

MEMORANDUM

To : **LICENSING OFFICER**

From : **Elisabeth Laughland**

Tel : **01432 261676** My Ref : **ELA/206037**

Date : 3 May 2016 Your Ref :

**LICENSING ACT 2003
PREMISES LICENCE REVIEW
SPARKY'S BAR AND CAFÉ, 18 WEST STREET, LEOMINSTER HR6 8ES**

Environmental Health Representation

Under the Licencing objective '**Prevention Of Public Nuisance**' The Environmental Health - Environmental Protection Service wish to raise concern over the licensable activities carried out at Sparky's Bar and Café, 18 West Street, Leominster with regards to noise.

Since January 2014 the Environmental Protection Service (EPS) have received a total of nine noise complaints over the months of June, August, September & October 2014, August & October 2015 and the most recent in January 2016. The complaints were from five different residents of domestic premises in West Street, The Buttercross and the rear of Sparky's and two anonymous complainant. Also one of the complainant premises was a local hotel where comments of the noise issue experienced by the hotel customers have been made posted on the website Trip Advisor. The complaints were predominantly concerning excessive volume of music, including a loud bass emanating from inside the Sparky's premises and people noise from the Sparky's premises garden, which causes a disturbance into the early hour of Saturday and Sunday morning; up to and over 01:30 hours.

In addition to these complaints the EPS carried out a number of 'out of hours' visit over 7 evenings in Jul & Aug 2015 and March 2016 to monitor the noise emanating from the Sparky's premises. Officers witnessed loud music & bass beat music from Sparky's premises and customers talking in the premises garden that was causing a noise disturbance to the surrounding locality. A number of warning letters and officer contact with Mr Wicks the Licensee, have been made by the service. Improvements were noted following this contact however this was generally short lived and the noise levels returned to an unacceptable level for the area.

From the information gathered, EPS have concerns that the premises activities and the apparent lack of management controls and monitoring of noise emanating from the property is undermining the Prevention of Public Nuisance licensing objective condition:-

- *The Licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.*

In light of this information EPS would like to make the following comments for the committee to consider as part of this Licencing review.

1. Most of the noise complaints are concerned with the noise disturbance later in the early hours of the morning. As such we would like to object to the current licensing conditions that allows the following times for these licensable activities at the premises.

- *A performance of live music Friday-Saturday: 20.00 – 00:30*
- *Any playing of recorded music: Friday – Saturday: 10:00 – 01:30.*

We would recommend the committee curtailing both these premises activities to no later than midnight on these days.

2. As detailed above, additional noise complaints have been made regarding late night noise emanating from the premises beer garden. Therefore we raise concerns to the licensing committee regarding this premises activities and their compliance with the licensing conditions:-

- *The rear beer garden should not be used after 23:00 on any day.*

From EPS visits and complaints it would appear this Licence condition is not being complied with. Customers have been witnessed by EPS and reported by complainants to use the rear garden up to and over 01:30 on Saturday and Sunday early hours. Noise from this premises activity adds to the noise disturbance experience in the locality.

3. Finally the volume of music and number of people observed at the premises raises the question as to the main purpose of the licensable activities being carried out at the premises. From our observations it would appear the premises is being run more as a bar/ nightclub rather than a Café bar serving food. This raises concerns with regards to public nuisance, as we would consider the current structure and position of the premises to be unsuitable for a nightclub type activity.

The Environmental Protection Service will serve evidence to support these fact on the premises licence holder and the committee prior to the full review hearing.

ELISABETH LAUGHLAND

**PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
HEREFORDSHIRE COUNCIL**