

CONDITIONS TO BE ADDED TO THE PREMISES FOLLOWING NEGOTIATIONS BETWEEN MR TOM WEST, ENVIRONMENTAL PROTECTION, AND THE APPLICANT

- 1.) Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 2300 hours. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are: -
 - i) Before 2300 hours - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - ii) After 2300 hours - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
- 2.) In areas of the premises where an Environmental Health Officer deems necessary and live and recorded music is provided, a noise limiting device (the specification, design and location to be agreed with Torbay Council's Environmental Health Service) shall be fitted so that all live and recorded music is channelled through the device. The maximum noise levels will be set by agreement with Torbay Council's Environmental Health Service and will be reviewed from time to time as appropriate.
- 3.) In conjunction with condition 2 above, the noise limiting device must be fully functional and in proper working order at all times during performances of live and recorded music.
- 4.) A member of staff for the premises shall assess the impact of noise coming from customers of the premises using the external rooftop terrace area periodically when the rooftop terrace area is in use as well as any outside area in the immediate vicinity of the premises. Where issues are identified, approaches will be made to patrons by a member of staff for the premises and appropriate action shall be taken to prevent nuisance from occurring.
- 5.) After 23:00 hours noise levels in outside areas will be monitored and controlled to minimise any potential impact on local residents. Customers will be advised of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
- 6.) No deliveries of alcohol to the premises shall take place between 23:00 hours and 09:00 hours.
- 7.) If Torbay Council receives a complaint of noise nuisance emanating from the premises and an Environmental Health Officer of Torbay Council reasonably deems noise nuisance to exist which arises from customers using the premises in conjunction with the provision of licensable activities and upholds the complaint, the Premises Licence Holder shall, on receiving written confirmation of that complaint from Torbay Council:
 - a.) Co-operate with Torbay Council's Environmental Health Officers and implement remedial measures to the satisfaction of the Environmental Health Officers immediately or as reasonably practicable to do so, as determined by the Environmental Health Officer; and

- b.) Where the noise nuisance has arisen from the usage by customers of the external roof terrace area and where remedial action cannot be identified and remediated to the satisfaction of the Environmental Health Officer, the external roof terrace area shall be closed to all patrons at 23:00 hours until such time that the noise nuisance can be identified and the necessary remedial work can be carried out.