

Memorandum

To: Mandy Guy	From : Mr Karl Martin
c.c	Contact :
c.c.	Ext : 01803 208025
c.c	My Ref : 1ZV SRU No: 220705
For the attention of: Licensing Sub- committee members	Your Ref :
	Date : 27 th August 2015

Subject: Park Lane, 1 Torwood Street, Torquay, TQ1 1ED

I wish members of the licensing committee to be drawn to the following observations regarding the full variation application to licence number 595 as applied:-

1. The applicant has engaged in significant consultation with myself prior to the submission of the application in accordance with Torbay Council Licensing Statement of Principles 2013.
2. The applicant is not applying for any further spatial increases to the external licensed area.
3. An acoustic report commissioned by the applicant in 2014 concluded the roof terrace would produce sound pressure levels at 10db(A) below existing background levels; based on the assumption customers wishing to smoke would be removed from the street and use the roof terrace instead.
4. Although no noise measurements have been undertaken by the Authority or the applicant since the opening of the roof terrace no complaints have been received by the Authority from residents or partner agencies in relation to noise from the roof terrace.
5. This is further reflected by Officer observations in the past 12 months.
6. With this in mind the applicant has applied for an increase in numbers of patrons allowed on the roof from 60 to 80.
7. This increase although significant in terms of general management of the area would not increase perceivable noise levels, if observed from the nearest residential property.
8. Though sound pressure levels will not increase it does not take into account the increase in the potential for sporadic noise that often forms part of a nuisance, for example sudden and short lived shouting, screaming, laughter or singing.
9. However, this behaviour can be managed. Conditions relating to door stewarding remain the same and the applicant seeks to remove a condition for customers to be seated.

10. This will enable doors stewards to concentrate on dealing with undesirable behaviour rather than spending a disproportionate amount of time asking customers to be seated. The area is a smoking area and customers should be encouraged to spend minimal time in the area, requiring customers to be seated is counterproductive and could contribute to nuisance.
11. In 2014 a seating condition was suggested and accepted based on concerns of safety. The applicant has made a number of safety improvements to the smoking terrace, including netting the area thereby addressing original concerns.
12. The proposed internal extensions to floor 3 are to make available more seating and to facilitate a separate area for private functions.
13. This area is has been constructed to the same acoustic standard as the existing licensed areas. Further reassurance are given by the applicant as the new area is not a 'traditional' dance area instead the applicant is promoting the area as a location where customers are able to converse with each other with ease.
14. Consequently music in the area is at a considerable reduce volume compared to the main dance floor area. Part of the 3rd floor is already operating in this style and no noise complaints have been received and no music has been observed breaking out by Officers.
15. Currently the premises is authorised to serve alcohol until 3:30 am but live or recorded music stops at 3:00am and the club closes at 4:00 am. The arrangement according to the applicant is not desirable for a club wind down period. The applicant has applied for a more traditional wind down period by reducing alcohol sales to 3:00am but increase recorded music until 3:30am. The applicant has agreed to conditions requiring the music volume is to be reduced by 1/3 at 3:00am.
16. Currently the building contains noise since the renovation work carried out in 2013/14. I do not anticipate the extension of recorded and live music will undermine the licensing objections, but instead will promote the licensing objectives.
17. In conclusion the application as applied for seeks to promote the licensing objective the 'Prevention of Public Nuisance'

Karl Martin
Public Protection officer