

## APPENDIX 7

### Memo

|       |             |           |                   |
|-------|-------------|-----------|-------------------|
| To    | Sue Lindsey | Date:     | 29 September 2016 |
| From: | Janet Adams | Phone:    | Ext 6043          |
|       |             | Email:    |                   |
| Copy: |             | Our Ref:  |                   |
|       |             | Your Ref: |                   |

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#### **The Bay Tree Inn Public House, Pelham Road, Seaford**

Further to the application from the police for a review of the above premises the Public Health team would like to make the following submission in relation to public nuisance.

The Public Health section of Environmental Health has received 3 complaints of noise nuisance this year from separate residents who live in the locality of the Bay Tree.

Complaints were first received on 13 June 2016 and relate to noise from music and shouting from the premises. In addition the premises had set up a television outside for customers to watch the UEFA European Championships.

One complaint on 19 July related to loud voices and shouting from the beer garden until 2:20 am and prevented the resident from being able to keep their windows open on a warm evening, they resorted to using ear plugs to be able to get to sleep.

Diary sheets were received which did demonstrate disturbance but it was not sufficient to constitute a statutory nuisance and therefore warrant the need for an abatement notice to be served. Discussions took place with Mr Burvill on 15 June 2016 he advised he would use door staff to ensure that the doors to the premises were kept closed. He was also encouraged to install a noise limiter on the premises to reduce the likelihood of amplified music causing a nuisance to neighbours.

The Council operates a noise patrol on Friday and Saturday nights through the summer months and undertook compliance checks on the premises during this time.

| Date           | Time  | Observations  |
|----------------|-------|---|
| 18 June 2016   | 23:45 | Rear doors open and 20 people outside   |
| 24 June 2016   | 21:50 | Doors open and music audible outside  |
| 24 June 2016   | 23:20 | Front doors open and music audible outside  |
| 30 July 2016   | 00:00 | Doors closed and music barely audible   |
| 5 August 2016  | 23:25 | Rear doors open music audible outside   |
| 6 August 2016  | 22:35 | Doors open and music audible outside  |
| 7 August 2016  | 00:05 | Back doors and front lobby doors open outer doors closed. Music audible outside                       |
| 12 August 2016 | 21:35 | Rear doors open. Music from band clearly audible outside. Mr Burvill spoken to and made aware         |
| 12 August 2016 | 23:45 | Rear doors open and disco taking place. Mr Burvill spoken to and advised to turn down and close doors |

It is evident that despite discussions with Mr Burvill both on the telephone and in person music is still allowed to be audible outside the premises.

The premises have the following conditions placed on the license in relation to the Prevention of Public Nuisance.

***The prevention of public nuisance***

- 1) *All outside areas will be cleared of customers by 11.30pm except for use by smokers for smoking without consumption of food or alcohol such to be monitored to prevent noise nuisance.*
- 2) *Measures will be taken to ensure that any noise arising from the premises does not cause a public nuisance to premises in the vicinity. Such measures will include:*
- 3) *Ensuring all windows and doors are kept shut during regulated entertainment and*
- 4) *The manager will assess the noise levels outside the premises at regular intervals. If the music is found to be too loud (ie. the words to songs are clearly audible or the bass beat is dominant) the volume will be turned down immediately.*
- 5) *Anti-vibration mounts will be used on speakers*

- 6) *If the manager receives any complaints of noise from the Police or Environmental Health, measures to reduce the noise will be taken immediately.*
- 7) *All recorded music will be reduced to background level 30 minutes before the end of operating hours.*
- 8) *Customers will be advised to leave the premises in a quiet and orderly manner and suitable signs will be displayed requesting the public to respect the needs of local residents and to leave the premises and the area quietly.*
- 9) *No entertainment including background music in any outside area or smoking shelters without prior agreement with the Local Authority.*
- 10) *Appropriate receptacles shall be provided for cigarette ends.*
- 11) *Kitchen extract filters will be cleaned once a week to minimise the impact on the neighbours.*

It is evident that the premises are not complying with the conditions attached to their licence.

The Public Health team would contend that the premises is not upholding the licensing objective of prevention of public nuisance and would ask the licensing committee to take the following steps to ensure that the licensing objective is upheld:

A reduction of the hours for alcohol to 23:30 daily and a reduction in the hours the premises are open to 00:00 hours daily.

A reduction of the hours for recorded music to 23:00 hours daily to be in line with the live music.

The Public Health team contend that these are appropriate and necessary to reduce the likelihood of public nuisance being created from the premises.

The Public Health team would also recommend that the premises submit a noise management plan to be agreed with the Public Health team at Lewes District Council. The noise management plan shall include the installation of a noise limiter with levels to be agreed and set with the Public Health team prior to any regulated entertainment taking place.

Should you wish to discuss this memo in more detail please do not hesitate to contact me.

**Janet Adams**  
**Senior Environmental Health Officer**