

LICENSING ACT 2003 SUB COMMITTEE

Monday, 30th January, 2023
11.00 am





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COMMITTEE ROOMS 2&3

Monday, 30th January, 2023 at 11.00 am

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Governance, Law & Regulation by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

AGENDA

7) *Determination of an application to vary an existing Premises Licence* 3 - 4

To determine an application to vary an existing Premises Licence application under the Licensing Act 2003 relating to Bees Knees, 20-22 Hargreaves Street, Burnley.

MEMBERSHIP OF COMMITTEE

Councillor Anne Kelly
Councillor Lorraine Mehanna

Councillor Mark Townsend
Councillor Don Whitaker

PUBLISHED

26th January 2023

Agenda Item 7

Living as do in the Foundry, my actual experience of the BK's beer garden environment is a thumping beat emanating constantly through the glass wall of the building, and which increases in crescendo whenever the doors are opened (which is frequently), and I can think of occasions when just left open, so it is not being effectively monitored and supervised, and I have, therefore, little confidence in the licensee being able to undertake that role. This prevents me getting to sleep.

At this time of the year obviously I have the windows closed, but I can still hear it, and in the heat of summer, when I'll need the window open for ventilation, the noise will be excessively disturbing as we'll have the perfect storm of the balcony being at its peak use.

The committee should note that sleep is an essential part of a healthy life, and is recognised as a fundamental right under the European Convention on Human Rights. In the UK, this right is protected by the Human Rights Act 1998, section 8. Authorities (e.g. Burnley Council) have a legal obligation to prevent noise and pollution disturbing residents.

The following two points agreed between the Police and Environmental Health which are presented in mitigation don't meet my requirements to get a good night's sleep.

1. *Noise emanating from the external seating area will be monitored by staff and use of the external areas for consumption of alcohol will not be permitted after 01.00am.*

That's still allowing for the space being used all night for raucous chatter, and eating. As indicated, staff don't seem to monitor it at the moment, never mind under the staff supervision regime proposed by deleting non-mandatory obligations.

2. *No music will be played in the external seating area.*

It is constantly heard from the external seating area/beer garden.

I said in my original submission, I would request that this whole licensing application is refused and a moratorium put in place because of the host of issues that have become apparent to the residents of the Foundry, and who haven't been consulted, or brought into the equation on discussions, by the Council, around nuisance and noise emanating from both this, and other bars/clubs on the street.

As a compromise, however, I would accept the licensing authority limiting the use of the terrace bar area for **any purpose after 10 o'clock at night**, and retain the original actions as outlined in the Application Form (L) and appendix B (crossed out). They are precise and measure the effectiveness of the staff more accurately than the rather wooly promises in the Application Form (M).