

Appendix C

Premises Licence Application

Trafalgar House 16 Edinburgh Road.

Representation from Environmental Health Portsmouth City Council

Presenting Officer: Richard Maidment (Environmental Protection Officer)

As a responsible authority I wish to make representations regarding this application on the basis of prevention of public nuisance primarily due to the following operations.

- Noise nuisance from amplified live and recorded music
- Noise nuisance from patrons loitering outside the premises
- Noise nuisance from deliveries and servicing the premises
- Light nuisance from any proposed external lighting

The submitted operating schedule proposes performances of live and recorded amplified music until 03:00hrs seven days a week.

The venue is located within Spring Street, which is a cul de sac, effectively screened from any road traffic noise, consequently night time ambient noise levels are otherwise very low.

The premises are also directly opposite Aggie Weston House, which is a 6 storey block of social housing with windows serving 6 flats within a plan distance of 8 metres from the main entrance to the venue. (See IMAGE 1 below).



The front façade of the venue is 75% glazed, which is a potential weak point in the structure in terms of sound insulation, particularly where low frequency bass music is concerned and measurements carried out by our officers have revealed typical music noise levels within similar venues in the city to be in the range of 96 - 102dB(A) with significant bass content in excess of 100dB.

The venue will also share a separating floor with student accommodation, which will result in 12 bedrooms being located directly above and structurally attached to the trading area. (see IMAGE 2 below).



Section 27.20 of the licensing policy states that where an application is made in relation to premises where residential or other noise sensitive premises are structurally attached, the Licensing Authority will expect the applicant to demonstrate that all reasonable steps have been taken to ensure that adequate protection against noise nuisance can be achieved.

It also states in section 27.22 that applicants should identify and assess the potential risks of public nuisance and set out measures they intend to take to minimise the risk to an acceptable level.

However the submitted operating schedule for the prevention of public nuisance has been left blank indicating that no risks of public nuisance have been identified and no mitigation measures are necessary.

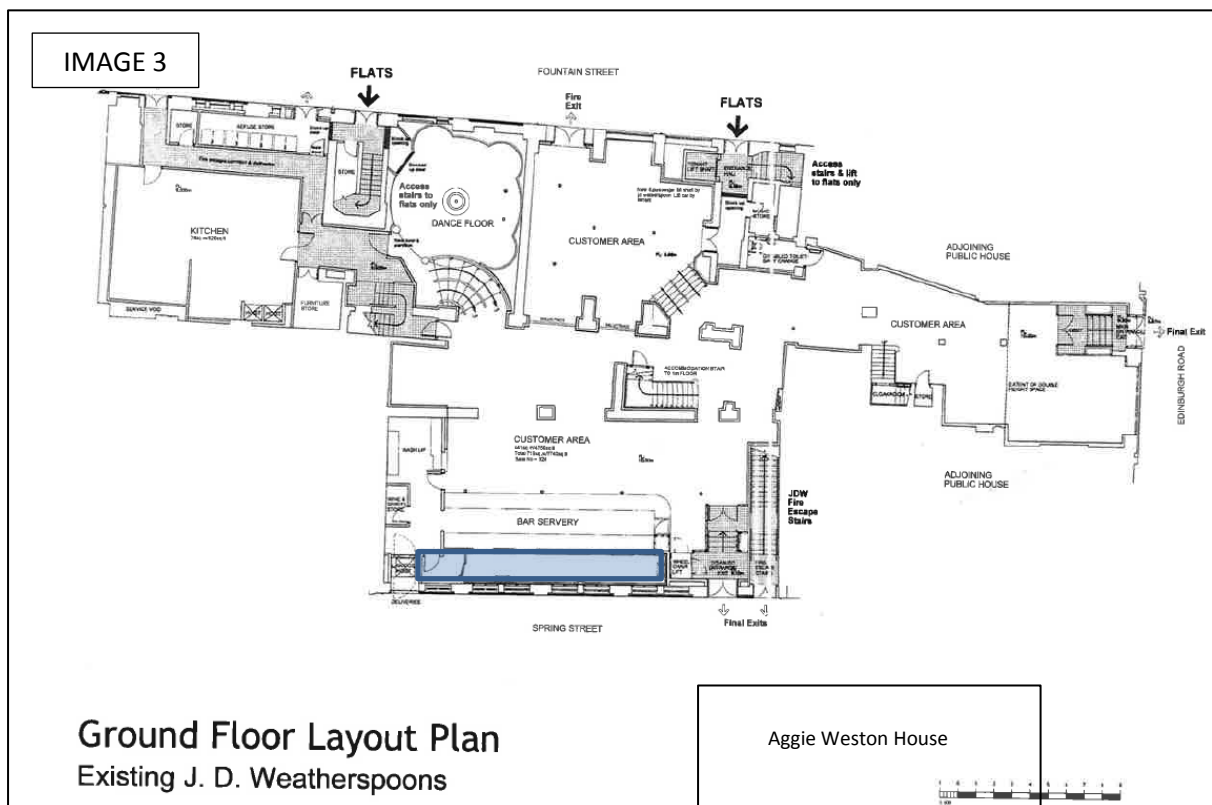
Owing to the proximity of residential dwellings and the presence of bedrooms directly above the venue we consider this to be a high risk location and the building is likely to require substantial improvements to the sound insulation both to the facade and the separating floor in order to contain the music noise levels generally associated with such venues.

Additionally as there is no designated smoking area there are potential issues with disturbance due to customers loitering outside the premises directly below bedroom windows and the rowdy behaviour of persons entering and leaving the premises until 03:00hrs. Whilst improvements can be made to the sound insulation of the structure to contain internal noise it is difficult to manage individual's behaviour outside the premises other than by reducing the amount of time they are likely to spend outside the building.

The loading area servicing the premises is also located within Spring Street. Owing to the proximity of residential properties there could be issues due to noise associated with

deliveries and waste collections and it is suggested that the times of these activities be restricted by way of condition.

The premises were previously operated by JD Wetherspoons and I can confirm we had no complaints regarding their operation. However the main entrance to the premises was then located on Edinburgh Road not Spring Street and the internal layout of the building was such that the windows on the Spring Street façade were separated from the trading area by a store room behind the servery therefore providing a buffer zone for effective sound insulation (see highlighted area in IMAGE 3 below).



Consequently I would respectfully recommend that:

- a) There should be no performances of regulated entertainment other than those allowed as a right under The Live Music Act 2012.
- b) The venue should close at midnight.
- c) The following conditions be applied to the licence:
 - All doors and windows will remain closed during performances of live and recorded music. This shall include both inner and outer doors to the entrance lobby.
 - No glasses, bottles or drinking receptacles of any kind shall be taken outside of the premises.
 - Bottle bins shall not be emptied outside the premises between the hours of 21:00 and 07:00.

- Any external floodlight fittings shall be angled below the horizontal plane or provided with shields to ensure there is no spillage of light or visible glare to residents beyond the boundary of the licensed premises.
- Deliveries and waste collections for the premises shall only take place between 07:00 - 21:00hrs.