

Memorandum

To: Licensing	From :	Community Safety
c.c	Contact :	Mr Karl Martin
c.c.	Ext :	01803 208010
c.c	My Ref :	1ZV SRU No: 160380/GDF
For the attention of: Licensing Steve Cox	Your Ref :	
	Date :	11 April 2011

Subject: Premises– Licensing Act 2003
Premises Name & Address: Cafe Mambo , 7 The Strand, Torquay, Devon, TQ1 2AA

- 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 premises is situated in the cumulative impact area and has residential accommodation to the rear of the premises. Currently this residential accommodation is protected by the barrier created by the fabric of the building as no activity occurs on the top floor of the premises that faces the residential accommodation.

The application requests to extend their activities into this floor and on to the balcony at this level giving a direct line of site from the residential accommodation to the external balcony. They wish to operate until 03:00 am.

I am concerned that this will result in noise breakout from regulated entertainment affecting residential accommodation. I am also gravely concerned that use of the external balcony at this level will cause significant disturbance to residents living in the Terrace.

Members of this department have visited the area late at night and have noted the quiet nature of the Terrace. Any noise from Café Mambo would therefore be significantly disturbing. Whilst amplified music could be dealt with by modifications to the structure and by appropriate control measures such as noise limiters/compressors, numerous complaints regarding noise have been received in the past, and it has been noted both by Officers of this Division, and by Members of the Public, living some distance away, that music breakout and patrons on the existing balcony create significant amounts of noise.

The area under consideration is significantly closer to the residential accommodation in the Terrace than the existing external use.

I have met with the applicant and asked them to explain how they intend to control the noise from both music and patrons. I have even advised them to obtain the services of an acoustic consultant to investigate this issue and provide a solution. No information has been submitted to us. To date they have offered nothing to alleviate my concerns.

They have been unable to provide details on how they will control noise other than to suggest that they will be playing "Chill Out Music" on the top floor and access will be by invite only for more mature customers. It is my experience that customers who have been drinking are generally loud regardless of age.

I, therefore, wish to object to the proposed variation on the grounds that they have been unable to demonstrate how they will prevent public nuisance from the playing of regulated entertainment and more particularly from patrons making use of the balcony area.

In making this representation I have given regard to Daniel Thwaites Plc v Wirral Borough Magistrates' Court 2008. It is not the case that there is no evidence that a problem will occur as the problem already exists and this variation seeks to extend this problem into a more sensitive area.

Mr Karl Martin
Safety and Licensing Officer