

Memorandum

To:	From :	Community Safety
c.c	Contact :	Mr Gareth Fudge
c.c.	Ext :	01803 208010
c.c	My Ref :	1ZV SRU No: 168516/GDF
For the attention of: Licensing Steve Cox	Your Ref Date :	 14 November 2011

Subject: Premises– Licensing Act 2003
**Premises Name & Address: Seamus O'Donnells, , 28 Victoria
Parade, Torquay, Devon, TQ1 2BD**

- 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

Over the past two years, I have received a number of complaints alleging that noise Seamus O'Donnells has caused significant disturbance to the residents of Harbour View Flats.

I have visited the area, and have confirmed that these flats are attached to Seamus O'Donnells as illustrated in the attached photograph. It appears that both premises are brick built and that there is not significant mass between the buildings as would be required for sound insulation. I have spoken with three of the residents in the flats all of whom state they are affected by noise from the premises, to the extent that currently they are disturbed by music penetrating their building and preventing them from sleeping. However, as the premises currently finishes playing amplified music at midnight, they have put up with it, as they tend not to go to bed until midnight.

However, the residents have expressed the concern that should the premises licence be granted past midnight then they would be driven from their properties by the music.

Having considered this, I am concerned that to increase the time allowed by Seamus O'Donnells to play music will only increase the disturbance suffered. Furthermore, I am also concerned that because the flats are attached, there would be no way to effectively insulate the complainants homes from the noise generated by the music without significant

structural work to Seamus O'Donnells to provide sound insulation. I note that this is not proposed by the applicant.

I am also concerned that the residents of the flats will also be disturbed by patrons of the premises leaving the premises when it closes at 03:00.

Given that these flats are right next to the entrance to Seamus O'Donnells, I am also concerned that residents will be disturbed by patrons leaving the area at 03:00 am.

This area of Victoria Parade is away from the main night time economy area and is generally much quieter by 03:00 am than the harbour side area. Disturbance to the residents of the flat are therefore much more likely as there will be less ambient noise to mask the sounds of patrons leaving.

I am also concerned that the applicant has taken no steps to address noise breakout through music into the adjacent residential premises. I considered whether the introduction of a noise limiter would be an appropriate means of controlling noise, however, given the proximity of the flats and the noise that currently breaks into the flats, I am concerned that it would not be possible to play music at a level that is appropriate for live or amplified music without it causing significant disturbance to residents so the use of a noise limiter would either make amplified music unfeasible or result in disturbance to residents.

Therefore, I feel I have no alternative but to object to the grant of this variation.

If the committee are minded to grant the licence, the following conditions would be appropriate for the prevention of public nuisance.

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, the wall adjacent to Harbour View Flats 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 music being played beyond Midnight.

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 played through the noise limiter. The limiter and associated Public Address system 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 annually 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 shall be made without the express permission of the local Environmental Health Department, this includes moving of speakers or the addition or removal 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.

Door staff operating the nite-net radio system outside the premises shall do so with the use of an earpiece to minimise disturbance caused by the radio.

Mr Gareth Fudge
Senior Environmental Health Officer

30 Victoria Parade, Torquay, England, United Kingdom
Address is approximate

« Photo

