



Licensing Department  
Copeland Borough Council  
Moresby Parks  
Whitehaven  
CA28 8YD



Date: 11<sup>th</sup> October 2019  
Ref: TG/VAR

Dear Gill

**LICENSING ACT 2003 – APPLICATION TO VARY PREMISES LICENCE FOR JOE BANANAS 25 DUKE STREET WHITEHAVEN CA28 7EU**

Thank you for sending the application to vary premises licence application regarding the above premises. Based on the application submitted to Environmental Health response is: objection to the variation licence application under the grounds of Prevention of Public Nuisance and the Protection of Public.

Environmental Health Officers met onsite with the applicant on 24<sup>th</sup> September 2019 for discussion about the variation application for the above premises. A further meeting took place on 11<sup>th</sup> October 2019 at Copeland Borough Council Office at Moresby and none of the conditions were agreed with the applicant and his business partner.

The licensing objectives of Prevention of Public nuisance and The Protection of Public will be considered in this response. Whilst Environmental Health note the proposals indicated on the application by the applicant, the proposals do not go far enough to meet the above licensing objectives.

With regards to the above application and following consultation with the applicants and a review of the application, Environmental Health propose the following conditions:

1. The hours of proposed licensable activity amended to show as follows: *(All times are shown as finishing times)*


	Existing Licence	Variation application	EH proposed conditions
Mon	02:00	03:00	02:00
Tues	02:00	03:00	02:00
Wed	02:00	03:00	02:00
Thurs	02:00	03:00	02:00
Fri	02:00	03:00	02:00
Sat	02:00	03:00	02:00
Sun	02:00	03:00	02:00

- 2. All internal and external doors (including the double door entry) and windows (including non-openable windows) throughout the building will be maintained in good order to minimize noise breakout to nearby properties.**
- 3. All window and external doors must be kept closed after 22:00 hours, or at any time when regulated entertainment takes place except, for the immediate access and egress of persons, or in the event of an emergency.**
- 4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.**
- 5. Loudspeakers shall not be located in the entrance lobby or outside the premises building.**
- 6. Live music, recorded music and entertainment, for example the use of TV's/large screens covering sporting events must not be played in the rear outside area**
- 7. The rear outside area will not be used after 21:00**
- 8. A noise limiter shall be fitted to all musical amplification systems throughout the premises and set at a level to the satisfaction of Environmental Health, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall be secured to the satisfaction of Environmental Health and access shall only be by persons authorised by the Premises Licence Holder. No alteration of the limiter or sound system shall take place without prior knowledge and agreement with Environmental Health.**
- 9. Noise limiter levels, settings and information shall be provided if requested by Environmental Health.**
- 10. Volume levels must be in the direct control of the manager during the operation of the premises.**
- 11. The licence holder, or their representative, shall conduct regular monitoring of the noise coming from the premises and shall take steps to reduce the level of noise if it is likely to cause a disturbance to local residents. A written record of the monitoring shall be made in a log book or similar and shall include date, time, name of person undertaking the assessment, details of any remedial action required and any other appropriate comments. The log book must be available to view upon request by Environmental Health.**
- 12. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 the following day.**

13. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating in the area immediately outside the premises
14. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
15. Door staff will ensure that any queue to enter the premises is orderly and causes no public nuisance or obstruction to the highway.
16. At closing time door staff will ensure that patrons disperse from the area around the premises quickly and quietly so as to minimise noise disturbance.
17. A direct telephone number for the manager or their representative shall be publicly available at all times that the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. Any calls or messages received will be responded to by the manager without delay.
18. Should the major variation application of hours be granted, a last entry time of 01:30 for customers be imposed. This condition to not have effect on days when the premises is open under non-standard times.

If you wish to discuss or require any further information, please do not hesitate to contact me.

Yours sincerely

  
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