

APPENDIX D - Representation from Environmental Health



Licensing Authority
South Hams District Council
Follaton House
Plymouth Road
Totnes TQ5 9NE

Our ref: AKI/The Angel
15th March 2023

Dear Licensing Authority

Environmental Health Representation in relation to Premises Licence Application The Angel – South Street, Totnes

Thank you for consulting Environmental Health on the premises licence application for the Angel Totnes.

We would like to make a representation on the basis that the information in the application form and operating schedule are insufficient in order for us to determine if the applicant is promoting the licensing objective of prevention of public nuisance.

We have previously received complaints in relation to music from the premises and noise from patrons drinking and smoking outside and in the vicinity of the premises. We appreciate that some of these complaints/incidents may have occurred when the premises were run by the previous occupiers of the Gallery. I have summarised the complaints in the table below for your information.

Since receiving the application we have been in constructive dialogue with the applicants, and they have engaged the services of an acoustic consultant to advise them on what further measures they need to put into place. Unfortunately we haven't been able to conclude our discussion and come to an agreement prior to the deadline for representations. However we will continue to do so prior to any hearing. If sufficient information and, or if noise management conditions can be agreed prior to any hearing then we may be in a position to withdraw this representation.

Complaint History

Date of complaint	Nature of Complaint	Action Taken	Outcome
24 th March 2022	Concerns about dance classes being held until 8 pm and future events disturbing sleep.	Request for more evidence in the form of noise diary sheets. Sent to complainant.	No further action as diary sheets not returned.
17 th March 2022	Concerns over noise from late night parties and people gathering in the street smoking and drinking.	Request for more evidence in the form of noise diary sheets. Sent to complainant.	No further action as diary sheets not returned.
20 th August 2021	Loud music emanating at 11.45 pm.	Request for more evidence in the form of noise diary sheets. Sent to complainant.	No further action as diary sheets not returned.
18 th February 2020	Complaint in relation to loud music.	Officer arranged to visit. Music was audible but not that loud when first arrived at 9.45 pm but by 10.30 pm it was louder and the officer felt it to be intrusive. Bass was clearly audible. When officer left at 23.00 hrs pm. Music was continuing. People were outside smoking with drinks in the street. There was a sign saying no drinks outside.	No further action taken at the time as time of first lockdown and venue closed.

In total we have received four complaints from three different addresses since 2020.

Our main concerns relate the playing of recorded and live music, and the ways and means that customers will be dispersed from the premises to prevent them creating disturbance on the street from noise associated with groups of people smoking and drinking, especially later at night.

The application lists the following mitigation measures in relation to the licensing objective of the promotion of prevention of public nuisance.

- *Patrons will be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.*
- *Suitable signs at all relevant exits requesting that patrons make as little noise as possible when leaving the premises will be displayed.*
- *The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning when the noise generated could cause a nuisance particularly outside buildings. Deliveries and collections will also not take place during these times.*
- *Bins containing cans or bottles will not be emptied outside after 7pm but must be dealt with the next day during normal office hours.*

Whilst we welcome the measures in relation to disposal of cans and bottles not occurring after 7 pm, we would like to see a clear condition in relation to the times particularly clarification of what normal office hours means, For example no bins will be emptied outside between the hours of 7 pm – 9 am. We would suggest the timing for handling of deliveries and moving of beer kegs outside adhere to a similar timing, but we appreciate that timing of deliveries may sometimes be outside of the applicant's control, and not all deliveries will be in association with a licensable activity. For example food, equipment soft drinks etc.

However these measures are not sufficient, in our view, to manage noise from loud or recorded music nor the noise from people gathering outside the premises and that is why we are making this representation.

In order to be helpful, and as a general guide, other measures and or conditions the applicant may like to consider include some or all of the following:

- Structural measures to prevent noise break out, for example use of sound insulation, noise lobbies, acoustic glazing, keeping windows and doors closed, alternative means of ventilation etc.
- Other Physical measures: Equipment and management of equipment – for example positioning of speakers, choice of speakers/amplifiers, rules around use of third party equipment and instruments. Use of noise limiters etc particularly in relation to volume and lower frequency noise.
- Communications – notifications to residents of events, and complaint handling procedures, including details of named people responsible for such functions.
- Management plans – this is probably the main and best means of control ultimately. How will noise be managed, and by whom, how will you monitor noise etc. How many events will be held, how often, what type of events, will they be booked in advance, who will manage noise during the events if it isn't the DPS or Premises licence holder. What are the dispersal strategies, and how will outside spaces be managed. Will litter including cigarette butts, glasses, and bottles be collected at the end of each event so that the street is clean and tidy?

We would look to the business with the help of their specialist to come up with the measures themselves, as they know their business the best and know what their plans for the use of the premises are.

Thank you for taking the time to consider our representation. We look forward to hearing from you soon.

Yours faithfully

Anita Kidby
Principal Environmental Health Officer
South Hams District Council