

# Memorandum

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<b>To:</b> Licensing	<b>From :</b> Community Safety
<b>c.c</b>	<b>Contact :</b> Mr Gareth Fudge
<b>c.c.</b>	<b>Ext :</b> 01803 208025
<b>c.c</b>	<b>My Ref :</b> 1ZV SRU No: 171553/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref :</b>
	<b>Date :</b> 1 February 2012

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**Subject: Premises– Licensing Act 2003**

**Premises Name & Address: Trents, , 8 Torwood Street, Torquay, Devon, TQ1 1EB**

- 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 ☒

The above application is situated in the cumulative impact zone and is a premises that has frequently caused complaint to both residents of Torwood Street, Queens Quay and Park Lane. The complaints related to music breaking out of the premises during the performance of live music and amplified music. Investigations by this department confirmed the existence of a statutory nuisance and the department was preparing formal action against the premises when the licence holder surrendered the licence and ceased trading at that venue.

The Licensing Committee will remember that this licence was originally surrendered when the holder applied for a licence at another premises also within the Cumulative Impact Zone. The committee made it a condition of the licence that the previous licence at Trents was surrendered so that the impact on the Cumulative Impact Zone was neutral.

The premises itself is small, with a frontage that is mainly double glazing of a standard construction with opening sash windows. This level of sound insulation is not adequate to prevent noise breakout as evidenced by previous complaints. In fact, officers have reported that music from the premises has been audible as far away as the London Inn on the Strand.

There is only one door at the front and there is little room for the provision of a lobby to control noise breakout. Any lobby construction that is effective in controlling noise breakout would need to be constructed so that there is always one door shut when people are entering and leaving the premises ensuring there is no pathway for the noise to breakout.

Because of the location of the Bar in the premises I feel it would be difficult to construct a lobby without moving the bar area. Furthermore, the addition of a lobby would only have a limited effect as the glazing at the front of the premises provides little insulation, particularly for low frequency noise (or bass) produced by live music.

Discussions with the applicant have indicated that the premises is to be used as a biker bar/ rock bar in a similar manner as before. I am concerned that the premises will not have adequate sound insulation to deal with the noise generated by the amplified music proposed.

I am also further concerned as the applicant has a history of operating noisy premises. Complaints have been received about a number of their premises in Torbay, one of which is the subject of an abatement notice. We are working closely with the applicant to resolve a number of issues.

I note that the application is time limited, however, this simply means that the applicant would be unwilling to invest substantially in the premises as they would not recoup their investment over such a short period. Furthermore, should the applicant refuse to carry out works because the premises is allowing noise to breakout, I am concerned that because of the short life of the premises the applicant would be unwilling to take action. I am concerned those residents in the area will simply suffer another summer of disturbance and that the council will be unable to take action on the short term to rectify the matter.

Therefore, as the application stands I am concerned that it does not promote the licensing objective "the Prevention of Public Nuisance" and I formally wish to object to the grant of this licence.

Should the committee be minded to grant the application, I recommend that the following conditions be attached.

A scheme of sound insulation works to the premises shall be submitted and approved by the local environmental health department. Such a scheme shall include sound insulation works to windows, doors and shall include details of the construction of acoustic lobbies and glazing to prevent noise breakout. The scheme of works shall be implemented prior to regulated entertainment being allowed.

Doors and windows shall be kept shut during the performance of regulated entertainment.

Prior to the playing of amplified music, a noise limiter shall be installed in the premises and all music encompassing regulated entertainment shall be controlled by the noise limiter. The limiter and associated public address system amplification shall be kept in a tamper proof case under the control of an independent party.

The level of the noise limiter shall be set and agreed with the local Environmental Health Department. The limiter shall be calibrated and set at the level agreed with the Local Environmental Health Department. A report of the calibration shall be sent to the local Environmental Health Department.

No changes to the Public Address system (encompassing all sound amplification equipment used for the playing of regulated entertainment) shall be made without the express permission of the local Environmental Health Department, this includes moving of speakers or the addition or removal or replacement of any equipment.

Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave in a quiet manner.

Door Staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.

Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.

**Mr Gareth Fudge**

Senior Environmental Health Officer