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Date: Wednesday, 14 May 2014

Governance Support
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Torquay
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Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 15 MAY 2014

I am now able to enclose, for consideration at the Thursday, 15 May 2014 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Licensing Act 2003 – An application for a Review of a Premises Licence for Seamus O'Donnells, 28 Victoria Parade, Torquay TQ1 2BD	(Pages 55 - 60)

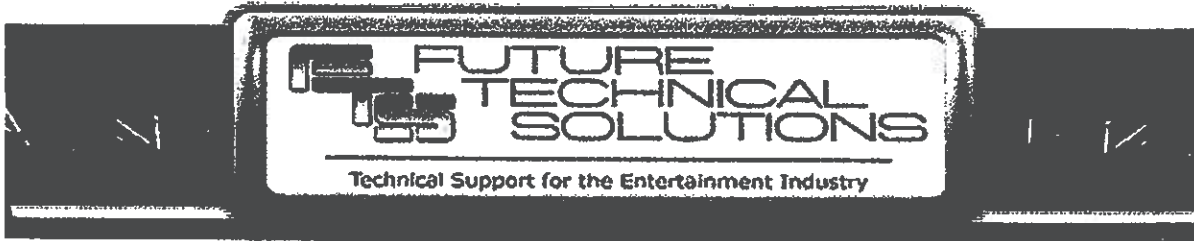
Yours sincerely

Kay Heywood
Clerk

Agenda Item 6

lesley butchers

From: Jo Carpenter <[REDACTED]>
Sent: 06 May 2014 06:04
To: 'lesley butchers'
Subject: The 80's Bar Torquay



REPORT

Noise Issues - The 80's Bar, Seamus O'Donnell's, Victoria Parade Torquay

This venue has two rooms with basic full range sound systems flown from the ceiling run from one source in the main room.

The main room has four speakers wired back to an amplifier controlled by an intelligent limiter. This is password protected and "locked off" at an agreed level set with the Environmental Health Department some twelve months ago. This room hasn't caused a problem to nearby residents.

The second room is attached to the complainant's bedroom and is where there appears to be limited noise breakout. The sound system comprises of two full range speakers flown on the ceiling installed on anti-vibration mounts. They are wired back to a single amplifier controlled via a hard cut Cloud CX335 limiter. This has been set and locked off with the environmental Health Department at an agreed background music level of only 84 db. We have used the cloud limiter as it enables us firstly to set a locked limit which can't be falsely increased; it also has a hard wired facility which means it can't be bypassed.

By setting the two individual limiters to the desired levels then both the complainant and the EHO department agreed the levels were acceptable. The main reason for the complainant to carry on the complaint appears to be because they are concerned that levels are and can be changed by the venue operator. This is not possible as both limiters are locked and wired to stop any interference.

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[REDACTED]
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10th April 2014
[REDACTED]
[REDACTED]

TO WHOM IT MAY CONCERN

REF: 'Back to the 80's' Nightclub – Torquay

Since the clubs beginning I have provided a 'Disc Jockey' service to, Room 1 & Room 2 of the club on both Friday & Saturday evenings, apart from the odd night off, between 10pm & 2.40am throughout the year.

From September of 2013, room 2 no longer required a 'DJ' and subsequently I only provided my services for Room 1.

Throughout the year I have only used the static equipment provided at the venue and have not added any personal equipment to it. This equipment has been installed since the clubs inception and to the best of my knowledge has not been tampered with, apart from the installation of two sound compression units for each room.

If I can be of any further assistance regarding this matter, please don't hesitate to contact me.

Sincerest Regards

Scott Cook

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7. ~~XXXXXXXXXXXXXXXXXX~~

STATEMENT OF WORKS

After opening the 80's bar we had no real issues with noise or licensing. We opened the 2nd room and set a level with EHO that everyone seemed happy with. We have operated for months with no real issues other than it was noted that there appeared to be some overcrowding in one of the rooms, we had the fire officer come out who stated that we were fine for numbers in that room, however we did have furniture and tables around the edges. After this visit we removed the furniture and tables to relieve the problems that Julie and Mandy thought could occur. It had been noted by Julie that there was a broken glass on the floor. We monitored this and noticed that the 10oz glasses that the spirits go into were the ones that were breaking so we switched to polycarb. It was noted that the door to the patio had been left open so this had a new closer fitted within 2 days of being told this was an issue. Carl Martin from EHO called us to say there was a problem on the patio with noise although he could not prove it was from ours, we took steps to remove the seating from the patio installed a big box in the middle so it took up some room and put a 5metre umbrella up so that it would help to break any noise. I have since spoken to Carl about this and have been informed that we are not creating any nuisance on the patio.

On the visit when Julie and Mandy noticed what they felt was overcrowding, it did highlight a problem in the way that everyone has to go through that room to get to the toilets (men and women) after careful consideration we thought that it would be easier to move one set of the toilets so that they were accessed from another room and it would create bigger facilities.

We closed the kitchen in September as we always do and removed all the kitchen equipment. We turned the one end of the kitchen into the gents toilet and the original gents toilet we incorporated into the ladies. In doing this the corridor to the gents now backs on to the bedroom of one of the flats next door. We double sound boarded the wall and decorated and this is when the complaint from the neighbour was first received at a date in September 2013. I had quite a lot of contact with the neighbour (see text messages) and we did lots more work to the wall to try and come up with a solution. When we had run out of options we suggested that EHO was the best route for all as we could not work out what was going on.

Carl called me just before xmas and stated she had made an official complaint and that we would get together in the new year to try and set new levels. The next call I had was Carl saying we had caused a statutory nuisance and the next one was to state we were going to review. We have worked with EHO constantly. Our equipment has not been tampered with in any way, we have had the same DJ both nights. We open at 10 not 9 and we close at 2.30 not 2 this is both Friday and Saturday. None of us can understand why the noise cannot be heard on a Friday but can be on a Saturday and the noise cant be from 9pm as we do not open until 10pm.

We have done more sound proofing and reinstated a door and the last time EHO went around to set levels they said they could hear a pin drop, since then the neighbour has stated she could not tell EHO on the first Saturday after this door went in if it was any better as she went to sleep at midnight and the second week she did not really say anything but said she could hear a covers band playing downstairs which is not the case as we cannot fit a band in downstairs.

We are now a little stuck on what to do as the neighbour has now moved out. We did suggest other things we could do to the building to sound proof but were advised by EHO to do this is staged approaches so we know what was working and what was not.

We have taken advise from Neil Carpenter on all our sound issues and a copy of his report will follow shortly.

If there is ever a problem found in our establishment we deal with it immediately. We have always worked very closely with EHO and don't wish to cause any distress to anyone and just want to run a good business. We employ 50 people within Torbay and do all that we can to help the local economy and will ensure that this is not a problem but cannot do this without co-operation of the neighbour.

The property is run by signpost housing who we have asked today if they can allow us access into the building so that we can see if the sound is still an issue or if the door has worked in full. We are awaiting a response.

I have attached a statement from the DJ as he worked there both nights throughout the whole of last year and used the same equipment all the time.

I am happy to provide any information to support the above claims that may be found useful.

Lesley & Stephen Butchers

Since writing this a new lady has moved in to number 3 and I spoke with her yesterday (5th May) and she informed me she is a light sleeper and she cannot and has not heard anything in the 3 weeks she has been there. We have given her our contact numbers and the contact of the council should anything change in the future which I am confident it will not.