

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 A email address

Cc: 'xxxxxxxxxx@lancashire.pnn.police.uk' <xxxxxxxxxx@lancashire.pnn.police.uk>

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.