

**Variation to Premises Licence, The Shire Grill, Chesterton Drive, Leamington Spa, CV31 1YJ - ref WDCPREM00081**

**Environmental Health Representation in respect of Noise Nuisance**

**Background**

A marquee has been erected in the grounds of the restaurant . The marquee came to the attention of Environmental Health because complaints were received in April 2022 regarding noise of music from Entertainment in the tent disturbing local residents

In May , Environmental Health were consulted by Licensing about a Temporary Event Notice received regarding an intended event in the tent on the night of 30<sup>th</sup> May 2022. Environmental Health were concerned about the potential for noise of music escaping from the tent and causing nuisance to local residents. Advice about preventing noise nuisance was given to the proprietors of the restaurant at a site meeting on 9<sup>th</sup> May 2022.

On 30<sup>th</sup> May 2022, Environmental Health Officers visited houses at Mather Croft and Bank Croft whilst the entertainment was taking place. At 9.20pm Noise of Bass , drumming and amplified announcements was audible on the street at the façade of houses around the junction of Mather Croft, Moncrief Drive and Bank Croft. The noise was audible a little way up Bank Croft. Returning to Mather Croft the noise became apparent in this street which runs along the southern boundary of the premises. The rear gardens of the houses adjoin the beer garden/car park . bedroom windows on the rear façade face the premises. Sound from the Marquee was apparent in the garden. The noise was intrusive into the first-floor rear bedroom where the sound of drumming, raised female voices cheering , amplified announcements could be heard with the window open and closed. This was around 10pm . It would have interfered with sleep in that bedroom. Officers met the proprietor at the car park gate and advised him of their observations.

**The application**

Currently the marquee, situated in the beer garden, lies outside the boundary of the licensed premises. A Temporary Event Notice is required for Entertainment in the marquee and Environmental Health can object to any entertainment we feel is likely to give rise to nuisance.

The applicant seeks to vary the Licence to include the beer garden and the marquee within the boundary of the licensed area of the premises. If the application is granted Temporary Event Notice would no longer need to be given for Entertainment in the marquee. This would deprive Environmental Health of the ability to object to or place conditions on ,those particular entertainments which we felt were likely to give rise to noise nuisance.

WE are further concerned that the existing premises licence , of which the tent would become part, allows musical entertainment after 11pm. If this existing licence was extended to cover the tent, then noise of amplified music and voices from the tent is very likely to cause nuisance after 11pm.

Environmental Health would ask that ,if the panel is minded to grant the application to incorporate the marquee within the Licensed Area suitable conditions are applied to prevent nuisance to local residents from entertainment noise escaping from the tent.

### Environmental Health Recommended conditions for Entertainment in the Marquee and Beer Garden

- 1, Sound of music and amplified voices shall not be intrusive at the boundary of the premises.
2. The Premises Licence Holder or DPS must immediately comply with any request to adjust sound levels made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- 3 There shall be a Noise Management Plan in place , which must include-
  - Noise Risk Assessment
  - Procedures and Control Measures for Noise
  - Bookings Policy
  - Briefings of Users/Entertainers on noise precautions
  - Monitoring of noise during events
  - Noise Complaints Procedures
4. No regulated entertainment shall take place in the Marquee or beer garden after 11pm.

The above conditions to run alongside existing conditions in the premises licence.

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1<sup>st</sup> June 2022.