

Memorandum

To: Licensing	From :	Community Safety
c.c	Contact :	Mr Gareth Fudge
c.c.	Ext :	01803 208025
c.c	My Ref :	1ZV SRU No: 186518/GDF
For the attention of: Licensing Steve Cox	Your Ref Date :	 19 February 2013

Subject: Premises– Licensing Act 2003
Premises Name & Address: Splashdown @ Quay West, , Tanners Road, Paignton, Devon, TQ4 6LN

- 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 proposed application is for the playing of amplified music to facilitate dancing in two areas of the Splashdown water park one of which is outside.

I am concerned that the use of a public address system outside to provide music at a volume that is suitable for dancing will cause disturbance to the residents of the flats at Great Western Close and that this might amount to Public Nuisance even given the limited time period that the applicant intends to use the premises for music. Great Western Close is situated 150m from the boundary of the area where it is intended music is to be played outside. Assuming that the loudspeakers develop 97dB 1 m from them (a level not uncommon for the playing of music for dancing) the predicted level at the nearest residential accommodation would be 53dB which would be clearly audible at the residential accommodation. This is assuming a single source of noise, the noise would travel further should multiple speakers be used.

The applicant has offered no measures in their application to control this other than to state that the music will be under the control of the DPS and that security guards will be on hand. Neither of these measures will ensure that the volume of the music is controlled to such a level that residents will not be disturbed.

It is therefore, my considered view that the application as it stands has the potential to result in Public Nuisance.

I would therefore recommend that the following conditions be attached.

All regulated entertainment shall be played through a noise limiting device.
The level of the music through the limiter shall be agreed with the Responsible Authority for Public Nuisance in writing.

The limiter shall be kept in a locked tamper-proof box the keys to which shall be held by an independent party.

No changes shall be made to the public address system without prior consent of the Responsible Authority for Public Nuisance.

Mr Gareth Fudge

Senior Environmental Health Officer