

## Stone, Derek

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**From:** Maidment, Richard  
**Sent:** 16 June 2017 17:52  
**To:** 'Wallsgrove, Jon'  
**Cc:** Stone, Derek  
**Subject:** RE: Study and Nudles

Thanks Jon

Based on this I am happy to withdraw my representation.

regards

Richard Maidment  
Environmental Protection Officer

Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

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**From:** Wallsgrove, Jon [REDACTED]  
**Sent:** 16 June 2017 11:52  
**To:** Maidment, Richard  
**Cc:** Stone, Derek  
**Subject:** RE: Study and Nudles

Dear Richard

I can confirm that my client is willing to agree the following conditions on the basis that you will withdraw your representation:

- 1) There shall be no regulated entertainment in the ground floor bar.
- 2) 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.
- 3) No glasses, bottles or drinking receptacles of any kind shall be taken outside of the premises.
- 4) Bottle bins shall not be emptied outside the premises between the hours of 21:00 and 07:00.
- 5) 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.
- 6) Deliveries and waste collections for the premises shall only take place between 07:00 - 21:00hrs.
- 7) A house sound system shall be installed and used to control music noise levels associated with all performances of amplified live and recorded music. The system shall include individual frequency control and set at an internal level to be agreed with the Local Authority.
- 8) Within 28 days of the licence being granted or any future transfer of the premises licence, the premises licence holder shall submit a noise management plan to the local authority detailing measures to be taken to monitor and control noise levels associated with the operation of the venue, upon approval these measures shall be implemented in full.

I look forward to receiving confirmation you will now withdraw your representation.

Kind Regards

Jon

Jon Wallsgrove  
Partner  
For and on behalf of Blake Morgan LLP



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**From:** Maidment, Richard [REDACTED]  
**Sent:** 15 June 2017 00:06  
**To:** Wallsgrove, Jon  
**Subject:** RE: Study and Nudles

Hello Jon

We never received any complaints regarding the operation of Wetherspoon's but then the layout of the building was entirely different there was an internal wall which separated the trading area from the windows on the Spring Street façade and the basement was not used.

No matter how good your sound insulation the music levels have to be controlled to ensure they are commensurate with the performance of the structure.

The submitted acoustic report states in paragraph 12.2.2 "it is essential that there is careful control over lower frequencies, it is recommended that the internal level is limited to a satisfactory level.... The low frequencies may need to be individually controlled..."

Paragraph 10.1 recommends the following:

Bullet point 1 "post sound system install and regular frequency checks for the music level as over time these levels may increase. This will ensure the criteria requested by the LA can be met".

Bullet point 2 "careful management of internal MNL ensuring the levels do not increase ..... If these levels are increased then it could have a negative impact on the neighbourhood".

Consequently we need to know how the music noise levels are going to be controlled as the bass content of individual tracks can vary depending on the style of the music being played.

The report also mentions there is a sophisticated music system which has individual frequency control and security settings, therefore I was not anticipating they would necessarily need to purchase any further equipment. The advantage of volume limiting systems is that there is automatic control of the levels whereas a simple volume control and graphic may require regular monitoring and adjustment throughout the night.

However if you prefer this approach I would suggest the following two conditions in place of condition 2 on the original list as this gives your client the opportunity to combine the use of equipment with management control techniques.

*A house sound system shall be installed and used to control music noise levels associated with all performances of amplified live and recorded music. The system shall include individual frequency control and set at an internal level to be agreed with the Local Authority.*

*Within 28 days of the licence being granted or any future transfer of the premises licence, the premises licence holder shall submit a noise management plan to the local authority detailing measures to be taken*

*to monitor and control noise levels associated with the operation of the venue, upon approval these measures shall be implemented in full.*

regards

Richard Maidment  
Environmental Protection Officer

Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

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**From:** Wallsgrove, Jon [REDACTED]  
**Sent:** 13 June 2017 10:17  
**To:** Maidment, Richard  
**Subject:** RE: Study and Nudles

Dear Richard

Thank you for your email. I can confirm my client is willing to agree to the conditions but I would ask you to reconsider whether condition 2 is required. I understand from the meeting you were satisfied that music from the basement was not going to affect the accommodation either above or adjacent to the property. My understanding (which I accept may be wrong) is that there were no issues of noise nuisance from music from the Weatherspoon's premises on the ground floor and the basement is obviously attenuated to a significantly higher degree. My client has installed a system which can be properly managed without the need to install a noise limiter to ensure there is no disturbance to the residential properties. Accordingly it is arguable that the condition is not "appropriate" to promote the licensing objective as the same can be achieved without such regulation.

As you can appreciate my client has made a significant investment into the property which will be a significant asset to Portsmouth. Accordingly he is not going to jeopardise that by refusing to agree the installation of the noise limiter.

Let me know your thoughts and then we can ensure Licensing are notified that your representation is withdrawn.

Yours Sincerely,

Jon Wallsgrove  
Partner  
For and on behalf of Blake Morgan LLP



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[REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED]  
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**From:** Maidment, Richard [REDACTED]  
**Sent:** 09 June 2017 14:17  
**To:** Wallsgrove, Jon  
**Subject:** RE: Study and Nudles

Hello Jon

Having reviewed the consultant's report and in light of the revised application I am prepared to withdraw my representation provided the following conditions are acceptable to your client.

- 1) There shall be no regulated entertainment in the ground floor bar.
- 2) A volume limiting / sound suppression system shall be installed and used to control music noise levels associated with performances of amplified live and recorded music. The threshold of the device shall be calibrated and set at a level to be agreed with the Local Authority.
- 3) 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.
- 4) No glasses, bottles or drinking receptacles of any kind shall be taken outside of the premises.
- 5) Bottle bins shall not be emptied outside the premises between the hours of 21:00 and 07:00.
- 6) 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.
- 7) Deliveries and waste collections for the premises shall only take place between 07:00 - 21:00hrs.

If you can let me know your clients thoughts I will advise Licensing accordingly.

regards

Richard Maidment  
Environmental Protection Officer

Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

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**From:** Wallsgrove, Jon [REDACTED]  
**Sent:** 02 June 2017 15:04  
**To:** Maidment, Richard  
**Subject:** Study and Nudles  
**Importance:** High

Dear Richard

Apologies that this is being sent a little later than I had hoped. Grant Murphy and Mike will see you at the premises at 2pm. I would suggest you first try the door on Spring Street which may be locked but if you knock they'll come and find you.

Thanks

Jon

Jon Wallsgrove  
Partner  
For and on behalf of Blake Morgan LLP

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