

BMSDC Licensing Team

From: Chris Cornish
Sent: 21 May 2019 15:04
To:
Cc:
Subject: New Premises Licence - Caffeine Lounge - Environmental protection, Responsible Authority Comments

Categories: Katherine

LICENSING ACT 2003: APPLICATION ACKNOWLEDGEMENT

Reference/Type: Section 17 New Premises Licence
Premises: Caffeine Lounge, 14 Borehamgate Shopping Centre, Sudbury, Suffolk CO10 2EG
Applicant: Caffeine Lounge Ltd
Detail: Application is for an E-Sports Lounge - The proposed licensable activities are: Recorded Music (Indoors); Late Night Refreshment (Indoors); Films (Indoors) and Sale & Supply of Alcohol for the consumption ON the premises only. Full timings are contained in the application form.

Environmental protection understand that the premises is intended to be an E-Sports gaming lounge with the sale of alcohol and regulated entertainment in the form of recorded music. The applicant has applied for finish times for the sale of alcohol and recorded music of 03:00 hours 7 days per week with non standard timings allowing finishing times of 06:00.

The premises is a former shop in a precinct with occupied residential flats directly above the premises and the wider shopping precinct, which appears to have been built 1960's. I have concerns that the sound insulation capabilities of the building are not sufficient to contain noise from regulated entertainment transmitting directly through the structure itself to the flats above the centre. Additionally the front entrance within the precinct near to the reception shown on the plan are primarily glass which appears to be single glazed and is unlikely to have been chosen for its sound insulation values when installed. Noise breakout into the precinct would then be subject to reflection from the hard surfaces forming floors, walls and ceiling, which may exacerbate the problem of noise breakout. It is also noted that there is not a double lobby on the entrance to contain noise during access and egress by customers including repeated egress and access by smokers, this would cause regular rising and falling of internal noise that would increase the annoyance response and be worse when regulated entertainment is occurring.

I therefore have the following concerns that may cause public nuisance contrary to the aims of the licensing objectives;

1. Noise from regulated entertainment transmitted directly via the building structure from the premises to the flats above. This includes prior to 23:00 hours
2. Noise from regulated entertainment breaking out from doors and windows and propagating to the facades of nearby residential dwellings. This includes noise breakout during access and egress. This includes prior to 23:00 hours
3. Noise from customers smoking outside the premises. There is no indication of management of customers smoking either by showing a designated smoking location or condition. It is foreseeable that groups of customers could congregate below the flats above. This could occur until 03:00, 7 days per week as applied for.

4. Noise from customers accessing and egressing the property at unsociable hours 7 days per week as applied for.

The concerns regarding regulated entertainment will be difficult resolve given the flats above and unknown construction/sound insulation capabilities of the building which was built prior to modern building regulations and was unlikely to have been constructed with a mind to containing amplified regulated entertainment. This concern is also valid for the ability of the glass entrance to contain noise and the lack of a double doored lobby entrance.

The Opening hours, 7 days per week are also of concern, particularly with regards to activities Sunday to Thursday. This concern is for all of the above points raised and not just regulated entertainment. Noise from customers accessing and egressing the premises as well as smoking externally below the residential flats above has a high potential to disturb sleep and cause nuisance at night when background noise levels are low and on warm evenings when those residents can reasonably expect to have windows open for thermal comfort, It is not considered reasonable that disturbance could be experienced until 03:00 hours, 7 days per week, but particularly a concern on normal working/school nights when the town is not busy and background levels which may mask noise from customers are lower.

The conditions offered on the operating schedule do not offer sufficient enforceable controls to mitigate the above concerns. Additional conditions and an amended plan were received today from Dadds Solicitors to provide further controls. These conditions do offer some additional control which is appreciated, but are not sufficient on their own to address all the potential causes of nuisance.

Environmental Protection (as responsible authority) do not therefore consider that the licensing application as applied meets the aims of the licensing objective 'Prevention of Public Nuisance'. I therefore, object to the license as applied for and request the application is called for review by the licensing committee.

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