

INTERNAL MEMORANDUM

To: Paul Hughes, Licensing Manager

Your ref: WK/201709096

From: Victoria Buckroyd,
Environmental Health Manager

My Ref: WK201709148

Date: 1st February 2018

LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE BADA TAPAS, 10 QUEEN STREET, GODALMING, SURREY, GU7 1BD

Environmental Health has not received any recent complaints that are relevant to the above application and therefore as a responsible authority has not made a representation in relation to this new licence application. However, as Environmental Health Manager I have been advised that representations have been received from other persons who have concerns in respect of public nuisance.

This memo sets out a summary of enforcement action that was taken in response to complaints made by residents relating to noise from music at the premises between November 2015 and May 2017, when it was operated by a different Licensee and was as a tapas bar known as 'Corretto' with live and recorded music.

Complaint History for Corretto, 10 Queen Street, Godalming

The Environmental Health Team received a number of complaints of noise affecting local residents late at night; the principal disturbance related to loud amplified music. An initial complaint was received in November 2015 from one resident and further complaints by other residents were received after March 2016 (In total the noise was alleged to affect 4 neighbouring properties).

Environmental Health Officers liaised with Licensing colleagues and the Manager, owners and Designated Premises Supervisor of Corretto, to try and resolve the issues relating to noise. Investigations into the complaints led to Environmental Health Officers establishing that a statutory nuisance existed as a result of amplified music. A Notice was served on Friday 5 August 2016 under the Environmental Protection Act 1990, section 79(1)(g), requiring noise nuisance from loud amplified music to be abated. Environmental Health investigations also established the premises were breaching their licence conditions with regards to permitted hours for music at the premises. In August 2016 Environmental Health raised an objection to

a Temporary Event Notice Application. This application was refused at committee due to the concerns raised by Environmental Health.

An Appeal against Waverley's abatement notice was lodged in September 2016. Environmental Health Officers and local residents gave evidence of the noise nuisance at Redhill Magistrates' Court in October and November 2016. Corretto commissioned a report from an acoustic consultant to be used in evidence to appeal the noise abatement notice. After careful consideration of the evidence the Court dismissed the appeal and the notice was upheld.

Complaints continued to be received and further visits were made in January 2017 and May 2017 to try to gain evidence and establish breaches of the noise abatement notice. Noise heard during the visits was deemed to be insufficient to establish a breach of the notice. The last complaint that Environmental Health received was in May 2017. From the records held by Environmental Health 'Corretto' ceased trading in July 2017.

Complaints were also received regarding noise and odour from the extraction system from the kitchen at the premises. From the information held on the Environmental Health records the investigation does not appear to have reached a conclusion as to whether a statutory noise or odour nuisance existed.

New Application:-

The application that has been made is for the sale of alcohol and does not include regulated entertainment (music). Environmental Health has not received any recent complaints of noise that are relevant to this application and therefore as a responsible authority has not made a representation for this new licence application.

Should residents be disturbed by either noise or odour from the premises they should contact Environmental Health by calling 01483 523393 or emailing environmentalhealth@waverley.gov.uk so that their complaint may be investigated further. It would be open to Environmental Health to review and investigate any matters under The Environmental Protection Act 1990.

Victoria Buckroyd
Environmental Health Manager