

## **Review of premises licence : The Axe PH, 60 Ashdon Road, Saffron Walden**

### **Supplementary statement by Ann Lee-Moore, Principal EHO**

The grounds for my application for a review of the premises licence submitted on 18th August 2014 are failure to comply with the licence conditions relating to the licensing objective of prevention of public nuisance.

The Environmental Health Section has received complaints from ten separate households in the vicinity of the premises, regarding activities which have claimed to be interfering with the rightful enjoyment of their properties.

The premises has residential properties on all sides, and widespread disturbance to residents has been reported to have occurred over the last 18 months due to :

- music not being adequately contained within the premises
- rowdiness and anti-social behaviour from customers in the garden area or leaving the premises in the car park and on the pavement outside, continuing into the early hours of the morning

Annexes 2 and 3 of the premises licence dated 6 November 2013 contain the provisions for prevention of public nuisance and were carried over from the original licence under the 2003 Act, granted in November 2005.

The specific conditions which have not been complied with are set out below with dates and details of incidents provided under each condition as evidence of non-compliance. The incidents relate to reports from residents made to the Environmental Health section.

#### **Annex 2**

#### **2. Effective staff training to cover under age drinking, anti-social behaviour, drunkenness on and off the premises, use of drugs and the protection of children from harm.**

December 11<sup>th</sup> 2013 at 23.40 hrs shouting, swearing and drunken behaviour at the premises.

Saturday 14<sup>th</sup> June 2014 reports of shouting outside premises 23.00 hrs to 01.30 hrs

#### **3. Responsible management of the premises to be in place**

Excessive customer noise in garden area on Monday 26<sup>th</sup> August 2013 until 00.20 hrs, 18<sup>th</sup> and 25<sup>th</sup> January 2014 until 00.30, 28<sup>th</sup>&29<sup>th</sup> June 2014, 3rd<sup>th</sup> July 2014 until past 22.30 hrs, and until 00.10 hrs on 20<sup>th</sup> July 2014, including music being played by customers, shouting and foul language

### **13. Management of staff and customers arriving and leaving the premises**

September 20<sup>th</sup> and 21<sup>st</sup> September 2013. Rowdiness in the street until 02.00

Sunday 30<sup>th</sup> March. Customers outside premises being rowdy until 01.45 hrs

Saturday 24<sup>th</sup> May 2014. Customers singing in the street at midnight, further disturbance until 00.30

Sunday 1<sup>st</sup> June 2014. Customers shouting, singing in street and rolling beer barrels on pavement

7<sup>th</sup> July 2014. Customers outside shouting from 00.30 to 01.20 hrs

Noise monitor installed by Environmental Health recorded noise from people outside the premises, including loud laughter, shouting, car doors slamming until 01.17 hrs on Monday 27<sup>th</sup> July 2014

### **Annex 3**

#### **2. Prominent and clear notices to be displayed at all exits requesting customers to leave the premises and area quietly .**

None displayed to the car park area

#### **3. A responsible member of staff shall assess regularly noise from the premises during amplified and live music events . Steps shall be taken to reduce the level of noise where it is likely to cause disturbance to local residents.**

A noise monitor installed by Environmental Health recorded excessive volume of music played on evenings of:

Friday 18<sup>th</sup> April 2014 continuing until 23.41 hrs

Saturday 19<sup>th</sup> April 2014 continuing until 23.50 hrs

Saturday 26<sup>th</sup> July 2014 until 23.27 hrs

Report from residents of excessive music noise levels until 00.30 hrs 24<sup>th</sup> August 2013, 01.45 hrs 25<sup>th</sup> August 2013, 20<sup>th</sup> and 21<sup>st</sup> September 2013 until 00.30 hrs, New Years Eve 2013, 4<sup>th</sup> January 2014 until 01.15 hrs, 25<sup>th</sup> May 2014 until 23.30 hrs, 22<sup>nd</sup> June 2014, end time not reported.

#### **4. Doors and windows to be kept closed except for access and egress when live or recorded music is being played or performed.**

Saturday 31<sup>st</sup> August 2013 Loud music until midnight, windows and doors were open

## **5. A designated member of staff shall monitor the car park for noise and congestion.**

New Years Day 2014 Fight in car park 00.30 -01.30 hrs

Sat 24<sup>th</sup> May 2014 Moped being driven around car park

## **6. Drinking only in designated area outside, none after 23.20**

The application included a log of incidents provided by residents which have caused serious disturbance. Included in this log are references to drinking outside until 02.30 hrs 21<sup>st</sup> – 22<sup>nd</sup> September 2013.

Following receipt of the complaints, I liaised with officers from the Licensing Section and Essex Police, who visited the premises to discuss the complaints with the licence holder. Subsequently I corresponded with the licence holder between October 2013 and July 2014. All correspondence has been included in the application. I also discussed noise control with the licence holder in January, February and April 2014. The licence holder agreed to lower the volume of music after 23.00hrs, paying particular attention to the bass level, and advised that he intended to install CCTV to monitor the outside area.

A new supervisor, with responsibility for running the premises was appointed at the end of April 2014, and a meeting was held in June 2014 with the supervisor, myself, Steve Sparrow of Essex Police and D. Scales UDC Enforcement Officer, when the following matters were discussed:

- CCTV to be installed
- Closer supervision of patrons leaving
- Volume of music and bass sensitivity
- Number of events planned
- Noise from the garden area, including a bouncy castle

Noise monitoring equipment was installed in the bedroom of a nearby residential property to monitor levels from a planned event on 26<sup>th</sup> July 2014 featuring “Iron Fist Band”. The monitor recorded noise levels from music up to 23.30hrs averaging 50dB over 5 minute periods, an extract from which is included in the application. The monitor also allowed recording of the actual music heard by residents, which demonstrated a prominent bass line. Due to its low frequency, this easily penetrates properties at a distance from the source. The recording also captured customer noise until 01.17 hrs.

Residents have provided statements for the application, setting out the effects of the activities at the premises on the enjoyment of their own properties.

In conclusion, the current licence conditions are not being complied with by the licence holder. The premises is surrounded on all sides by residential properties and as a result must be operated with sensitivity to the amount of noise which may be produced from regulated entertainment, and from customers at or leaving the premises, and the behaviour of those customers. In the circumstances it is considered that the conditions of the licence should be fully reviewed to reflect current UDC Licensing Policy. The issues which need to be addressed by reviewed conditions are:

- Whether music outdoors should be permitted
- The number of music events to be permitted in any 12 month period
- The control of the music noise level, and whether the low frequency bass component should be further controlled
- Keeping windows and external doors closed during music events
- Staff training to address anti social behaviour and music noise levels
- Staff supervision of customers leaving the premises and supervision of noise levels
- The provision of designated taxi operators who must comply with measures to control noise from their vehicles
- Signage to advise customers to leave quietly
- Provision of CCTV