

APPENDIX 8

I Sarah Jones, Licensing Officer at Lancaster City Council wish to submit a representation in support of the review of premises licence at the Boardwalk, 100 Marine Road, Morecambe. I have been in my role as Licensing Officer since November 2021 and prior to my current position I was the Trainee Licensing Officer from September 2019.

The representation I am submitting is in support of the premises licence review instigated by Environmental Protection. The basis of the representation is that the prevention of public nuisance licensing objective is not being promoted or upheld. My involvement with this premises has been as a Licensing Officer, ensuring the premises is compliant with its responsibilities under the Licensing Act 2003, additionally I have supported the Trainee Environmental Protection officer investigating noise complaints at the premises.

In preparing my representation I checked the premises history, during the pandemic when compliance with regulations was being checked in licensed premises two matters of non-compliance were identified at the Boardwalk. The first item of non-compliance is from a covid 19 inspection completed by Karen Hodgson, Licensing Officer in July 2020 The matters found related to noise nuisance caused by the volume of music and not being covid-19 safe. The second matter was recorded by Jenette Hicks, temporary licensing manager. The non-compliance issues identified were in relation to the premises using the outdoor balcony area after 23.00 hours and the CCTV footage not being available upon the request of an authorised officer. I was not involved with the two cases and therefore unable to provide any further information relating to these matters. **The records can be seen at Appendix 1 of the representation.**

On 3rd August 2021 Licensing were notified by the Trainee Environmental Health Officer that the speakers upstairs in the Boardwalk were not connected to the noise limiter. On 4th August 2021 I sent a letter to Mr Wallet, premises Licence holder and reminded Mr Wallet that it is a condition of the premises licence "Any speaker system used at the premises will have a built-in noise limiter". **The letter can be seen at APPENDIX 2 of the representation.**

During the covid – 19 pandemic and in order to support local businesses, Licensing Officers and other Public Protection Officers patrolled the district at evenings and weekends to provide advice and guidance to assist with compliance with the changing covid regulations and standards at that time.

On Thursday 24th February 2022, I accompanied Megan Walder on monitoring visits to assess compliance at the Boardwalk. We attended flats on Marine Road in Morecambe which are adjoined to the Boardwalk. We arrived at 23.30 hours. It is within my professional opinion that the volume of music was too loud.

On Friday 25th February 2022 I again accompanied Megan Walder on monitoring visits to assess compliance at the Boardwalk. We planned to do a monitoring visit within a private dwelling on Highfield Crescent in Morecambe. Due to covid-19 we were unable to gain access to the dwelling. In my professional opinion the music level was very loud outside the Boardwalk, however I did not feel that it would impact nearby residents inside their dwellings. We then visited a flat on Marine Road, Morecambe and the music could not be heard at all within their property.

On Thursday 17th March 2022 at 22.00 hours, I accompanied Megan Walder on monitoring visits to assess compliance at the Boardwalk. We attended the flats on Marine Road, Morecambe. The music was fully audible in all three flats when the TV was on. Due to the impact this was having on residents, Megan and I went to the Boardwalk to discuss our

concerns with Mr Lee Wallet, Premises Licence Holder and DPS. On entering the premises, the music was very loud and we struggled to communicate, we went outside to have a discussion and invited Mr Wallet to join us. I discussed the premises licence conditions with Mr Wallet. One of the conditions states “all speakers used at the premises will have a built-in noise limiter”. Mr Wallet admitted that the speakers being used were not connected to a noise limiter. I informed Mr Wallet that he was in breach of the premises licence condition and that all speakers must be connected to a noise limiter. I made an entry within my Licensing Act Inspection book. In the week that followed, discussions were had with several public protection officers and senior managers relating to the non-compliance at the Boardwalk. The decision was made that due to the amount of evidence and noise recordings, Environmental Protection would lead in dealing with the non-compliance by means of an abatement notice being issued and exploring the possibility of fine/prosecution. **The inspection sheet can be seen at APPENDIX 3 of the representation.**

On 22nd August 2022 I attended the premise with Rachel Stainton, Senior Environmental Protection Officer. The purpose of the visit was to offer further guidance to assist in mitigating any further complaints in light of the application to review the licence. We were met by Darren Clifford, Manager and Lee Wallet Premises Licence Holder, and Designated Premises Supervisor I provided Mr Wallet with a copy of the premises licence and went through the conditions to ensure they both had a good understanding. During the meeting Mr Wallet admitted to having karaoke on the first-floor level as well as the ground floor and that not all speakers used by external musicians had noise limiters built in. Following this visit a letter detailing the visit and non-compliance was sent to Mr Wallet on 24th August 2022. **The letter can be seen at APPENDIX 4 of the representation.**

During my interactions with the premises and despite of changes to the DPS (responsible person) there seems to have been little or no improvement in management of the premises. The noise limiter is still not in place on all speakers utilised at the premises. Mr Wallet has not responded to the letter or communicated any concerns or requested any advice/guidance from the Licensing Service.

Members may wish to consider updating conditions of the Boardwalk premises licence. This may be achieved by strengthening current conditions, removing out-dated conditions or look to responsible authorities for guidance on conditions to be imposed. Conditions should form part of the operating schedule and set out the measures the premises will implement to promote the 4 licensing objectives, Public Safety, the Prevention of Public Nuisance, The Prevention of Crime and Disorder and the Protection of Children from Harm.