

Environmental Protection Team Representation

9 Brewhouse Yard, Gravesend, DA12 2EJ Application for a new premises licence.

This service has reviewed the application for a new premises licence for 9 Brewhouse Yard which is for a restaurant/bar/music venue open until 2am, 7 days a week. We object to this application as we believe there is insufficient information submitted with the application to demonstrate that the operator will implement effective measures to uphold the licensing objectives of preventing public nuisance and crime and disorder.

It is considered that the premises at this location may be suitable for a restaurant with background music only, open until 23:00 Sunday to Thursday, and midnight Friday and Saturday.

It is considered the location is not suitable for a music venue for recorded and live music until the late evening/early hours, as this is likely to have a significant detrimental impact on local residents, and cause both a public and statutory noise nuisance.

- More information is needed for this Service to understand how the premises will be managed whilst open to ensure the licensing objective for the prevention of public nuisance will be met, and how a public nuisance and statutory nuisance will be avoided.

There are inadequate proposals included within the application to control noise from amplified music or from patrons.
- We are unaware if the first floor above the premises i.e. first floor, belongs to the premises or is used as a separate residential property. If this is a residential property then they are highly likely to be affected by any noise nuisance caused.
- As well as residential flats above some or all of the shops along Brewhouse Yard there are numerous residential blocks around the premises some of which are within 18-20 meters, which may be impacted by late night/early hours noise nuisance from loud music emanating from the premises and groups of customers outside.
- Many of the nearby residences are housed in the original buildings with single glazed sash windows, and Brewhouse Yard and Queen Street are narrow roads. We believe it is inevitable a music venue operating late at night and in the early hours of the morning will cause a nuisance even with best management practices.
- Due to the closed shutters on the premises and no information provided in the application it is unclear if 9 Brewhouse Yard has suitable windows and doors to ensure that there is no noise leakage from the premises.
- Further to this there is no acoustic lobby which means each time the doors are opened, there will be a high risk of a significant amount of noise leakage that would cause a nuisance to the local residents.
- A site visit carried out on Thursday 28 April 2022 showed the age and condition of the structure to be poor and likely to be unable to satisfactorily attenuate loud music within the premises. Parts of the rear wall appeared to be internal wall only, exposed

due to the demolition of an attached building, this would further support that the building is not of a suitable construction to prevent fugitive noise emissions.

- The plan provided in the application does not show a smoking area nor does the premises appear to have any outdoor smoking area or yard to accommodate smokers. This would result in smokers having to leave the premises and stand in the street. This may cause a noise nuisance and has the potential for ASB to be caused, especially if people pass by from other premises.
- The ambient sound levels at night will mean that any people noise generated from patrons in the street will be loud by comparison and any regulated entertainment will be very loud and inappropriate in that area. There is likely to be significant disturbance to the residents in the locality.
- The only measure to uphold the crime and disorder objective was the provision of CCTV.
- The only measure to uphold the prevention of public nuisance objective was the following; "All customers will be asked to leave the premises quietly and clear and legible notices will be displayed to remind customers to exit quietly and with respect and regards for the neighbours.". Whilst signage is recommended we do not consider this alone as sufficient to prevent public nuisance.
- The application did not include mention of the use of door staff. Due to the lack of a suitable smoking area and the location of the premises it is considered that a suitably qualified door supervisor would be required to ensure that the doors of the premises are closed except for ingress/egress, and there is no excessive noise from the customers approaching and leaving the premises as well as customers smoking in the street, and that customers disperse quietly.
- No measures were proposed to minimise the noise disturbance from the regulated entertainment, such as a noise limiter etc, however it is not always possible to control the volume of live acoustic music. This is of significant concern due to the likelihood of the music causing a public nuisance at this location, and especially as the application is for late night/early hours.

We are not opposed in principle to a licence being granted for a restaurant, however with the above in mind, this service considers the granting of the licence for a music venue until 2am, 7 days a week, in this location is likely to cause significant public nuisance, and as such this service wishes to object to the application as it stands.

This service would like to have negotiated amended closing times and suitable conditions with the applicant, however due to staff resource shortages this has not been possible to do.

It is the intention of this service to attempt to negotiate with the applicant prior to the hearing in order to reach an agreement over times and conditions and avoid the need for a hearing, however if this is not possible we would seek that the panel grant the licence only until 23:00 Sunday to Thursday and 00:00 Friday and Saturdays, and to include suitable conditions to be proposed on any licence granted.

We will be making contact with the applicant as soon as possible to arrange to carry out a visit to the premises with the applicant to discuss the application and find a resolution as soon as reasonable practicable.