

Memorandum

To: **From :** Community Safety
c.c **Contact :** Mr Gareth Fudge
c.c. **Ext :** 01803 208010
c.c **My Ref :** 1ZV SRU No: 16037
For the attention of: Licensing **Your :**
Steve Cox **Ref :**
Date : 1st April 2011

Subject: Premises– Licensing Act 2003
Premises Name & Address: The Green Room, 23-25 Victoria Parade, Torquay, TQ1 2BB

- a) I have no comments to make on the above application

- b) The application does not meet the following licensing objectives:
 - i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance

Bottles,

The Green Room is a nightclub situated just off Victoria Parade, Torquay. The club itself is largely below ground and is set back from the street. Access is via a private shared alley way (Appendix 1). The Green room shares this alley way with Mr Hentons business, whose access to his restaurant is on the same alley. Mr Hentons living accommodation is above the restaurant with his bedroom window overlooking the alley way.

The department first received a noise complaint from Mr Henton in September 2010 regarding noise breakout. Mr Milnes (Owner/Manager) agreed to reduce the noise level in the top bar which solved the noise breakout problem. In October 2010 Mr Henton made a 2nd complaint about noise from patrons in the alley way as they entered and left from the Green Room. Mr Henton was issued with a video camera, but found it was unsuitable. Instead Mr Henton was happy to use his own video camera to capture evidence. Mr Henton submitted a DVD with approximately 20 minutes of footage. The footage was not conclusive, although it showed customers had a tendency to congregate in the alley way and could be noisy at times. The footage showed the nuisance was not constant, but as was expected, the end of the night when most customers leave is particularly noisy.

A number of recommendations have made to Mr Milnes at a recent meeting held with him and his Bar Manager. Mr Milnes during our meeting had said emptying of bottles in the early hours of the morning was a one of occasions due to a new member of staff wrongly believing he was doing the right thing. Bottles can be clearly heard being emptying into recycling containers on a handful of occasions on the DVD footage filmed by Mr Henton. Mr Millnes was clear this practice has now stopped. I have no evidence to support this either way.

Mr Milnes disagrees with Mr Hentons allegations that his door staff where not overseeing the entrance. It was agreed all door staff will now wear high visibility jackets to make them easily identifiable.

Mr Milnes also agreed to the suggestion of a member of his door staff should patrol the alley way to encourage customers to move away quickly and quietly. I believe this will greatly reduce some of the noise problems Mr Henton is experiencing. Mr Henton is also being disturbed by the front door slamming when staff are leaving at the end of the night. Mr Millnes has now installed a self closure unit. I cannot confirm this has had the desired effect.

In making this representation I can state in the whole I support Mr Hentons representation based on the submission of Mr Hentons DVD footage. I can appreciate Mr Henton and his family are being disturbed until the early hours of the morning. The DVD footage does show evidence of customers being unreasonable noisy to levels likely to cause a statutory noise nuisance. In the main, door staff do not make any efforts to move people out of the alley. On occasions doorstaff can be heard asking customers to be quiet when leaving. During late night visits in December I spoke with one of the door staff from the Green Room who said they make every effort to ensure their customers leave quickly and quietly.

However being unable to have witnessed any statutory noise nuisance myself I cannot truly quantify the evidence presented to me. Yet based on Mr Hentons own evidence I am sure at times he is experiencing noise levels which may give rises to a statutory noise nuisance occurring.

If the Licensing Committee feel so minded to I would recommended the addition of two additional conditions to the Green Rooms licence.

1. No bottles to be emptied after 10:00pm and not before 9:00am Monday to Sunday.
2. An SIA approved member of door staff to patrol the alley from 11:00 pm until 3:30 am – for the purpose of approaching Patrons and asking them to disperse quietly.