## MEMORANDUM

To: Licensing Our Ref: 12/03929/LIC N

From: Rosemary Green Your Ref:

**Extn**: 2074 **Date**: 7 December 2012

## Licensing Act 2003 Application to vary premise licence Victoria Arms, 54 Victoria Road, Mortimer Common, Reading, Berkshire

The application to vary the premise licence covers the provision of live and recorded music indoors Sunday –Thursday 12:00-24:00 and Friday& Saturday 12:00-01:00, with non standard timings for Christmas Eve, New Years Eve and Bank Holidays up until 0:300, 04:00, 04:00 respectively.

The Victoria Arms public house is located within a residential area within Mortimer. There are residential properties either side, to the rear and on the other side of Victoria Road. The nearest residential property is approximately 10 metres away.

The Victoria Arms currently holds a premise licence covering the sale of alcohol only. The licence does not cover any regulated entertainment. Temporary event notices have previously been used to cover music events held at the premises. Complaints regarding noise from music during TEN's were first received in 2011, with further complaints received for the two TEN's held in 2012 on 11<sup>th</sup> August and 20<sup>th</sup> October 2012.

Environmental Health had contact with the licence holder following the noise complaints received regarding the August event. When the October TEN was received I contacted Mr Philbert and discussed measures that he could put in place to control noise from the premises during the event . A range of conditions were agreed and were added to the TEN. These were:

In order to control noise from the playing of live music (indoors) at Victoria Arms to nearby residential properties between 21:00-24:00 hours during the temporary event on 20th October 2012 the following conditions are imposed:

- 1. Noise from amplified music playing at the Victoria Arms (indoors) shall be regularly monitored at the boundary of the public house to ensure that the playing of live music does not give rise to noise nuisance at nearby residential properties.
- 2. Doors and windows to the public house shall be kept closed for the duration of the event, except for access and egress from the premises, to control noise breakout from the playing of live music at the premises.
- 3. Letter drops to be carried out to neighbouring properties to advice of the event, giving a contact name and telephone number for residents to use during the event if the playing of live music gives rise to noise disturbance at these properties.

Following the event Environmental Health were contacted by a complainant who advised that although noise during the early evening had not caused disturbance, noise from music caused a disturbance later in the evening when trying to go to sleep. The resident advised that music was played until 00:30. The resident had not received a letter advising of the event and had only found out about the event by an advert outside the pub.

A subsequent temporary event notice was received for regulated entertainment until 12:00 for 24<sup>th</sup> November 2012 which was recommended for refusal on noise grounds by Environmental Health. The applicant as a result of this action withdrew the application, and advised that an application to vary the premise licence would be submitted.

Due to the recent issues covering live and recorded music played indoors at the public house Environmental Health are concerned that the proposed timings for live and recorded music every day up until midnight Sunday- Thursday, and up to 01:00 Friday and Saturday would result in noise complaint from neighbours. It is considered that the proposed increase in intensity of use for live and recorded music coupled with the later hours on the weekend would give rise to statutory noise nuisance at nearby residential properties. Despite agreeing conditions on the TEN for 20<sup>th</sup> October 2012 these were not complied with. Residents were not notified of the event, the timings for the playing of music or provided with a contact number if noise should cause a disturbance.

Under Section M d) of the application the applicant has included all the conditions that were agreed for the TEN, however as these conditions were not complied with there is concern that these will not be adhered to.

In summary, it is recommended that this application is refused due to concerns that the possible playing live and recorded music every night until 12:00 hours Sunday- Thursday and 01:00 hours Friday and Saturday would give rise to noise nuisance at nearby residential properties.

Please do not hesitate to contact me if you have any queries.

Regards

Rosemary Green Senior Environmental Health Officer

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