 64 | 0.0 | 1/8 |
| 05/09/2022 | 19 | 4.5 | SSE | 66 | 0.0 | 1/8 |

APPENDIX D - Calibration Details

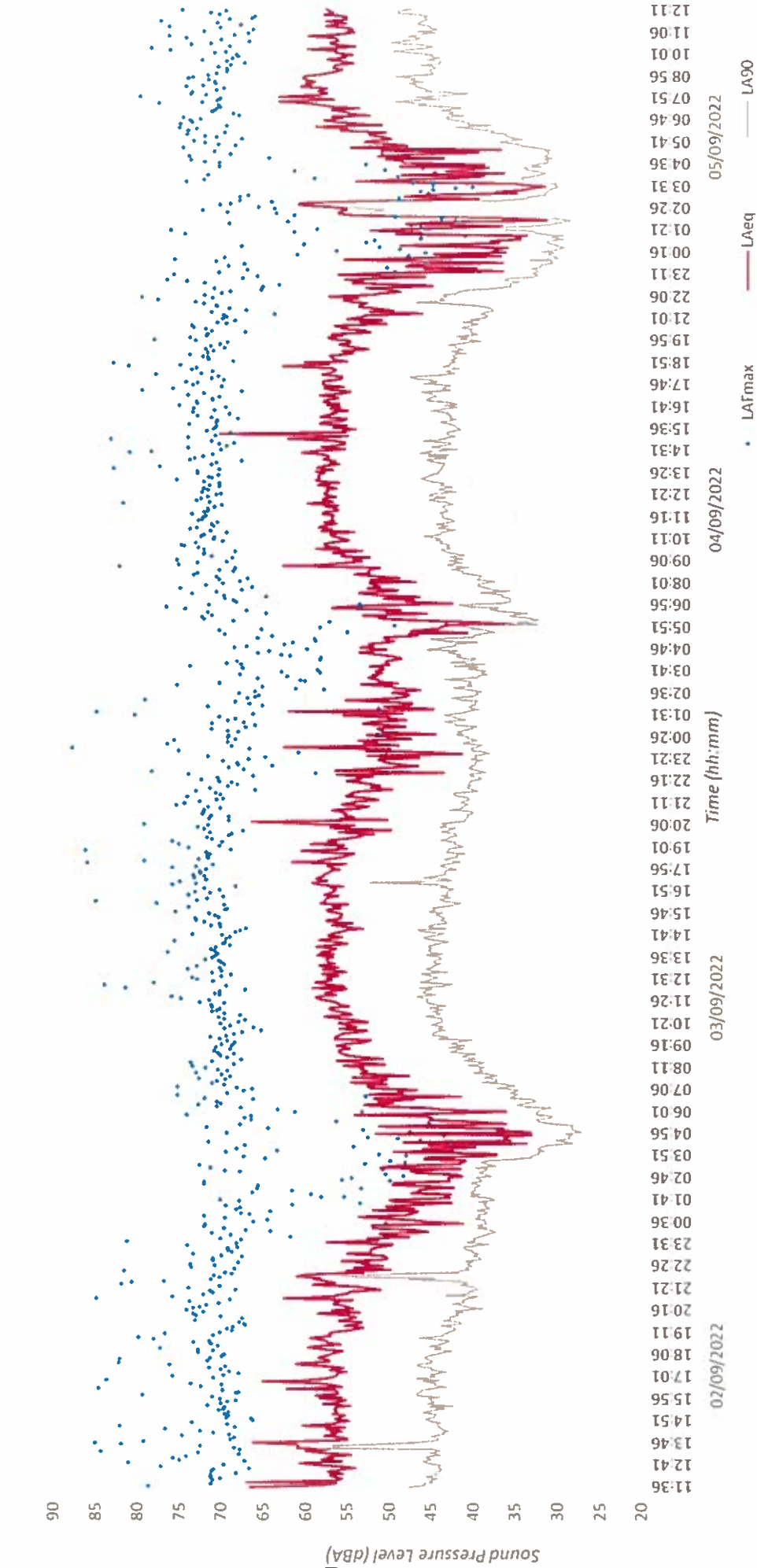
| Measurement | Calibrator Ref Level (dB) | Deviation Before (dB) | Deviation After (dB) |
|-------------|------------------------------|-----------------------|----------------------|
| M1 | 94.0 | 0.0 | 0.0 |
| M2 | 113.8 | -1.33 | -1.36 |
| Sound Test | 114.1 | -0.21 | -0.20 |

APPENDIX E – Noise Survey Results

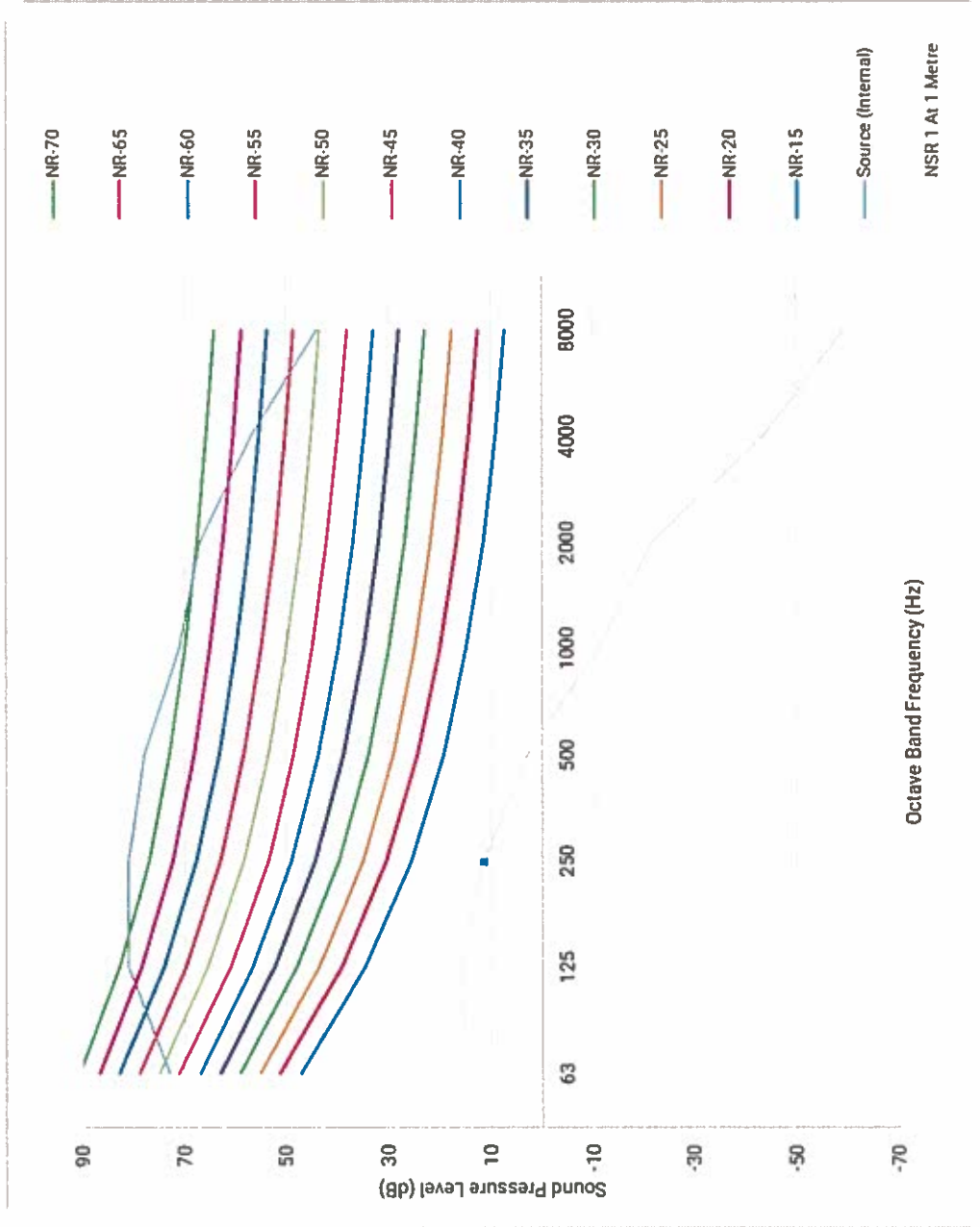
Measured Background Sound Levels Time History (M1): 02/09/2022 – 05/09/2022



Measured Background Sound Levels Time History (M2): 02/09/2022 – 05/09/2022

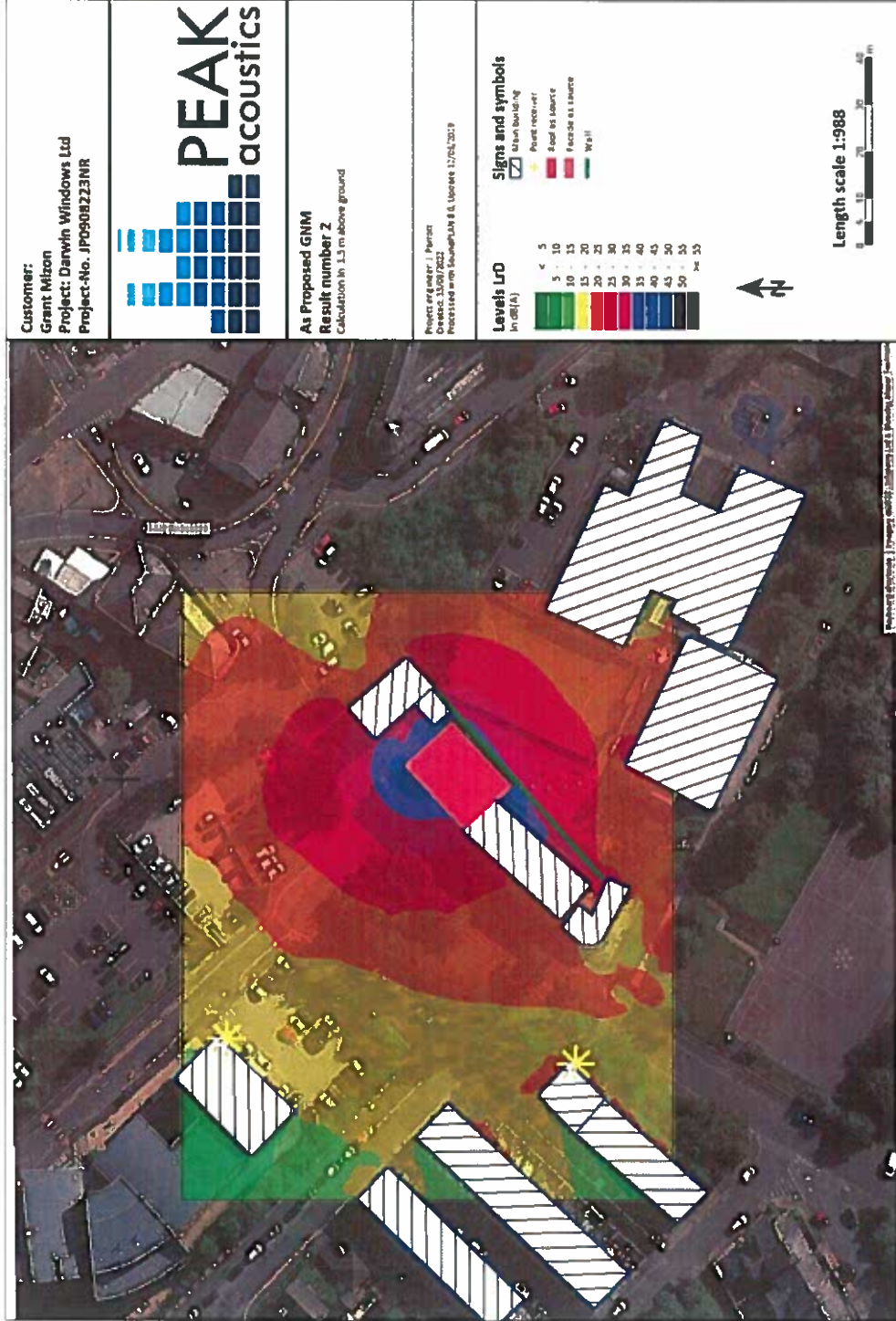


Assessment Source Levels Vs NR Curves

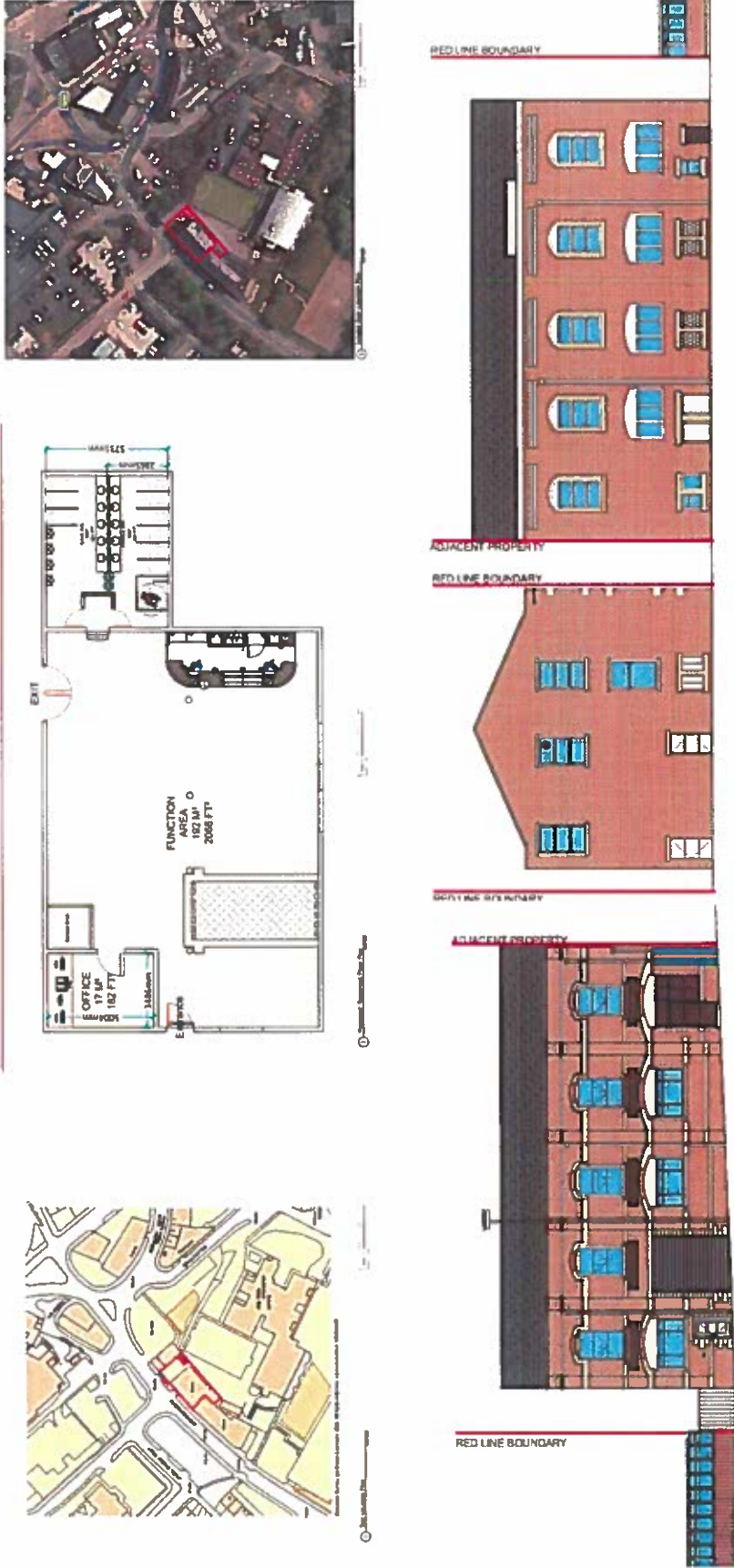


APPENDIX F –Grid Noise Map

85 dB Noise Breakout as proposed



APPENDIX G – Site Plan



APPENDIX H – Sound Test Certificate



Sound Insulation Test Report

Measurements to British Standard BS EN ISO 140-4 & 7 (1998) and BS EN ISO 717-1 & 2 (1997), following the test procedures in Annex B of Approved Document E of The Building Regulations at:

**Darwen Windows Ltd, Borough Road,
Darwen,
Lancashire,
BB3 1PL.**

Chris Clarke

Approved Test Technician - Peak Acoustics Ltd

NOTES:

- The rooms referenced in this report were tested in the condition presented by the client and the results relate only to the items tested.
- This report should not be reproduced except in full, without written approval of the laboratory.
- Text highlighted in blue lettering is information supplied by the client.

Ref: 0908223ST



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Page 1 of 8

J. Parrott BEng (Hons) AMIOA

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Page 22 of 30



T: 0330 043 1764
E: sales@acousticsurveys.co.uk
W: www.acousticsurveys.co.uk

Property Type: Change of use -

| Test | Source Room | Receiving Room | Measured $D_{n,w}$ + C_p (dB) | Required Level $D_{n,w}$ + C_p (dB) | Measured $L_{1,w}$ (dB) | Required Level $L_{1,w}$ (dB) | Pass/Fail | Improvement on Building Regulations (dB) | Test Type |
|------|-------------------------|---------------------|---------------------------------|---------------------------------------|-------------------------|-------------------------------|-----------|--|-----------|
| 1 | Ground Floor Location 1 | Basement Location 1 | 28 | 43 | | | Fail | -15 | ABF |
| 2 | Ground Floor Location 1 | Basement Location 1 | | | 81 | 64 | Fail | -17 | IMP |
| 3 | Ground Floor Location 2 | Basement Location 2 | 27 | 43 | | | Fail | -16 | ABF |
| 4 | Ground Floor Location 2 | Basement Location 2 | | | 72 | 64 | Fail | -8 | IMP |

ABW - Airborne Wall
ABF - Airborne Floor
IMP - Impact

0908223ST





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Testing commissioned by:

Grant Milton,
Borough Road,
Dawson, Lancashire,
BB3 1PL.

Test Date:

02/09/2022

Equipment: Kit 3

Svantek 977 Class 1 SLM Serial No. 36815
Aco Pacific type 7052E microphone Serial No. 79006
Svantek SV 33 Acoustic Calibrator Serial No. 32507
Ossures Qam Amplifier - SN 3126
Ossures Qohm Dodec Source - 8105
Norsonic Type 277 Tapping Machine, Serial No. 2776064

Ref: 09082235T



Peak Acoustics Ltd, Head Office - Silk Point, Queens Avenue, Macledfield, Cheshire SK10 2BB Registered (England) 8351088

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Standardised level difference according to ISO 140-4
Field measurements of airborne sound insulation between rooms

Client: Grant Mizon,
Certificate: Airborne 1

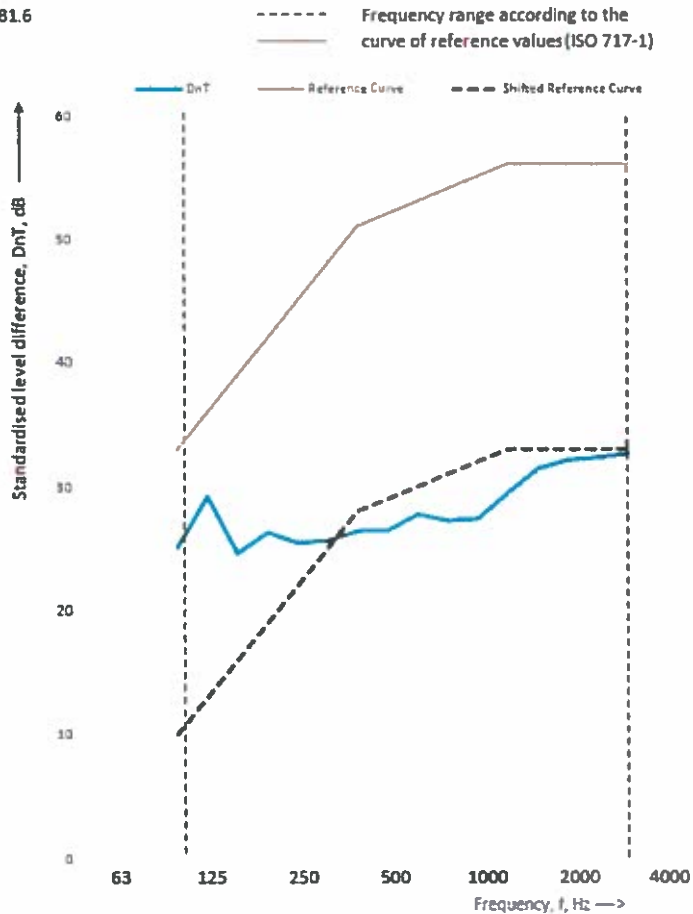
Date of test: 02/09/2022

Project: 0908223ST

Source: Ground Floor Location 1
Receiver: Basement Location 1

Source room volume (m³): 1069.5
Receiver room volume (m³): 681.6

| Frequency (Hz) | DnT 1/3 octave (dB) |
|----------------|---------------------|
| 50 | |
| 63 | |
| 80 | |
| 100 | 25.1 |
| 125 | 29.2 |
| 160 | 24.6 |
| 200 | 26.3 |
| 250 | 25.4 |
| 315 | 25.6 |
| 400 | 26.4 |
| 500 | 26.4 |
| 630 | 27.7 |
| 800 | 27.2 |
| 1000 | 27.4 |
| 1250 | 29.5 |
| 1600 | 31.4 |
| 2000 | 32.1 |
| 2500 | 32.3 |
| 3150 | 32.6 |
| 4000 | |
| 5000 | |



| | |
|---|--|
| Rating according to ISO 717-1 | Signed: Chris Clarke |
| DnT,w (C; Ctr) = 29 (0; -1) dB | <i>Chris Clarke</i> |
| Evaluation based on field measurement results obtained by an engineering method | b: background corrected, B: maximum correction No background noise influence on measured result |

| | |
|--------------------------------|------------------------------------|
| Certificate Ref: 0908223ST - 1 | Test Institute: Peak Acoustics Ltd |
| Date: 02/09/2022 | |

Standardised impact sound pressure levels according to ISO 140-7
Field measurements of impact sound insulation of floors

Client: Grant Mizon,
Certificate: Impact 2

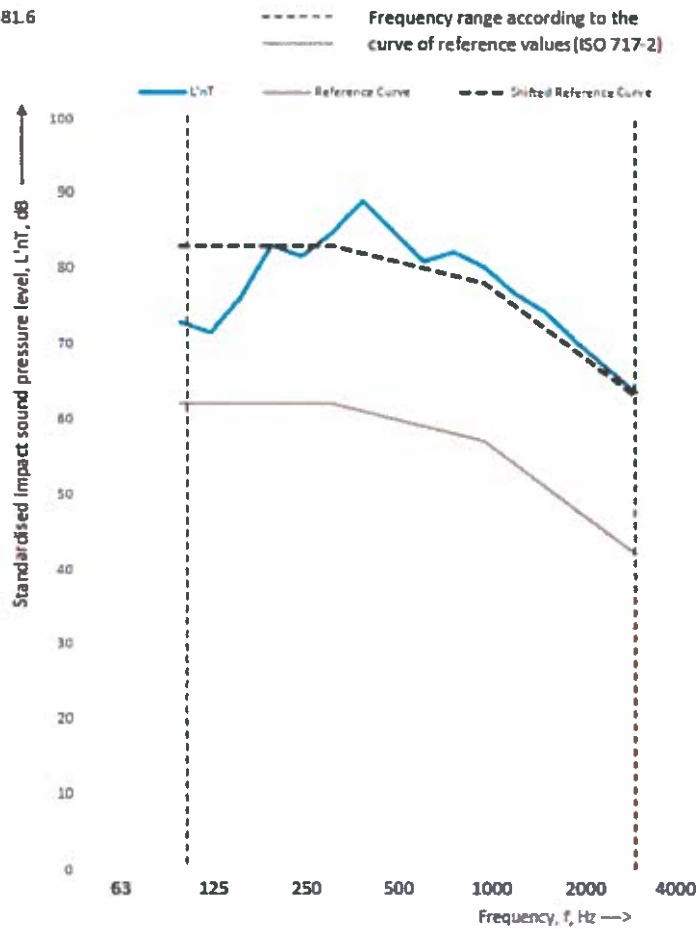
Date of test: 02/09/2022

Project: 0908223ST

Source: Ground Floor Location 1
Receiver: Basement Location 1

Source room volume (m³): 1069.5
Receiver room volume (m³): 681.6

| Frequency (Hz) | L'nT 1/3 octave (dB) |
|----------------|----------------------|
| 50 | |
| 63 | |
| 80 | |
| 100 | 72.8 |
| 125 | 71.4 |
| 160 | 76.2 |
| 200 | 83.1 |
| 250 | 81.7 |
| 315 | 84.8 |
| 400 | 89.0 |
| 500 | 85.1 |
| 630 | 81.0 |
| 800 | 82.2 |
| 1000 | 80.2 |
| 1250 | 76.7 |
| 1600 | 74.3 |
| 2000 | 70.4 |
| 2500 | 66.9 |
| 3150 | 63.6 |
| 4000 | |
| 5000 | |



| | |
|---|---|
| Rating according to ISO 717-2 | Signed: Chris Clarke |
| L'nT,w = 81 dB |  |
| Evaluation based on field measurement results obtained by an engineering method | b: background corrected, B: maximum correction Result corrected for background noise |

| | |
|--------------------------------|------------------------------------|
| Certificate Ref: 0908223ST - 2 | Test Institute: Peak Acoustics Ltd |
| Date: 02/09/2022 | |

Standardised level difference according to ISO 140-4
Field measurements of airborne sound insulation between rooms

Client: Grant Mizon,
Certificate: Airborne 3

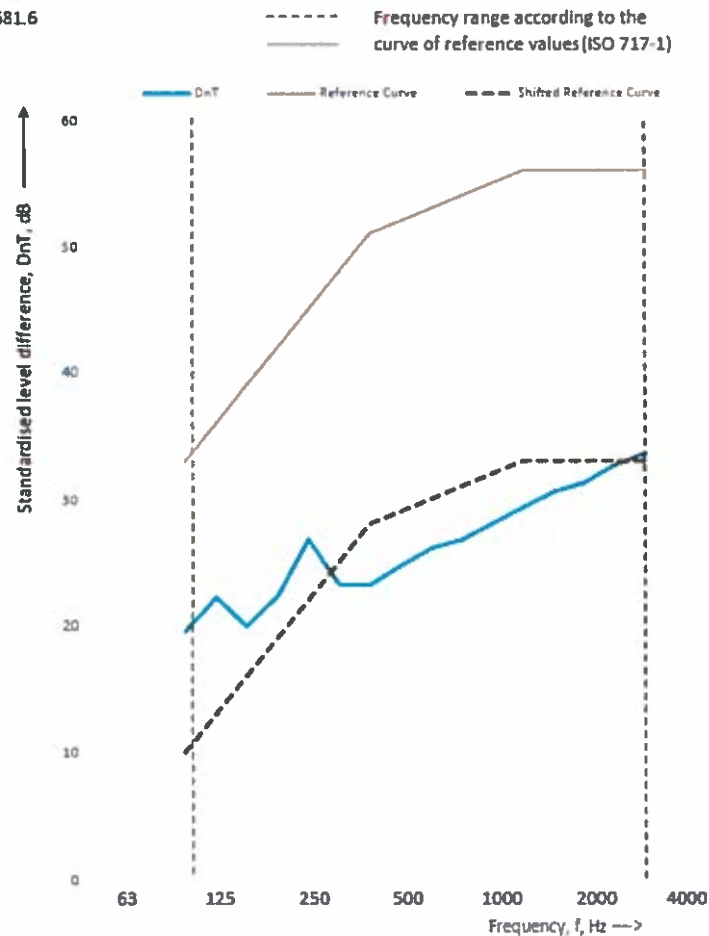
Date of test: 02/09/2022


Project: 0908223ST

Source: Ground Floor Location 2
Receiver: Basement Location 2

Source room volume (m³): 1069.5
Receiver room volume (m³): 681.6

| Frequency (Hz) | DnT 1/3 octave (dB) |
|----------------|---------------------|
| 50 | |
| 63 | |
| 80 | |
| 100 | 19.6 |
| 125 | 22.2 |
| 160 | 19.9 |
| 200 | 22.3 |
| 250 | 26.8 |
| 315 | 23.3 |
| 400 | 23.2 |
| 500 | 24.7 |
| 630 | 26.1 |
| 800 | 26.8 |
| 1000 | 28.1 |
| 1250 | 29.3 |
| 1600 | 30.6 |
| 2000 | 31.3 |
| 2500 | 32.7 |
| 3150 | 33.6 |
| 4000 | |
| 5000 | |



| | |
|---|--|
| Rating according to ISO 717-1 | Signed: Chris Clarke |
| DnT,w (C; Ctr) = 29 (-1; -2) dB |  |
| Evaluation based on field measurement results obtained by an engineering method | b. background corrected, B: maximum correction No background noise influence on measured result |

| | |
|-------------------------------|------------------------------------|
| Certificate Ref: 0908223ST -3 | Test Institute: Peak Acoustics Ltd |
| Date: 02/09/2022 | |

Standardised impact sound pressure levels according to ISO 140-7
Field measurements of impact sound insulation of floors

Client: Grant Mizon,
Certificate: Impact 4

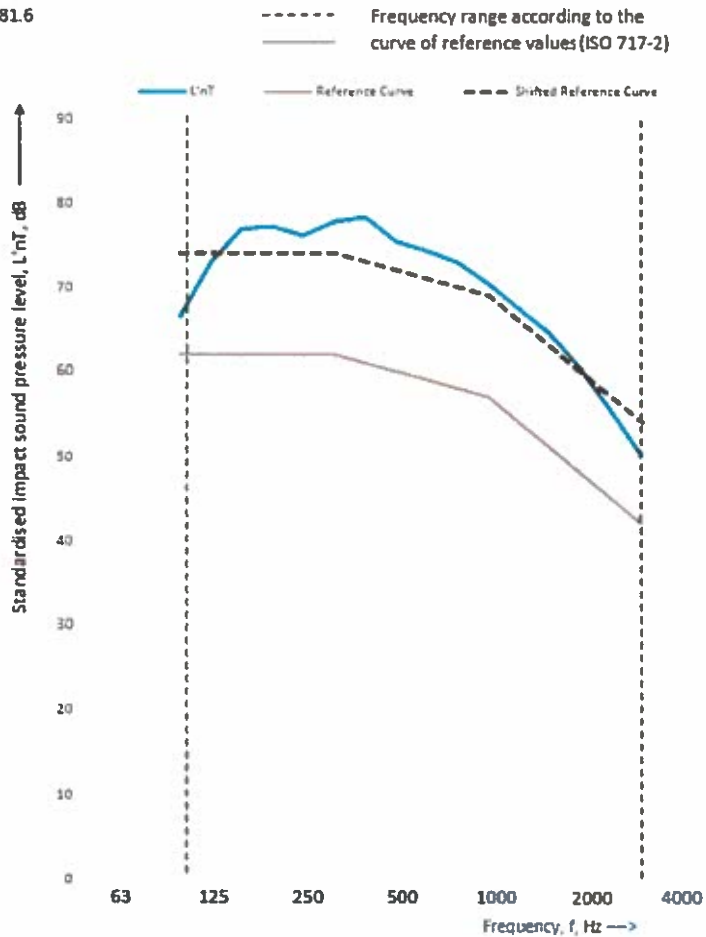
Date of test: 02/09/2022

Project: 0908223ST

Source: Ground Floor Location 2
Receiver: Basement Location 2

Source room volume (m³): 1069.5
Receiver room volume (m³): 681.6

| Frequency (Hz) | L'nT 1/3 octave (dB) |
|----------------|----------------------|
| 50 | |
| 63 | |
| 80 | |
| 100 | 66.5 |
| 125 | 72.9 |
| 160 | 76.9 |
| 200 | 77.2 |
| 250 | 76.1 |
| 315 | 77.7 |
| 400 | 78.3 |
| 500 | 75.4 |
| 630 | 74.3 |
| 800 | 72.9 |
| 1000 | 70.4 |
| 1250 | 67.5 |
| 1600 | 64.5 |
| 2000 | 60.5 |
| 2500 | 55.4 |
| 3150 | 50.1 |
| 4000 | |
| 5000 | |



| | |
|---|---|
| Rating according to ISO 717-2 | Signed: Chris Clarke |
| L'nT,w = 72 dB |  |
| Evaluation based on field measurement results obtained by an engineering method | b: background corrected, B: maximum correction Result corrected for background noise |

| | |
|--------------------------------|------------------------------------|
| Certificate Ref: 0908223ST - 4 | Test Institute: Peak Acoustics Ltd |
| Date: 02/09/2022 | |



T: 0330 043 1764

E: sales@acousticsurveys.co.uk

W: www.acousticsurveys.co.uk

References

Peak Acoustics were unable to determine the construction materials used in forming the sampled partitions referenced in this report and no information was available from the client in this regard immediately prior to testing commencing.

Test Procedure - Airborne Sound Insulation

Airborne sound insulation measurements are taken to a recommended procedure summarised below:-

- A pink noise source generates a steady and continuous spectrum across the required frequency bands.
- Measurements, following the International Standard (2), of the sound levels are taken at one-third octave intervals from 100Hz to 3150Hz, in the source and receiver room using fixed microphone positions.
- An average sound pressure level, representative of the space in each room is established.
- Reverberation time measurements are made in the receiver room (3).
- The standardised level difference (DnT) in decibels (dB) is calculated in each frequency band using the equation:
 $DnT = L1 - L2 + 10 \lg T/T0$

DnT is the Standardised Level Difference (dB)

L1 is the average sound pressure level in the source room (dB)

L2 is the average sound pressure level in the receiver room (dB)

T is the average reverberation time of the receiver room (seconds)

T0 is the reference reverberation time of 0.5 seconds.

- The Weighted Standardised Level Difference (DnT,w) in decibels and Spectrum Adaptation Terms (C and Ctr), are calculated in accordance with BS EN ISO 717-1:1997(4)

Test Procedure - Impact Sound Transmission

Impact sound insulation measurements are taken to a recommended procedure summarised below:-

- An industry standard *tapping machine* is used as the impact noise source.
- Measurements, following the International Standard (5), of the sound level are taken at one-third octave bands intervals from 100Hz to 3150Hz in the receiver room using fixed microphone positions.
- An average sound pressure level representative of the space in each room is established.
- Reverberation time measurements are made in the receiver room (3)
- The Standardised Impact Sound Pressure Level (L'nT) in decibels (dB) is calculated in each frequency band using the equation: $Lnt = L1 - 10 \lg T/T0$

where L'nT is the Standardised Level Difference (dB)

L1 is the average sound pressure level in the source room (dB)

L2 is the average sound pressure level in the receiver room (dB)

T is the average reverberation time of the receiver room (seconds)

T0 is the reference reverberation time of 0.5 seconds.

- The Weighted Standardised Impact Sound Pressure Level (L'nT,w) in decibels (dB) is calculated in accordance with BS EN ISO 717-2:1997 (6).

Reference Documents

1. The Building Regulations 2015 - Approved Document E: Resistance to the passage of sound.
2. BS EN ISO 140-4:1998 Acoustics - Measurements of sound insulation in buildings and of building elements.
3. BS EN ISO 354:2003 Acoustics - Measurement of sound absorption in a reverberation room.
4. BS EN ISO 717-1:1997 (Incorporating Amendment 1) Rating of sound insulation in buildings and of building elements.
5. BS EN ISO 140-7:1998 Field Measurements of impact sound insulation of floors.
6. BS EN ISO 717-2:1997 (Incorporating Amendment 1) Acoustics. Rating of sound insulation in buildings and of building elements. Impact sound insulation.



APPENDIX I – Acoustic Terminology

To aid the understanding of acoustic terminology and the relative difference between noise levels the following background information is provided.

We perceive sound when the ear detects fluctuations in air pressure (sound waves), which are then processed by the brain and perceived as sound. Humans can hear an incredibly wide range of sound intensities ranging from jet engines to fingertips lightly brushing against each other. This range is quantified using a logarithmic scale called the decibel scale (dB). The comfortable range of the decibel scale typically ranges from 0dB (the threshold of hearing) to around 140dB. Here are some examples of common environments and their typical noise levels.

| Noise Level | Environment |
|------------------|----------------------------|
| 0 dB(A) | Threshold of hearing |
| 20 to 30 dB(A) | Quiet bedroom at night |
| 30 to 40 dB(A) | Living room during the day |
| 40 to 50 dB(A) | Typical office |
| 50 to 60 dB(A) | Inside a moving car |
| 60 to 70 dB(A) | Typical high street |
| 100 to 110 dB(A) | Fire alarm at 1 metre away |
| 140 dB(A) | Threshold of pain |

Terminology

dB (decibel) – A unit used to quantify the pressure level of sound. Defined as 20 times the logarithm of the ratio between the root-mean-square pressure of a given sound field and a reference pressure level (2×10^{-5} Pa – threshold of hearing).

$L_{Aeq,T}$ – The equivalent continuous sound pressure level over a stated period. It quantifies a fluctuating sound level over a given period as the equivalent continuous sound level over which the same amount of acoustic energy is contained over. This is A-weighted in order to assess human perception.

L_{A90} – The sound level exceeded 90% of the time. Typically used to describe background noise the L_{90} is regarded as the 'average minimum level' and quantifies the common sound level of a fluctuating sound field i.e. the sound level that occurs 90% of the time. Alternatively, L_{10} describes the sound level exceeded 10% of the time and therefore quantifies the 'average maximum level' of sound which is often used during the calculation of road traffic noise.

A-Weighting – A standard weighting of the audible frequencies designed to reflect the response of the human ear to noise.

R_w – The Weighted Sound Reduction Index (R_w) is a number used to rate the effectiveness of a soundproofing system or material.



Professional Audio / Visual Services

CLIENT INFORMATION

The Bakehouse
Event Center
Borough Road
Darwen
BB3 1PL

**NOISE REPORT
THE BAKEHOUSE DARWEN**

Background Music Level - Externally measured - 1.5m from building
Conducted - **12th - 13th September 2022** - Acoustic Meter Calibrated at 9:00am

| AMBIENT OUTDOOR LEVEL (No Music) | INDOOR VOLUME LEVEL - LAeq | OUTDOOR VOLUME LEVEL - LAeq | AMBIENT OUTDOOR LEVEL (No Music) | EXTERNAL NOISE FACTORS (Traffic) | OUTDOOR NOISE DIFFERENTIAL - LAeq |
|---|----------------------------|-----------------------------|----------------------------------|----------------------------------|-----------------------------------|
| Upper Floor - Warehouse (Potential Main Bar Area) | 69.0db | 63.8db | 62.0db | 71.8db | 1.8db |
| Lower Floor - Warehouse | 68.6db | 65.7db | 62.0db | 71.8db | 3.7db |
| Upper Floor - Bakery | 71.2db | 64.2db | 62.0db | 71.8db | 2.2db |
| Lower Floor - Bakery | 71.5db | 66.2db | 62.0db | 71.8db | 4.2db |

Performance Music Level - Externally measured - 1.5m from building
Conducted - **12th - 13th September 2022** - Acoustic Meter Calibrated at 2:00pm

| LOCATION | INDOOR VOLUME LEVEL - LAeq | OUTDOOR VOLUME LEVEL - LAeq | AMBIENT OUTDOOR LEVEL (No Music) | EXTERNAL NOISE FACTORS (Traffic) | OUTDOOR NOISE DIFFERENTIAL LAeq |
|---|----------------------------|-----------------------------|----------------------------------|----------------------------------|---------------------------------|
| Upper Floor - Warehouse (Potential Main Bar Area) | 84.0db | 69.6db | 62.0db | 71.8db | 6.4db |
| Lower Floor - Warehouse | 84.1db | 71.3db | 62.0db | 71.8db | 9.3db |
| Upper Floor - Bakery | 85db | 70.1db | 62.0db | 71.8db | 8.1db |
| Lower Floor - Bakery | 85db | 73.0db | 62.0db | 71.8db | 9.0db |

LOOPAV - COMPANY REG NO: 11578262 / REGISTERED IN ENGLAND & WALES,
REGISTERED OFFICE: 53 ECTON PARK ROAD, NORTHAMPTON, UNITED KINGDOM, NN3 5EB

Main Structure

The main walls of the venues structure are nearly half a meter thick and reduce sound levels by some 15db. The main performance and music area is planned to be situated in the warehouse on the upper floor which means it will be furthest away from the nearest residential building. The wooden apex roof structure was tested and the thick oak timber adds to the reduction in sound level. There are however some weaknesses observed and addressed below.

Fire Exit, Entrance Doors & Loading Bays

These areas, when open, all have potential for noise bleed into local residential areas.

Recommended Action:

All fire exit doors and entrance areas could have two sets doors giving each entrance / exit a dedicated "sound lobby". Each exit door could also have a programmable access lock linked to the fire alarm system to stop unwanted opening of these areas. This will maintain the sound lobby at all times removing weak links in the venue. Whilst the loading bay doors pose a large sound leak risk, generally a load in / out is done at the beginning or end of an event. Therefore it is recommended that you do not provide additional live entertainment simultaneously while these are doors are open.

Internal Areas

Multiple Windows and small loading door areas, lend to noise bleed from the building as they are thinner than the structural wall and the glass allows sound to permeate more easily. This area is the main sound leakage from the building when out at street level.

Recommended Action:

We recommend the existing windows and loading doors to have a removable framed filled with Acoustic mineral wool which is then covered with a layer of 15mm acoustic plasterboard, then a layer of Technosound, followed by another layer of 15mm acoustic plasterboard.

External Areas

As above the windows, small loading doors etc present the same weakness.

Recommended Action:

As above for internal areas.

Stage / Sound System / DJ Position

Whilst these areas were not built when we conducted our assessment, the below recommendations should be heeded when considering the build and placement.

Recommended Action:

The stage and DJ booth should be positioned at the furthest point of the warehouse; furthest from the nearest residential building. Speakers should be elevated and angled inwards, and directed away from weak spots such as windows and doors. This action will allow to reduce sound levels exposed to the weaker street side area and thus reducing levels escaping from the venue to residential areas.

If intended to be installed, sub bass units should be fixed onto sound absorbing springs reducing resonance from the units and giving control.

All speakers should be controlled via a DBX drive rack digital processor to enable full control/limiting of the frequency spectrum as well as any crossover, delays etc.

It is also recommended that a processor should be installed in the amplifier rack which should then be locked with password protection.

All entertainment should be routed through an in-house sound system via an audio patch panel, giving full control of all types of requirements. An in-house limiter can additionally be added to ensure excessive sound levels are not reached. This limiter should be setup with the local EHO department then set and locked to the agreed levels.

Final Notes & Overview

Generally the noise limits recorded, both indoor and outdoor, were as expected with no extreme or excessively concerning levels, particularly curb side. Often the volume of the passing cars and traffic (71.8db) superseded any volume level of noise bleed from the building, even when testing at a loud performance music level. Upon request of The Bakehouse, we additionally took measurements of the sound levels and differentials further afield; outside the nearest residential building and the noise was either minimal or lower than what could audibly be heard over the ambient street noises.

The overall noise pollution from the building would normally not warrant additional measures to be taken, however should you wish to reduce the audible levels further we have given our recommendations on the best practises to do so above. These are not guaranteed, however should promote better noise and audio control from the building if needed.

Once in place we can provide further testing and data analysis to gauge any audible changes or reductions.



Liam O'Leary

Company Director

Loop AV Ltd - Professional Audio / Visual Services

LOOPAV - COMPANY REG NO: 11578262 / REGISTERED IN ENGLAND & WALES,
REGISTERED OFFICE: 53 ECTON PARK ROAD, NORTHAMPTON, UNITED KINGDOM, NN3 5EB



Licensing Act 2003

Address of Premises: **The Bakehouse, Borough Road, Darwen, BB3 1PL**

Conditions to be included in the application for a Premises Licence for the above:

Protection of Children from Harm

1. All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:
 - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
 - Photo driving licence
 - Passport
 - Citizen card supported by the Home Office
 - Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder
2. A refusals log will be kept on the premises to record any refused sales of alcohol to anyone who cannot comply with the Challenge 25 policy.
3. All staff shall receive training to prevent under age sales of alcohol including checks to be undertaken at point of sale of alcohol. All staff to receive regular refresher training. Training to be documented. Training records to be presented to the Police or an authorised officer upon request.
4. Prominent signage of the age verification policy will be displayed on the premises.

I agree to the above conditions being included in the application for a Premises Licence under the Licensing Act 2003 in respect of **The Bakehouse, Borough Road, Darwen BB3 1PL**

Email from Applicant - Tue 13/09/2022 22:05

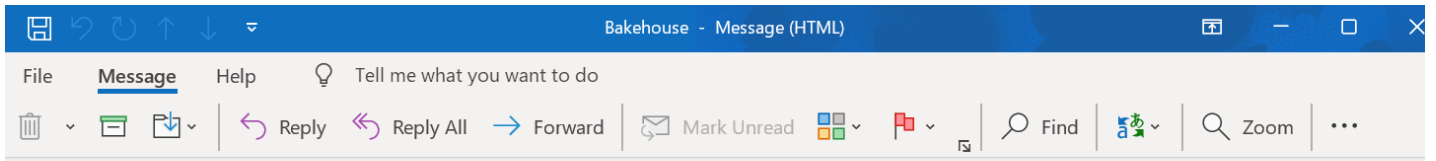
Hi Janet,

Please take this as our agreement to the conditions from responsible authorities.

Many thanks

Becca

Appendix 5



Bakehouse



Barton, Sarah <Sarah.Barton@lancashire.police.uk>
To: Licensing Team



Wed 28/09/2022 09:17

| NAME/PREMISES | ADDRESS | DETAILS | DATE RECD | Part A recd/req | NOTES |
|---------------|---|---------|-----------|-----------------|---|
| BAKEHOUSE | OLD CO-OP BAKERY, BOROUGH ROAD, DARWEN, BB3 1PL | NEW | 03.09.22 | | 28.09.22 NO POLICE OBJECTIONS PER PC 3539 NEEDHAM |

Thanks, Sarah

Sarah Barton
East Division Licensing
Lancashire Constabulary

☎ 01282 472035 | ✉ sarah.barton@lancashire.police.uk | 📍 Burnley Police Station, Parker Lane, Burnley, BB11 2BT

This message may contain information which is confidential or privileged. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments, without retaining a copy.

OFFICIAL



Blackburn with Darwen Council
Licensing Department
Lower Ground Floor
Town Hall
King
Blackburn
BB1 7DY

Please ask for: Sam Edwards
Telephone: 01254262721/07920786816
Email: SamanthaEdwards@lancsfireandrescue.org.uk
Your Ref:
Our Ref: 2022-09-02__E/6130/1_The bakehouse
Group Ltd
Date: 08 September 2022

To whom it may concern

ISSUE OF A NEW LICENCE

Legislation: Licensing Act 2003
Name of Applicant: The bakehouse Group Ltd
Premises Address: Borough Road, Darwen BB3 1PL

The above application has been inspected and the Fire Authority has no objection to the Issue of a premises licence.

These premises are subject to the Regulatory Reform (Fire Safety) Order 2005 and a fire risk assessment should be carried out by the responsible person.

If a pavement licence is granted, the fire risk assessment may need to be amended and consideration should be given to the positioning of chairs, tables and other furniture so that fire safety precautions, including the means of escape are not obstructed and are available at all material times.

The Fire Authority may inspect the premises to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005, and the Risk Assessment may be required by the Licensing Authority to satisfy the licensing objective relating to public safety.

Additional Comments:

If you would like to discuss this or any other matter of fire safety, please call me on 01254262721/07920786816

Yours faithfully,

Sam Edwards

Fire Safety Inspector
for Chief Fire Officer

Lancashire Fire and Rescue Service
Blackburn Fire Station
Byrom Street
Blackburn
BB2 2LE

Annex 2

1. The premises will provide door staff/security.
2. The premises will maintain a hot line for local taxi firms.
3. The premises will be fitted with CCTV cameras in the bar, downstairs and outside of the premises which will be on and recording during all events.
4. Any instances of crime or disorder will reported to the police as soon as reasonably practicable and CCTV footage will be exported to support this.
5. Each event will have a capacity limit and tickets will be sold to ensure this is not exceeded.
6. All-inclusive nights and irresponsible drinks promotions will not be permitted.
7. All drinks will be served from plastic or toughened glasses and any glass bottles will be decanted into a glass at the point of sale.
8. Customers will not be permitted to bring their own alcohol or bottles of liquid onto the premises and door staff will make necessary inspections upon entry.
9. The premises will operate a zero tolerance policy on drugs and any seized will be reported to the police and secured safely until collection can happen.
10. A personal licence holder will always be present when there are to be sales of alcohol.
11. The premises licence holder has conducted a suitable fire risk assessment & requires anyone renting the space with additional set up to do the same and implement necessary control measures.
12. All firefighting equipment will be checked and verified as part of this risk assessment.
13. Fire exits will be clearly identified and be operational without the use of a key or code during all times that members of the public are present.
14. A competent member of staff will undertake a safety check of the building at the beginning of every event.
15. Regular fire drills will be conducted and staff trained in how to best escort customers out of the building safely and using the most effective route.
16. Exit doors open outwards.
17. The premises licence holder shall ensure that adequate first aid supplies are held on site and trained first aiders will be on duty for all events.
18. Fire safety notice and emergency lighting will be installed and regularly maintained.
19. The premises will have suitable Public Liability insurance and a certificate for this will be displayed at the premises.
20. At any MMA or similar events, a medical practitioner will be present throughout the event and the octagon will be constructed and maintained by a competent person and inspected before use.

21. The premises licence holder shall ensure that a suitable noise management plan is implemented at the premises.
22. Doors and windows will be kept closed when regulated entertainment is taking place and all are double glazed to minimise the outbreak of noise.
23. Prominent, clear and legible notices will be displayed at all exits requesting patrons to respect the needs to local residents and to leave the premises and the area quietly.
24. Staff will conduct a litter pick of the local area at the beginning of each day or the end of each event when one is not planned for the following day.
25. Any events involving adult entertainment will be ticketed events and will carry age restrictions which match the entertainment on offer.
26. All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:
 - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
 - Photo driving licence
 - Passport
 - Citizen card supported by the Home Office
 - Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder
27. A refusals log will be kept on the premises to record any refused sales of alcohol to anyone who cannot comply with the Challenge 25 policy.
28. All staff shall receive training to prevent under age sales of alcohol including checks to be undertaken at point of sale of alcohol. All staff to receive regular refresher training. Training to be documented. Training records to be presented to the Police or an authorised officer upon request.
29. Prominent signage of the age verification policy will be displayed on the premises.

Extract from Statutory Guidance issued under s.182 of the Licensing Act 2003

Licence conditions – general principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.