

KARL

Apologies for the delay. I have instructions from a variety of sources and have annotated them below. Hopefully to your satisfaction.

### **Beer Garden and smoking area**

1. The new beer garden should close [at 10:00pm Sunday – Thursday](#) and 11:00pm Friday and Saturday. There are a number of residents around 30-40 metres away. Although this sounds a lot, these properties are slightly elevated and background levels fall to around 40dB(A) in the late evening meaning voices can be heard some distance away. **Agreed**
2. There should be a designated smoking area at the furthest point from residential accommodation. I would suggest smoking is confined to front outside licensed area. Smokers are an endless source of complaints for us but we do find keeping them in one area which is kitted out to discourage loitering (no heaters, seat etc.) immensely helps. **This will be agreed in principle - we have operational sign off but awaiting on the designers in terms of exact location and design**
3. I would like to see a conditions preventing any speakers/PA equipment being erected outside. As the Live Music Act would effectively null any condition relating to regulated entertainment, perhaps it would be useful for your client to assure in writing instead of a condition? **Agreed - there will be no external speakers**

### **Inside – Regulated entertainment**

4. Currently live and recorded music stops [at midnight](#). Dealing with live music first. If, as your previous email suggests live music will be infrequent and normally [finish at 10:30](#) then might I suggest we bring back times by an hour. As in point 4 the premises would benefit from exemptions under the Live Music Act. As the premises is situated in a residential area and with a history of noise complaints I would argue paragraph 4 on p40 of Torbay Council Licensing statement of principles would apply:-

*There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.*

I'm not suggesting the application as submitted is below par in anyway other than it does not reflect the inherent poor attenuation properties of the building, which of course your client has not been made aware of. Bank holidays and New year's Eve could remain as per existing licence and I would urge your client to use TENS for the rare occasions music might go beyond [11:00pm](#). **Agreed**

5. Recorded music I would suggest can be handled differently. The preferred method is to install and set with our agreement a noise limiter. However, I can appreciate there is a cost involved but noise limiters offer the best guarantee that noise breakout will be prevented. Though your client is in a good position to improve sound insulation in the building as a refit is about to commence and I would urge advice from acoustic consultant is sought on this matter, time allowing. Trying to be pragmatic, again I suggest recorded music ceases [at 11:00pm](#) and the premises may simply continue to play 'background' music only until the premises closes. **Agreed**
  
6. Can you confirm if air conditioning units will be installed at the premises? I ask because the area now labelled as the 'resultant' appeared to me to quickly overheat leading to windows being opened frequently. Voices and music equally could then be heard by nearby residents. Clearly windows need to be kept but if air con is installed and maintained this prevents the need to open windows. **I believe that air conditioning is to be installed.**

Hopefully the above will be satisfactory to you. Please let me know.

John Gaunt