

Objection to application for variation to the premises licence in respect of Chatersco Ltd, 17 Church Street, Saffron Walden, CB10 1JW: removal of conditions 3-5 of Annexe 2. Premises Licence No: PL0472

As Senior Environmental Health Officer (Protection) at Uttlesford District Council I am making a representation to the application because I consider there is potential for a public nuisance to occur should the application be approved.

Background

Chaters is located down an alleyway leading off of Church Street, Saffron Walden. Residential flats are in close proximity and this department is currently investigating a recent noise complaint regarding alleged loud music internally and patron noise both externally from the alleyway and from within the building itself due to alleged poor sound insulation. This has not been determined but we are in contact with both the complainant and the applicant. The premises must be operated with sensitivity to the amount of noise which may be produced from amplified music and from customers at or leaving the premises.

Whilst I can understand the applicant's business case for the outside use, particularly during the summer months, the applicant seeks to fully remove certain current conditions contained in Annex 2 of the premises licence PL0472. The original conditions were imposed to ensure the licensing objective of preventing public nuisance is met for current and any future licence holder.

It is accepted that since opening occasional complaints about Chaters have been received from one near neighbour, although supported by another. These have been dealt with informally and are primarily around alleged loud music and patron noise.

Removal of conditions in Annex 2. Premises Licence No: PL0472

Considering the specific conditions which the application seeks to remove:

- To remove conditions Annexe 2 Condition 3:-

At all times no persons shall be permitted to take bottles, glasses or drinking vessels from the premises into the outside area and conspicuous signage (of a minimum size of 200mm x 148mm) shall be displayed, at each ingress/egress point explaining this policy.

Chaters has a premises licence to serve drinks and play recorded music from 09:00-23:00 every day. By restricting the location and hours when drinks can be consumed outside, the condition limits the potential for raised voices and/or rowdy behaviour causing a disturbance to neighbours. The likelihood of disturbance would be increased by allowing outside drinking until closing time on any evenings and full removal is

therefore not supported. Following discussions with the applicants they are not averse to a licence condition being imposed by the Committee limiting evening hours of use and have agreed to reflect this by updating the existing noise management plan within an agreed time frame following any hearing. A large degree of buy in will be needed from complainants on this matter and the onus would be on the applicant to manage patrons and make this work.

- To remove condition Annexe 2 Condition 4:-

No tables, chairs or furniture in the outside area

It is not possible to contain noise from an outside walled area. Encouraging patrons to possibly use the outside area during operating hours, within a residential area, has the potential to cause widespread disturbance to neighbours. Use of the outdoor area can lead to patrons using the area for extended periods and therefore removal of this condition is not supported.

- To remove Annexe 2 Condition 5 which says:

The outside area to the side of the premises is only to be used as a smoking area.

As with condition 4, it is not possible to contain noise from an outside walled area. Encouraging patrons to possibly use the outside area during operating hours, within a residential area, has the potential to cause widespread disturbance to neighbours. Use of the outdoor area for table and chairs can lead to patrons using the area for extended periods and therefore removal of this condition is not supported. Also, with the addition of tables and chairs it is likely smokers will use a different area to smoke and this may bring them closer to residential properties whereby the smoke odour may become noticeable.

- To expand the current licensed area to incorporate the area detailed in the new proposed floor plan.

No objection is raised on this point.

Conclusion

The existing conditions control the risk of public nuisance and although the level of complaints relating to noise are low consideration should be given to the possibility that other residents have tolerated a degree of disturbance in the knowledge that operational timings and noise controls are in place.

Public nuisance is given a statutory meaning in many pieces of legislation. In the context of noise, a public nuisance occurs when the act substantially interferes with the reasonable use of neighbouring land. It is important to note that the prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. This service maintains that the current conditions are considered reasonable and intended to ensure there is no unreasonable interference in the use and enjoyment of neighbouring land. This is in keeping with the requirements of licensing guidance as the approach to public nuisance should be one of prevention.

As stated previously, if the Committee is minded to approve the variation in whole or part a large degree of by in will be needed from complainants and the onus would be on the applicant to manage patrons and make this work.

Andy Bonham

Snr Environmental Health Officer (Protection)

Uttlesford District Council

7/6/2023