

Licensing Act 2003 - Review of LBBB Policy Statement - Consultation Responses

APPENDIX B

Respondent	Status	Comment	Response
Part A - Responsible Authorities and Partner Services			
PC Owen Dunn	Met Police Licensing Office	<p>Below are some of the areas that could be tightened up in order to promote the licensing objectives further. These could either be included in section 6 of the policy or within the model conditions</p> <ul style="list-style-type: none"> * CCTV – having someone present who can operate the CCTV systems during licensable hours. * CCTV to be readily available upon request (rather than 48 hours which we seem to be getting in applications) * The role of the DPS – to be on site or provide written authority for another during licensable hours. * Strength of alcohol on beers, larger, ciders on sale not to exceed 6.5% ABV. * Single cans sales are not permitted. <p>The only other issues are based on the EVA which has been submitted. Perhaps something to do with venues selling alcohol to street drinkers, which is obviously being highlighted for Barking Town Centre. I imagine it would need to be in place before being mentioned in the policy but perhaps could consider a Cumulative Impact Zone (CIZ)</p>	<p>All suggested changes and additions to conditions noted and incorporated in final revision of the policy</p> <p>Anything that comes out of the EVA will be included in future versions. No evidential basis for a CIZ evident currently though Authority I able to consider whenever this may come to light</p>
John Anani	LBBB EH Noise Team	<p>Suggested rewrite of section on Third licensing objective - Prevention of Public Nuisance - Conscious of striking balance between the needs of our residents and those of our business community, which may sometimes conflict, we must ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth.</p> <p>Thus, LBBB as the Licensing Authority will not grant applications that do not promote the prevention of public nuisance licensing objective; and will apply the criteria and consider any relevant factors as set out below:</p> <p>We expect the operation of licensed premises not to unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community. It is important to note that Public Nuisance can include low-level nuisance, perhaps affecting a few people locally, as well as larger scale nuisance affecting the whole community</p>	<p>Noted and policy amended accordingly to reflect current approach of Noise Team</p>

In determining applications when relevant representations have been received for new and varied licences, regard will be made to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g., in order to smoke).

New licences applications or for the extension in size of licensed premises submitted by way of a variation, providing relevant representations have been received, should not normally be granted if the premises will use amplified or live music and operate within or abutting known noise-sensitive premises containing residential accommodation except that occupied by staff of the licensed premises. A requirement may be imposed on new licences that entertainment noise shall be clearly audible in any residence. Noise originating from within licensed premises should not normally affect those nearby. In such cases, applicants will be encouraged to provide an acoustic report proving that there will be no noise breakout from the premises likely to cause a public nuisance to persons living or working near the licensed premises.

New conditions on Noise Limiting Equipment and Sound Insulation - The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music emanating from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.

Suggested amended conditions incorporated in final revision of policy

Also, as noise transfer through the building structure could be considered under change of use planning applications, the permitted development changes mean that Environmental Health will require submission of a comprehensive acoustic report as part of a new licence application that includes where the proposed licensed premises abut/share party-walls/ceiling/floor of residential dwellings unoccupied by the proposed licence premises staff in Use Class E premises. The standard, for inaudibility, to be achieved shall be that the internal transfer of noise-to-noise sensitive premises shall comply with the noise criteria of NR30 (day), NR25 (night), and NR40 (LFmax).

A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

- Assessment of the existing sound insulation of the building fabric.
- Operational building layout to prevent noise escape.
- Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.
- Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.

- Use of electronic sound limiters on amplification systems as alternative means of control.
- Other measures to reduce structural transmission of noise and vibration.

* Installation of acoustic doors and lobbies

New conditions on Inaudibility - Noise (music and human voices), both amplified and unamplified and to other internal activities from licensable activities taking place in the premises shall be controlled to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use.

The initial test for compliance with the 'inaudibility' criterion in relation to the existing external noise levels at the nearest noise sensitive properties, at the quietest time during which any of these activities occur:

At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq 5 mins) should not exceed 10dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90, 15 mins.

And where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:

At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LAeq 5 mins) should not exceed 5dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest LA90, 15 mins for each of the octave bands during the operating period.

New condition on Plant and Equipment: Acoustic Report

An Acoustic Report shall provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment, and internal activities. This should cover, as relevant:

- a. Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment.
- b. The location of the most relevant openable window of the most relevant noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance and orientation between these.
- c. The proposed operational hours.
- d. The background noise level assessment (LA90, 15 mins) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology). Note: The use of 'Mean' background will not be appropriate – must use a 'lowest' background level (LA90,15min) in line with council's Planning Policy as all external plant (and internal plant with external louvres) will require planning permission.

- e. Calculations for the predicted noise level one metre from the window of the most affected noise sensitive property. Note: Theoretical prediction to one metre from a window will not require a correction for façade reflection. The standard that should be achieved is normally 10dBA below the 'lowest' background level.
- f. A report may need to include a consideration of the existing acoustic character of the location taking into consideration noise events, the type of noise sources, ambient and impulsive noise (LAeq, LAFmax, SEL) and the possible impact of the proposals / changes on the existing acoustic environment.
- g. Use of acoustic enclosures.
- h. Use of noise attenuators and acoustic screens as required.
- i. Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing.
- j. Use of vibration isolators.

New condition on Deliveries, Collections and Servicing

Notes 1 - The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

- Ensuring that deliveries, collections, and operational servicing are carried out and/or be restricted so that they only take place at certain times, such as Monday to Saturday 08:00 to 20:00 and Sunday 10:00 until 20:00, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- Guidance to drivers to switch off engine during deliveries, collections, and servicing, and to minimise other noise caused by their activities.

New condition on Refuse clearance such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers. Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside.

- **Taxi / mini cab provision** - A dedicated licensed taxi/mini cab service shall be available with the premises for customers.

Julia Kanji / Ali
Nazir

LBBB Trading
Standards

Suggestions for additional conditions due to this borough's pursuant of a night-time economy: -

Touting – prevention of food businesses touting for customers, over promising and then causing alarm, harm and distress as well as CPRs offences. Introduce Byelaws under section 235 of LGA 1972 - standard condition for touting "No person shall be employed to solicit for custom or to be permitted to solicit for custom or business for the premises in any public place within 500 metres of the premises" and clear signage displayed "No touting

[Incorporated into final revision of the policy](#)

Smuggled goods – Keep traceability - Not to buy alcohol from door to door tradesmen and keep detailed record of the seller

Incorporated into final revision of the policy

Use wholesalers/suppliers that are approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS) and check their unique registration numbers (URNs) against HMRC online database.

Are we including our corporate vision for East St and Central Barking? To expand the cultural and leisure offer in this key location whilst ensuring this is safe and attractive by reducing levels of crime.

Planning Enforcement is a separate Department to Be First Planning and is not currently being afforded the opportunity to act as a responsible person although it is a separate statutory function of the Local Planning Authority

Both services will be included in future applications consultations

Jill Williams

Shared Care, Public Health

I passed it to members of the team and the responses I received focused on alcohol. I'm not sure how some of the responses relate to licensing but I pass them on (see comments from Paul Starkey and Sophie Keenleyside below).

Certainly, most of the applications concerning shops etc seem to want to provide alcohol. I think most of the corner shops in the borough do this. I'm not sure what can be done in these circumstances providing all the safeguards are included such as Challenge 21/25 and appropriate steps taken to minimise risk of disorderly conduct outside of premises.

Challenge 25 is a basic requirement for applications including retail sale of alcohol. Steps to minimise disorderly conduct also regularly addressed.

Paul Starkey

Health Improvement
Advanced Practitioner,
Public Health

The evidence shows that alcohol abuse has increased during the COVID-19 pandemic.

We have seen evidence that from Monday April 12th when pubs with outdoor areas reopened that a lot of the social distancing guidelines have 'all gone out of the window'. If this continues it could lead to public safety issues where people feel that they have not been able to visit a pub for such a long time, they drink too much.

Reminder to ensure premises comply with directions of the day included in policy

We have seen scenes across the country where parks and open spaces have been left with huge amounts of litter due to unlawful mass gatherings. Including cans of beer, wine bottles etc. This leads to substantial costs to the council in clearing the mess up and could lead to public safety issues including around environmental health.

Reference to control of external drinking areas included also

I hope this makes some sense, what I am trying to do here is associate the review of the licensing policy with the implications of coming out of the pandemic.

Sophie Keenleyside	Strategy and Programme Office, Public Health	On that I would add to Paul's comment about outdoor drinking. The policy does note it is a Corporate priority to "promote and protect our green and public open spaces" – and I think that ought to mean striving to keep parks and open spaces open, accessible and safe. There can be anti-social consequences of drinking in parks, including littering – I think the answer here really has to be preventative, rather than the more reactionary response some local authorities had during the pandemic when they shut down open spaces. Therefore, where appropriate, should there be policies to restrict alcohol consumption in certain outdoor spaces (control zones?).	As above
Rachel Taylor	LBBB licensing Officer	Under Section 6 - licence terms conditions and restrictions should say something about single cans / bottles. Also make clear the issue around craft ale sales.	Incorporated into model conditions
Anna Jennings	Planning Officer	The Development Management Team have no comments to offer on this matter.	Noted
Other Relevant Matters Coming to light during the consultation			
Wave Training			
Spiking	Referral to FRANK website	The Office for Health Improvement and Disparities (OHID) has provided advice via the FRANK website which addresses concerns around 'drug spiking' and 'drink spiking' which has had many more reports. Advice is framed in the context that it should be the responsibility of venues and society to change attitudes and practice to protect people but individuals still need to take steps to protect themselves.	