

Document 4 of APPENDIX B

Correspondence
sent to Mr & Mrs
Martin - premises
Licence holders.

Please quote: WK/201305578
Your reference:
Date: 5th March 2014
Please ask for: David Steeds
Telephone direct: 01424451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin and Mrs Katie Martin T/A
Bar Moda Leisure Limited
205-206 Queens Road
Hastings
East Sussex
TN341PQ

Dear Mr and Mrs Martin,

**Bar Moda 205- 206 Queens Road Hastings, East Sussex, and TN341PQ
Application for the review of premises licence HOP5001-Licensing Act 2003**

Further to my earlier correspondence as complaints about noise from music continue to be received by the council it has now become necessary to review your premises licence and for that purpose I enclose:

a) The application for review of the premises licence HOP5001 and supporting information contained in the appendix (Appendix1)

Should you require any further advice please do not hesitate to contact me.

Yours Sincerely,

David Steeds
Principal Environmental Health Officer

I confirm that these
are copies of the letter
and licence application for
review which I posted
through the letter box of
Bar Moda on 16/5/2014



[Insert details including name and address of licensing authority and application reference if any (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Steeds Principal Environmental Health Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bar Moda Leisure Limited 206 Queens Road	
Post town Hastings, East Sussex	Post code (if known) TN34 1PD

Name of premises licence holder or club holding club premises certificate (if known) RICHARD MARTIN & KATIE MARTIN T/A MODA LEISURE LTD
--

Number of premises licence or club premises certificate (if known) HOP50051

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

Steeds

First names

David

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

[Empty box for current postal address]

Post town

[Empty box for post town]

Post Code

[Empty box for post code]

Daytime contact telephone number

[Empty box for daytime contact telephone number]

E-mail address (optional)

[Empty box for e-mail address]

(B) DETAILS OF OTHER APPLICANT

Name and address

[Empty box for name and address]

Telephone number (if any)

[Empty box for telephone number]

E-mail address (optional)

[Empty box for e-mail address]

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address David Steeds Principal Environmental Health Officer Environmental Protection Team Environment and Safety Directorate 4 th Floor Aquila House Breeds Place Hastings TN343UY
Telephone number (if any) 01424783222
E-mail address (optional) DSteeds@hastings.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

That Richard Martin and Katie Martin T/A Bar Moda Leisure Ltd are the current premises licence holders and Richard Martin, as the Designated Premises Supervisor are failing to promote the licensing objective, " the prevention of public nuisance " .

The conditions attached to the licence have been persistently breached in that noise from amplified music, and patrons who attend the premises impacts on the surrounding residents.

Specifically noise from the premises shall not be audible in Russell Street, being the closest residential area to the premises. (Minor variation – May 2010) . Noise has been witnessed in Russell Street contrary to the conditions of the the licence. The distance from the source of the noise in Russell Street is approximately 43 metres.

Additionally noise has been determined as being audible at the façade and within the home of the occupants of [REDACTED] Queens Road. The distance from the source of the noise in Queens Road is approximately 50 metres.

On the basis of information gathered over a period of 11 months it has become necessary to initiate a review of the premises licence HOP50051, due to the ongoing non compliance by the licence holders .The grounds to support the application are set out in the attached appendix (Appendix 1.)

Please provide as much information as possible to support the application
(please read guidance note 2)

Information to support of the application for a review of the current licence conditions
is set out in the attached appendix of the application,(Appendix 1).

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 5th March 2014

Capacity Principal Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX 1

Application for the review of the premises licence HOP5001 - Bar Moda Leisure Limited 206 Queens Road Hastings, East Sussex, TN351PD

Supporting Information

Regulated activity in the form of live and recorded music takes place on the ground and first floor of the premises. The sound proofing is rudimentary in that there is single glazing to the windows on the ground floor front and first floors. A lobby has been constructed at the front right side entrance of the premises and the licence holders have the capability of putting into place a temporary lobby to the main entrance during periods of regulated activity. The licence holders have undertaken sound proofing works which are outlined in an email dated the 14th January 2014 (Document 1). The measures put into place have not been successful as complaints are still being received.

Complaints

At the time of writing the council's records indicate that 20 complaints have been recorded against Bar Moda 205-206 Queens Road, Hastings from nearby residents in Queens Road. I attached a list of complaints (Document 2) received since February 2013. The incidents report noise from loud music being audible in [REDACTED] Queens Road.

The records show that noise from loud music has been reported to have been heard by the residents in their home between the hours of 22:27 and 01:49 hours. The records also show that noise is generated by customers sitting at the tables and chairs outside the premises.

Noise Diary

The principal complainants who live at [REDACTED] Queens Road were asked to diary their experience in relation to the noise coming from Bar Moda. I attach a noise diary, document 3 for the period 06/05/2013 to 26/07/2013. The diary describes the noise and how it affected the complainants and where in their home the noise can be heard. The diary lists 10 occasions when the complainants reported being able to hear noise from loud music and customers outside the licence holders premises. The location of Bar Moda is approximately 50 metres from the property.

The diary records that music can be heard at [REDACTED] Queens Road between the hours of 10:00 and 02:00 hours beginning on Fridays and ending in the early hours of Sunday morning. The diary indicates that noise is also generated by customers sitting at the tables and chairs outside the premises.

Correspondence

Since joining the council at the beginning of September 2013 I have routinely updated the licence holders of the complaints received by the council. Throughout my contact with Bar Moda I have met the licence holders Richard and Katie Martin on site and have corresponded with them. I attach document 4, list of correspondence sent between September 2013 and February 2014.

The letters show that the licence holders have been informed of complaints received and in addition I have periodically offered advice and guidance.

Witness Statements

To support the claims made by the occupants of [REDACTED] Queens Road I requested that members of the out of hour's team monitor the noise. I attach statements from council officers who are part of the out of hour's team, documents 5, 6, 7 & 8.

On Saturday 9th November 2013 Scott Lawson, Senior Technical Officer and Claire Worth, Administration Officer were called by the councils out of hours coordinator and witnessed noise from amplified music identified as coming from Bar Moda. The music was audible in nearby Russell Street contrary to the premises licence and nearby Queens Road the location of the principal complainants. The period of noise experienced by the officers was between the hours of 23:00 hours and 00:30 hours. The officers met Mr Martin on site and drew his attention to the disturbance caused by the amplified music and asked him to reduce the level of music, document 5.

On the 26th November 2013 Stewart Bryant, Environmental Protection Officer was called by the councils out of hours coordinator at 22:00 hours. Stewart Bryant identified that loud music identified as coming from Bar Moda was clearly audible in Russell Street which is contrary to the premises licence. In addition the officer witnessed noise within the principal complainant's home in [REDACTED] Queens Road at approximately 22:54 hours. From this location he reports that loud music and a heavy base beat was clearly audible in the complainants flat on the first floor of the premises. The officer met Mr Richard Martin who is one of the premises licence holders and drew his attention to the disturbance caused by the noise, document 6.

The statement dated the 3rd March 2014 provides information by the councils Senior Licensing Officer relating to the breaches of conditions attached to the permit issued to Bar Moda by East Sussex County Highways Permits in leaving their tables and chairs outside of the premises beyond 23:00, document 7. The licensing officer as part of his investigation obtained DVDs, referred to in his statement showing breaches of the highway permit on the 11th October 2013.

The Principal Complainants

As part of the investigation the principal complainants have provided statements the details of which are summarised below:

1. The statement dated the 18th February 2014 from complainant A of [REDACTED] Queens Road sets out the circumstances surrounding events between Saturday 1st February 2014 to Sunday 2nd February 2014. The complainant reports being disturbed by noise from music identified by him as coming from Bar Moda between the hours of 10:30pm and 01:30am. The music is described as being so loud that it shook the floor of the bedroom. In addition the complainant reports being disturbed by noise from customers outside the premises. Complainant A also provides emails dated the 27th October and 4th February respectively which clearly sets out the position in relation to this case, document 8.

2. The statement dated the 18th February 2014 from complainant B of the same address reports being disturbed by noise from music and customers identified as coming from Bar Moda. The statement describes how the noise from Bar Moda impacts on the enjoyment of their home document 9.

Summary

In summary from the information collected over the previous months provides evidence that noise is generated through the playing of music on the premises (Bar Moda) and customers who stand outside the premises or sit at the tables and chairs provided by the licence holders. Noise escapes from the premises through the windows and doors. The information shows that complaints of disturbance from noise from Bar Moda begin to be received after 22:30 hours and stretch into the early hours of the morning. Officers describe the music as being accompanied by a heavy base beat. Earlier in the report the sound proofing measures are described as rudimentary. The licence holders have been offered advice from council to assist them with compliance with the current licence conditions. Complaints continue to be received about noise from music and customers from the premises.

Conclusion

On the basis of the supporting evidence it is my opinion that the sound proofing measures that are currently in place are insufficient to prevent the escape of noise from the premises. The review does not seek revocation of the licence but it is recommended that the licensable activities in relation to live and recorded music are restricted as set out below until such time that sufficient sound proofing measures are put in to place to the satisfaction of Hastings Borough Council.

Recommendations

It is requested that the committee consider that the following conditions are applied to the license:

- 1) Live music to be restricted to no later than 22:30hours,**
- 2) Recorded music to be background only and not audible outside the confines of the building.**

With the following conditions being attached to the revised licence:

- 1) Noise from music played in the premises shall not be audible outside the confines of the building.**
- 2) Noise from all mechanical or electrical equipment used on the premises shall not be audible as perceived by an authorised officer of Hastings Borough Council outside the confines of the building.**
- 3)Where the premises operates with recorded or live music after 21:00 hours all doors and windows to remain closed, save for access and egress.**
- 4) There shall be no use of external tables and seating after 23:00 hours and all such tables and seating shall be removed by that time every evening in line with the provisions of the licence issued by East Sussex County Council.**

Please quote: WK/201305578
Your reference:
Date: 22 January 2014
Please ask for: David Steeds
Telephone direct: 01424451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin and Mrs Katie Martin T/A
Bar Moda Leisure Limited
205-206 Queens Road
Hastings
East Sussex
TN341PQ

Dear Mr and Mrs Martin,

**Bar Moda 205- 206 Queens Road Hastings, East Sussex, and TN341PQ
Environmental Protection Act 1990, Section 80 and Licensing Act 2003**

Thank you for your email sent on the 14th January 2014 outlining measures you have taken to control the noise from your premises. I note the measures you have taken to date but as discussed on the 13 January 2014 it has yet to be determined if the work you have undertaken has been successful.

My advice on this occasion is that you ensure all doors and windows are kept shut during any live or recorded performance on the premises and that you continue to monitor noise in Russell and Queen Street.

I acknowledge the work you have undertaken to date but confirm my opinion based on the information I have the matter has yet to be resolved and each incident will be followed up as required.

Should you require any further advice please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'David Steeds', with a horizontal line extending to the right.

David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 7th January 2014
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin and Mrs Katie Matin T/A
Bar Moda Leisure Limited
206 Queens Road
Hastings
East Sussex
TN34 1PD

Dear Mr Martin and Mrs Martin,

**Bar Moda 206 Queens Road Hastings, East Sussex, and TN341PQ
Environmental Protection Act 1990, Section 80 and Licensing Act 2003**

Further to my letter of the 17 December 2013 I am notifying you of further reports of complaints from nearby residents in Queens Road and observations made by the councils out of hour's officers concerning noise from your premises on the 26th December 2013 and the 4th January 2014. As mentioned in earlier correspondence the council's officers report that the noise generated by amplified music remains audible in Russell Street contrary to the conditions of the current licence.

For you information the reports indicate hearing loud music and the front doors and first floor windows to the premises are kept open during.

On the basis of the current information I propose to recommend a review of your current licence unless I receive an indication of the action you intend to take to reduce the noise from the premises.

I look forward to hearing from you,

Yours Sincerely



David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 7th January 2014
Please ask for: David Steeds
Telephone direct: 01424451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

[REDACTED]
[REDACTED]
[REDACTED]
Hastings
[REDACTED]

Dear [REDACTED],

Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ
Environmental Protection Act 1990, Section 80 and Licensing Act 2003

I refer to your recent complaints and our conversation on the 7th January 2014 in connection with noise arising from amplified music and customers at the above premises on the 26th December 2013. By way of update I confirm that I am continuing to peruse your complaints with the licence holders of the premises. The matter will take time to resolve but I would encourage you to continue to report any further complaints to the councils out of hour's service. In addition it would assist the investigation that if on future occasions you continue to permit the officer to witness the noise from your flat.

Yours Sincerely,



David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 7th January 2014
Please ask for: David Steeds
Telephone direct: 01424451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

[REDACTED]
[REDACTED]
[REDACTED]
Hastings
[REDACTED]

Dear [REDACTED]

Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ
Environmental Protection Act 1990, Section 80 and Licensing Act 2003

I refer to your recent complaints in connection with noise arising from amplified music and customers at the above premises. Further to my earlier correspondence I confirm that I am continuing to peruse your complaints with the licence holders of the premises. As I have indicated matter will take time to resolve but I would still encourage you to continue to report any further complaints to the councils out of hour's service. In addition it would assist the investigation that if on future occasions you permit the officer to witness the noise from your flat.

Yours Sincerely,



David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 17 December 2013
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin and Mrs Katie Martin T/A
Moda Leisure Limited
Bar Moda
206 Queens Road
East Sussex
TN341PD

Dear Mr Martin and Mrs Martin,

**Bar Moda 206 Queens Road Hastings, East Sussex, TN341PD, (ref HOP500051).
Environmental Protection Act 1990, Section 80 and Licensing Act 2003**

I am notifying you of further complaints and observations made by the councils out of hour's officers concerning noise from your premises on the 15th December 2013. Complaints were also received earlier in the week from nearby Queens Road of noise from amplified music on the 13th December 2013 as from 23:39 hours. The council's officers report that the noise generated by amplified music was audible in Russell Street contrary to the conditions in the current licence.

I have not received any response to my earlier letters which were addressed to yourselves T/A Modal Leisure Limited, 7 Wellington Square, Hastings TN341PD. I therefore I enclose copies of all earlier correspondence for your information to your trading address.

Unless I receive proposals to prevent disturbance from noise from your premises I propose to recommend a review of your licence.

I look forward to hearing from you.



Yours Sincerely

David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 3 December 2013
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin
Moda Leisure Limited
7 Wellington Square
Hastings
East Sussex
TN341PD

Dear Mr Martin,

**Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ, (ref HOP500051).
Licensing Act 2003 – Temporary Event Notice**

I refer to your application for a temporary event notice and my earlier correspondence in relation to the concerns of disturbance caused by amplified music in nearby Russell Street and Queens Road. I am aware of your plans to improve the sound proofing of your premises which have yet to be fully completed. Therefore on this occasion I do not propose to comment specifically in relation to the application.

However to reduce the risk of any complaints on the 21st December 2013 I would ask that you go through your current licence to ensure that you meet the conditions as required to avoid a review in the future. In particular I recommend that you undertake sound checks before and during the event at nearby noise sensitive properties.

Should you require any further information please do not hesitate to contact me.

Yours Sincerely,

David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 12 November 2013
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin and Mrs Katie Martin T/A
Moda Leisure Limited
7 Wellington Square
Hastings
East Sussex
TN341PD

Dear Mr Martin and Mrs Martin,

**Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ, (ref HOP500051).
Environmental Protection Act 1990, Section 80 and Licensing Act 2003**

Further to my conversation with Mr Martin on the 11th November 2013 I am notifying you of further complaints and observations made by the councils out of hour's officers concerning noise from your premises. Complaints were received from nearby Queens Road of noise from amplified music on the 9th November as from 22:50 hours. In addition the council's officers report that the noise generated by amplified music was audible in Russell Street contrary to the conditions in the current licence.

I understand you are in the process of constructing a lobby to the front doors of the premises. Although a lobby may have the effect of reducing the noise it was observed that noise escapes from the doors and windows of the premises and therefore it may not resolve the problem. Referring to my earlier letter of the 29th October 2013 I recommend that you consider each of the options that I set out in order to limit the noise from your premises.

You are advised to ensure that any work you undertake should be carried out in accordance with current building regulations. In addition it is suggested that you check if the building is within a conservation area and for that purpose I have provided the following email address, dcenquiries@hastings.gov.uk.

I will continue notify you of further complaints and the outcome of observations made by the council. Although the council has the power to review your licence I am keen to hear your views and receive an update as to the progress in relation to the above issues but in the meantime should you require any further information please do not hesitate to contact me,

Yours Sincerely



David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 29th October 2013
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Ms Katie Martin T/A
Bar Moda Leisure Limited
7 Wellington Square
Hastings
East Sussex
TN34 1PD

Dear Ms Martin,

Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ
Environmental Protection Act 1990, Section 80 and Licensing Act 2003

Please find enclosed a copy of my letter dated the 29th October 2013 to Richard Martin for your attention and action

Yours Sincerely



David Steeds
Principal Environmental Health Officer



Please quote: WK/201305578
Your reference:
Date: 29 October 2013
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin T/A
Moda Leisure Limited
7 Wellington Square
Hastings
East Sussex
TN341PD

Dear Mr Martin,

Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ
Environmental Protection Act 1990, Section 80 and Licensing Act 2003

I refer to our meeting on the 23rd October 2013 in connection with the above matter. As promised at our meeting I will notify you of any complaints the council receives concerning noise from your premises. The councils out of hour's service received further complaints from nearby Queens Road of noise from music on the 26 and 27th October at 02:00 a 00:40 hours respectively.

There are two aspects to the control of noise from the premises which are not to cause a statutory noise nuisance as required in the Environmental Protection Act 1990 and prevent a public nuisance which is part of the conditions set out in the current licence (ref HOP500051).

From our meeting it was established that:

1. There is single glazing to the ground floor windows and doors.
2. Single glazing to the first floor windows to which blinds are attached.
3. There are double doors without a lobby to the front of the premises with single glazing.
4. There is a lobby to the front side door

My intention is to guide you in relation to these issues and do not propose to take immediate action but on the basis of the above you should consider each of the options listed below:

5. Obtain an acoustic report which is prepared by a reputable noise consultant which demonstrates how music and other amplified sound generated at the premises will be contained and not cause a disturbance to neighbouring premises.
6. Provide noise limiting devices to control all sources of amplified music or speech (Singing) at the premises to prevent disturbance to neighbouring premises.
7. Ensure that all the doors and windows are protected acoustically In order to improve the sound reduction at the premises.
8. Install an alarm which alerts staff if external windows and doors are opened without out authorisation.



9. Undertake sound checks inside and outside the premises at all entrance/exit doors and walk outside the premises and all sides where there are residential properties. The checks should be recorded by who ever undertakes them.

10. Develop a policy to control the behaviour of customers both on and outside the immediate vicinity of the premises. It is likely that if you implement this option you may need door staff to assist you.

I confirm my opinion that the acoustic protection of the premises is rudimentary and may need improving in future and therefore I recommend that you consider each of the options. If in the meantime as complaints are received by the council I will notify you but as discussed I am keen to hear your views and receive an update as to the progress in relation to the above issues.

All work should be carried out in accordance with current building regulations and you are advised to keep the councils licensing officers updated as required. I confirm that the premises will be kept under surveillance but in the meantime should you require any further information please do not hesitate to contact me,

Yours Sincerely



David Steeds
Principal Environmental Health Officer

CC Katie Martin-Moda Leisure Limited,7 Wellington Square,Hastings ,East Sussex,TN351PD



Please quote: WK/201305578
Your reference:
Date: 30th September 2013
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Martin T/A
Moda Leisure Limited
7 Wellington Square
Hastings
East Sussex
TN341PD

Dear Mr Martin,

Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ
Environmental Protection Act 1990, Section 80

I refer to our meeting on the 30 September 2013 in connection with the above matter. The council's out of hours officer reports that the doors of the premises were held open and that customers continued drinking at the outside tables beyond 01:00 hours on the 29th September 2013. As a consequence excessive noise from music was audible in the nearby Russell Street being the closest residential area to the premises.

The council does have the power to review the current conditions attached to the licence however as we discussed to prevent any further action I recommend that you go through your license conditions with members of your staff and in particular ensure that the outside tables are used in accordance with the licensing conditions.

I confirm that the premises will be kept under surveillance but in the meantime should you require any further information please do not hesitate to contact me,

Yours Sincerely

David Steeds
Principal Environmental Health Officer

CC Katie Martin-Moda Leisure Limited, 7 Wellington Square, Hastings, East Sussex, TN341PD



Please quote: WK/201305578
Your reference:
Date: 30th September 2013
Please ask for: David Steeds
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Ms Katie Martin T/A
Bar Moda Leisure Limited
7 Wellington Square
Hastings
East Sussex
TN34 1PD

Dear Ms Martin,

Bar Moda 206 Queens Road Hastings, East Sussex, TN341PQ
Environmental Protection Act 1990, Section 80

Please find enclosed a copy of my letter to Richard Martin for your attention and action

Yours Sincerely

A handwritten signature in black ink, appearing to read "D Steeds".

David Steeds
Principal Environmental Health Officer

