

LICENSING ACT 2003 SUB COMMITTEE

Friday, 13th August, 2021
10.00 am





LICENSING ACT 2003 SUB COMMITTEE

REMOTE MEETING, LIVESTREAM ON YOUTUBE

Friday, 13th August, 2021 at 10.00 am

AGENDA

11) *Redacted Late Correspondence*

3 - 8

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker
Councillor Karen Ingham

Councillor Anne Kelly
Councillor Jeff Sumner

Report by Environmental Health for Hearing 13th August 2021

Re: TEN - 'Underneath the Arches' and car park mini beer festival SR 21/01207/EPTENL

Rear 61 Bank Parade – Objection

Dates proposed: Friday 27th August to Monday 30th August

Activities: Sale of alcohol from 12noon to 2300 hrs each day

Regulated entertainment on Sat 28th and Sunday 29th from 1500 hrs to 2100 hrs.

Notification of objection – Email sent 9th August 16:50 as below;

From: Jayne Enright

Sent: 09 August 2021 16:50

To: licensing <Licensing@burnley.gov.uk>; Applicant

Cc: Lancashire Police

Subject: Re: TEN - 'Underneath the Arches', Rear 61 Bank Parade - Objection

Dear Sirs,

I confirm that I would like to submit an objection from Environmental Health.

As a relevant person, I am satisfied that allowing the premises to be used in accordance with the TEN could undermine the licensing objective for the Prevention of Public Nuisance and I also have public safety concerns.

For reasons that;

There have been previous noise complaints to the rear of 61, Bank Parade affecting nearby residents. This event could lead to complaints about noise, causing public nuisance.

The event is to be held on the land behind and below 61, on an area of car park underneath the arches, where a marquee will be erected. There have been issues recently about an unsafe structure serving as a beer garden at 61, Bank Parade and a prohibition notice was

served. I am therefore of the opinion that should this event take place, this could lead to public safety concerns.

Regards

Jayne Enright

Further background on reasons for objection;

Objective: Public Nuisance

19/4/21 – Environmental health received a noise complaint from a nearby resident about noise from 61 Bank Parade. Specifically, noise from customers using a newly erected seating area on scaffolding to the rear of 61 Bank Parade

As per noise complaint procedure, noise diary sheets were sent out to the complainant

29/4/21 – Email received from chair of Bank Hall Residents Association outlining concerns about noise from 61 Bank Parade and its impact on residents which included residents in recovery as part of Acorn Recovery Project.

10/5/21 – initial complainant provided evidence of noise nuisance including noise recordings and noise diary sheets to environmental health

19/5/21 – Following liaison with anti-social behaviour team decision made to issue a Community Protection Warning to Mr Harrison, stopping use of the rear of 61 Bank Parade due to its detrimental effect on the quality of life of others. Warning letter and samples of noise recordings sent to Mr Harrison, along with a letter regarding the unlawful use of 61 Bank Parade as a drinking venue. The letter also advised Mr Harrison he would need to apply for planning permission for the terraced area as per liaison with planning.

21/5/21 – Email received by Chief Executive via Councillor from Lancashire Residential Service manager, Acorn Recovery Projects supporting the view that the noise levels and proximity of the outside area at 61 Bank Parade was intrusive to their residents

26/7/21 Concerns raised by nearby resident that 61 Bank Parade and the outside terrace was being used again.

The above previous complaints, whilst relating to use of the outside seating area at 61 Bank Parade, lead me to believe that the event proposed being in close proximity to residential property on Bank Parade is likely to cause noise disturbance.

Objective: Public Safety

Safety issues were raised when Mr Harrison erected the seating terrace/ beer garden to the rear of 61 Bank Parade in April this year. When Environmental Health made enquires at the time it transpired that the scaffolding had not been erected in line with requirements of the Work at Height Regulations 2005 and as a result it was necessary for a Prohibition Notice to be served on 21/4/21. Works were carried out to the scaffolding and a safety certificate was subsequently produced.

Without reassurances from Mr Harrison about the safety of the event he proposes with regard to issues such as access and egress from the site, use of a marque structure, use of existing arches etc and with no risk assessments having been provided for the event, I have concerns about the safety of the event.

N.B.

On 12/8/21 Two further complaints were received by licensing from nearby residents in respect of this proposed event – see text of emails below:

Dear Sirs,

I confirm that I would like to submit an objection from Environmental Health

As a relevant person, the owner and resident of xxxxxxxxxxxxxxxxxxxxxx, I am satisfied that allowing the premises to be used in accordance with the TEN could undermine the licencing objective for the Prevention of Public Nuisance and I also have public safety concerns.

For the reason that:

There have been pervious noise complaint to the rear of 61 Bank Parade affecting nearby residents, this event could lead to complaints about noise, causing public nuisance.

The event is to be held on the land adjacent to The Stackhouse to the rear of 61, Bank Parade, on the area of active car park used by the Stackhouse's residents and underneath the arches, where a marquee will be erected. There have been issue recently about an unsafe structure serving as a beer garden at 61, Bank Parade and a prohibition notice was served. The proposed area also contains open footings for a building extension with a large volume of open scaffolding.

Access to the proposed location is via a public footpath that links Church Street to Bank Parade by the side of St Peters medical centre will mean there is no practical way of restricting access to the site. Without reassurances from MR Harrison about the safety of the event he proposes with regards to issues such as access and egress from the site, use of a marque structure, use of existing arches etc. and with no risk assessments having been provided for the event I have concerns about the safety of the event. I am therefore of the opinion that should this event take place; this could lead to a public health safety concerns.

2nd Complaint received 12/8/21;

I would like to submit an objection with regards to a marquee being erected to the rear of bank parade. The car park in question is actually a private car park whereby we park our cars. Both my partner and myself park our cars on those premises. I do not want a crowd of 250 people anywhere near our cars. I'm sure mr Harrison will not be policing how many people are there. There is also noise pollution directly at the side and underneath where I reside which as you can appreciate I do not want. None of us in stackhouses have been notified that this is taking place on our car park which I find bizarre. Also from a safety point of view it is in

actual fact a building site which mr Harrison has started this includes 20 ft craters which in itself is dangerous. I strongly object to this taking place.

Many thanks

Ray Harrison
61 Bank Parade
Burnley
BB11 1UG

Sent by email

11th August 2021

Dear Jill,

With regard to my previous Temporary Event Notice submission in relation to my premises at 61 Bank Parade, Burnley I wish to make the Council aware of the present situation with regard to neighbour relations in the area.

A resident from the Acorn establishment adjacent to my premises had previously complained of noise nuisance from my premises. This caused the Council to serve a notice on me to prevent further complaints.

Since that time I have had a meeting with the Senior manager for the Rehab unit who states that they are satisfied with how my premises have been run over the last few months and have no further issues with any application I may care to submit.

Similarly, a neighbour who lives at the opposite end of the block has also approached me to say that he was sorry he had previously complained and objected to my application. He also gave his support and said he would be happy for my premises to keep operating.

It appears that refusals to any temporary event notices submitted by me are being refused out of hand because of the previous noise issue which now no longer exists.

I am more than willing to work with the Council to find a way forward which will satisfy their requirements and also enable me to make a living and recover the not inconsiderable investment I have made to promote a new business in the borough.

Jill, at the hearing, can you please make it clear that the complaint was from a resident who was on a 10 week rehabilitation course and is no longer there and there was no complaints from any commercial premises. There not been any noise issues recently.

Yours sincerely

Ray Harrison

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