
MEMORANDUM

ACTION REQUIRED

To: Environmental Health, Licencing section
FAO Carl Jacobs

Date: 2nd August 2005

Your Ref:

Our Ref: JT/

In the event of a query, please contact: Jack Twomey on Ext. 5856

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Subject: **Premise Licence Application: The Hawk & Buckle, 46 Main Street, Etwall**

With reference to the above, I have the following comments.


Section Q(d) of the application relates to the prevention of public nuisance. Within that section the applicant has stated that *"noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties"*.

The premises includes an upper beer garden and lower courtyard beer garden (which is shown on the plan which came with the application). The applicant wishes the premises to remain open until 1:30am. It is my opinion that with the external heating systems in the lower courtyard, and given it's close proximity to residential properties, it's use until 1:30am will conflict with the statement given in section Q(d) of the application in that it will be very hard to prevent a noise nuisance from this area. Additionally, if no controls are put on the upper beer garden then the applicant could simply move the heating systems up there and this could cause problems.

This Department is currently dealing with a complaint regarding noise from the beer gardens, and whilst we have not witnessed the noise directly and so not served a Nuisance Abatement Notice on the proprietor of the pub, taped evidence indicates that the problem is potentially very serious. The difficulty appears to be that it only takes one group of excessively loud patrons to cause a problem over a sustained period, and with the external heating systems in place, this can go on until closing time for a considerable portion of the year.

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Further witness visits are planned in relation to the noise complaint and should a nuisance be witnessed a Nuisance Abatement Notice will be served. I am concerned that any use of the courtyard beer garden in particular will have the potential to cause a noise nuisance. As such I would recommend that use of the courtyard beer garden is not permitted and use of the upper beer garden is limited to 10:00am to 9:00pm. However, should the panel feel that this recommendation is excessively stringent I would recommend that use of the courtyard beer garden is also limited to 10:00am until 9:00pm. The applicant should bear in mind that if the panel decide to simply limit the use of this beer garden then a statutory noise nuisance could still potentially be caused between those hours and a notice would be served by this Department.

A handwritten signature in black ink, appearing to read 'Jack Twomey', with a stylized, cursive script.

Jack Twomey
Environmental Protection Manager