



**Please reply to:** Mr Karl Martin

Community Safety

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Devon

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**Your ref:**

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**Date:** 13<sup>th</sup> December 2011

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Dear Ms Butchers

**Re: Application to vary existing Premises Licence - Seamus O'Donnells, 28 Victoria Parade Torquay**

I write further to our meeting on the 15<sup>th</sup> December at Seamus O'Donnells to discuss proposed licensing conditions to satisfy the licensing objective 'The prevention of public nuisance' ahead of the Licensing Committee hearing on the 22<sup>nd</sup> December 2011.

I have outlined below the conditions you have agreed to during the meeting in order that the licensing objective is met, notably numbers 4 to 13. Although I have considered the points you raise regarding the installation of a noise limiter, I believe it is necessary to have a limiter installed so you are able to control the levels of noise from both floors. My reasons for this is that your premises is in the cumulative impact area and as per the Torbay Council Policy, the application you have submitted is normally automatically considered rejected unless certain controls and reassurance are put in place. I refer you page 32 paragraph 2 of Torbay Council Licensing Statement of Principles 2011. To that extent I feel a noise limiter will offer the guarantee and reassurance this authority is seeking to ensure the licensing objective is upheld. I therefore require that conditions 2 and 3 below are included.

However with regard to the condition requiring sound insulation I am prepared to offer to you and the Licensing Committee a condition that effectively allows a two stage process for dealing with noise break out. The noise limiter is the first stage, but if this is proven not be effective then the second stage will require you to engage a noise consultant and undertake works to improve sound attenuation qualities of the building. I would recommend that you employ a noise consultant anyway, as the departments concerns are based upon the fact that Gareth Fudge has reservations about the noise attenuation properties of the party wall, i.e. noise is easily transmitted through it. This may save you time and money in the future.

I propose the new condition will read:-

1. Should at any time, an officer from Torbay Council's Community Safety Department, deem the control of noise breakout from the premises to be inadequate so resulting in noise likely to result in a statutory nuisance, then a noise consultant is employed to develop a scheme

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**If you require this in a different format or language, please contact me.**

of sound insulation works for the whole of the licensed premises, however paying particular attention to the structural areas where noise attenuation is not adequate. This shall be submitted and approved by Torbay Council's Community Safety Department and implemented within a period of 3 months. This condition would be triggered after receiving a letter stating this fact, and the date of that letter would be the first day of that three month period. Furthermore during that three month period or until the works agreed are completed no regulated entertainment can take place after midnight.

The conditions regarding a noise limiter I propose will remain the same as recommended by Gareth Fudge. The two conditions read as:-

2. Prior to the playing of amplified music, a noise limiter shall be installed in the premises and all music encompassing regulated entertainment shall be played through the noise limiter. The limiter and associated Public Address system shall be kept in a tamper proof case under the control of an independent party.
3. The level of the noise limiter shall be set and agreed with the Torbay Council's Community Safety Department. The limiter shall be calibrated by annually and set at the level agreed with Torbay Council's Community Safety Department. A report of the calibration shall be sent to Torbay Council's Community Safety Department.

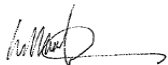
The following conditions agreed to be attached to your premises licence during the meeting I have listed below:-

4. All doors and windows shall be shut during all regulated entertainment.
5. A written management plan to be in place to ensure that this doors and windows are kept closed during any regulated entertainment.
6. Noise from licensable entertainment shall not be distinguishable from the ambient noise on the street 10 meters or more from the premises. This shall be assessed from the street. However, should a complaint from a resident in the area be made steps shall be taken to ensure that noise breakout is reduced to a level agreed with the Local Authority and the residents.
7. There shall be no exterior sited speakers or speakers in doorways and lobbies
8. The management of the premises will undertake monitoring of noise breakout from the premises and a written record needs to be kept of this monitoring. This shall be undertaken at least once per day.
9. No changes to the Public Address system shall be made without the express permission of Torbay Council's Community Safety Department, this includes moving of speakers or the addition or removal of any equipment.
10. Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door stall shall take all reasonable steps to ensure that their patrons leave in a quiet manner.
11. Door Staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.
12. Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.
13. Door staff operating the nite-net radio system outside the premises shall do so with the use of an earpiece to minimise disturbance caused by the radio.

Please do not hesitate to contact Gareth Fudge or Myself should you wish to discuss any aspect of this letter.

**Should you need to contact us please quote the reference number above.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karl Martin', with a long horizontal flourish extending to the right.

Mr Karl Martin  
Noise and Safety Officer  
Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

Cc: Admiral Taverns (780) Limited – 150 Aldersgate Street London EC1A 4EJ