
To Assistant Licensing Officer
From Claire Whitchurch: Health Protection Officer
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Date 06 January 2015
Subject Licensing Act 2003 ("The Act")
Application for a *Grant of Premises Licence*
The Town Club, 25 Star Street, Ryde, Isle Of Wight, PO33 2JH

Memo

By virtue of Section 13 (4)(c) and 13 (4)(e), Environmental Health is a responsible authority and may make representations to the Licensing Authority over applications for Premises Licences.

It is concerned that the applicant has not adequately addressed the licensing objectives for control of public nuisance in the Operating Schedule as required under section 17(4)(g) of the Act.

The premises comprises of two rooms/ bars. The front being the main use of the club, with a pool room, darts and a bar, this area is also used for regulated entertainment. The rear room of the club has been utilised by the club on busier nights, or for 'events' and 'functions'. Due to the restrictions of the current club premises certificate, these events have previously operated on temporary event notices.

In 2013, six temporary events were applied for to enable music events/functions at the premises. In 2014 ten temporary event notices were submitted, five of these for 'events' at the club.

The licensing of the back area of the club under a premises licence will facilitate the club to be able to hold events/ functions without the need for a temporary event notice and therefore not be limited to how many days of functions they can have. This potentially could lead to an increase in the frequency of use.

In terms of noise from the premises, this department has had involvement in 2013 and 2014 and gathered evidence presented to the committee in February 2014 with a review of the club premises certificate.

The review placed the following conditions onto the club premises certificate, as requested within our application, with the intention of controlling noise outbreak:

- During the provision of regulated entertainment the noise, including any DJ announcements shall be contained within the premises, or be at a limit which will be barely audible* at the boundary of the nearest residential premises.

*Barely audible is defined as at a level that, whilst it may be audible (heard), is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned at the boundary of the noise sensitive premises.

- A noise management plan, detailing the scheme adopted to comply with this condition, shall be submitted to and agreed in writing by the local licensing authority prior to the provision of regulated entertainment. The noise management plan shall be updated to reflect any noise related changes taking place at the premises, and resubmitted to and agreed in writing by the local licensing authority within 14 days of any such changes taking place. This plan should include the annual maintenance records of any sound limiting device (if used).

Regulated entertainment will only be permitted in accordance with the agreed noise management plan.

This licence was determined on 07 February 2014, however since this date we have still received complaints of noise nuisance.

Of the complaints received each of these relate to noise of music from the front bar of the premises, and not the rear; However, these complaints have called into question how robust the noise management plan is, and the ability of the club to manage these conditions.

This application seeks to carry on activities of: Indoor sports, live and recorded music, performance of dance and the sale of alcohol; Sunday to Thursday 10:00 – 00:00, Friday and Saturdays 10:00 – 01:00 hours with non standard timings until 02:00 hours.

Although most recent complaints have surrounded the music in the front bar, historically complaints have been received in relation to the back bar also, and also noise from the smoking area of the premises. There are residential premises to all sides of the premises.

The applicant's operating schedule claims that they will operate within the noise management plan, as attached to the application. This plan has not been updated as stated within the plan and as previously noted; officers have been concerned about the effectiveness of this plan and requested it be reviewed on 07 November 2014.

This department has concerns about the management of the premises, and as such recommend the following condition to be placed on the licence to ensure that the nuisance objective is upheld. These conditions are the same as that as the club premises certificate held by the club, so we see this as consistent and necessary.

Proposed Condition:

- **During the provision of regulated entertainment the noise, including any DJ announcements shall be contained within the premises, or be at a limit which will be barely audible* at the boundary of the nearest residential premises.**

***Barely audible is defined as at a level that, whilst it may be audible (heard), is so low in volume that distinct lyrics, tunes, musical instruments and any bass beat cannot be discerned at the boundary of the noise sensitive premises.**

- **A noise management plan, detailing the scheme adopted to comply with this condition, shall be submitted to and agreed in writing by the local licensing authority prior to the provision of regulated entertainment. The noise management plan shall be updated to reflect any noise related changes taking place at the premises, and resubmitted to and agreed in writing by the local licensing authority within 14 days of any such changes taking place. This plan should include the annual maintenance records of any sound limiting device (if used).**

Regulated entertainment will only be permitted in accordance with the agreed noise management plan.

In addition to the above this department has concerns in relation to noise from smokers at the premises. In the past complaints have been received in relation to people using the outside smoking area late into the night. Although the club appear to have controlled this recently, the addition of this licence to the rear area may increase the frequency that the smoking area is used heavily (increased patrons).

Smokers from the rear function room will need to walk through the club premises to access 'the clubs' smoking area. Included with the application is the 'hire agreement' for the function room, which at point 6 states that the hirer shall have an appointed person to be responsible for the behaviour of their guests.

We have concerns in relation to the control of the smoking area as this has the potential to cause a nuisance to the neighbouring premises.

The smoking area is part of the club premise certificate to the front of the premises, but not part of this application. The club premises certificate currently contains a condition:

- An assessment for the need for door supervisors to be determined by the Town Club by taking into account such factors as:
 - the nature and duration of licensable activities proposed,
 - the number, age and character of persons likely to attend, and
 - any known risks to impact on the promotion of the licensing objectives.

The Town Club shall make a written record of the number of door supervisors to be engaged and the factors which were considered by the Town Club.

Any such record shall be produced to a police officer or authorised officer of the local authority on reasonable request.

As an informative to this application, we would recommend that the applicant ensures that the noise from the smoking area is considered when determining door supervisors as per the above condition.

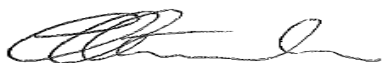
The application and its supporting information have suggested the two following conditions, which we would like to see formalised on the licence. Both of these conditions are sought to prevent nuisance arising from smokers outside of the premises.

Proposed Conditions:

- **No persons will be permitted to take or remove alcoholic or other drinks from the premises in open containers. No alcohol shall be permitted in outside areas during licensable hours including the smoking shelter.**
- **The licence holder shall not permit patrons to smoke outside of the premises after 21:00 hours, save for the designated smoking area.**

Neighbours in the area have made representations in relation to noise of people leaving the premises and also packing away equipment at the end of the evening. Both these matters have been considered by this department. In the past it would appear that the frequency of the issue has been insufficient to prompt any action by this department. This premises licence could increase the frequency that this occurs, and this should be considered by the club in line with their noise management plan. We do not feel that additional conditions are required at this time.

Many thanks for consulting this section.



Miss Claire Whitchurch
Health Protection Officer