

4. REPORT

Background

A premises licence was originally granted to Chestnuts Community Centre & Community Arts Centre on 8th March 2006. The licence was varied to allow for later hours for licensable activity and this was granted on the 5th August 2008.

Licensable activities authorised by the Licence:

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Sunday 1200 to 0130

Regulated Entertainment

Boxing or Wrestling Entertainment

Monday to Sunday 1000 to 0000

Provision of Facilities for Making Music

Monday to Saturday 1200 to 2330

Sunday 1200 to 2230

Live Music, Recorded Music, Performances of Dance, Anything of a similar description to that of live or recorded music or performances of dance, Provision of Facilities for Making Dancing, Entertainment of a similar description to that of making music or dancing

Monday to Sunday 1200 to 0130

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0130

The opening hours of the premises:

Monday to Sunday 1000 to 0200

The designated premises supervisor is: **Monica White**

4.2 Details of the Application for Review. Appendix 1

The application for the review has been made on the following grounds:

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Public Nuisance.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

No representation made.

5.2 Comments of Enforcement Services:

Environmental Health Officer

No representation made.

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 Comments of Interested Parties

Letters of representation and video footage in support of the review have been received.

APP 2

Letters of representation in support of Chestnuts Community Centre has been received.

APP 3

7.0 Letter from Licence Holder in response to the Review Application

APP 4

8.0 POLICY CONSIDERATIONS

8.1 The following provisions of the Licensing Act 2003 apply to this application:
Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. revoke the license.

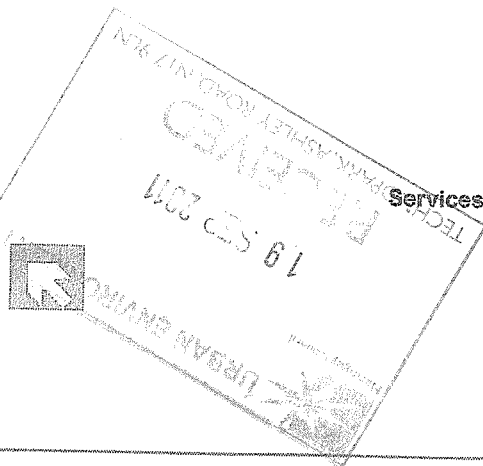
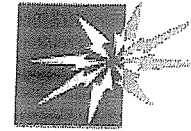
Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

- 8.2 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.1 – 11.10, 11.14 – 11.21. These provisions are attached at Appendix 5.
- 8.3 The following paragraphs of the licensing authority's Statement of Licensing Policy apply to this application; 24.1 -24.2, 25.1 – 25.7, these provisions are attached at Appendix 6
- 8.4 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

APPENDIX 1—REVIEW
APPLICATION AND SUPPORTING
DOCUMENTS

Haringey

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Haringey Council

Review of Premises Licence or Club Premises Certificate

Please confirm the details you have entered

Please check the information below. If you want to make any amendments, please use the 'Previous Page' button and make your changes. If you are happy with it, press 'Submit Request' to send this form to us.

Part 1 - Premises details

Premises address	Chestnuts Community & Community Arts Centre 280 St Anns Road Tottenham London N15 5BN
Telephone number at premises	020 8802 4649 <i>if any</i>
Name of premises licence holder or club holding club premises certificate	Monica White <i>if known</i>
Number of premises or club premises certificate	LN000005158 <i>if known</i>

Part 2 - Applicant details

Please state whether you are applying for a premises licence as	2) a responsible authority
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(C) Details of Responsible Authority applicant

Name	Derek Pearce
Address	Lee Valley Technopark Unit 271 Ashley Road Tottenham London N17 9LN
Contact details	Tel: 020 8489 5264 Tel:

Fax:
Email: derek.pearce@haringey.gov.uk

P - Licensing Objectives

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review

Under the heading of the prevention of public nuisance we request a review of the licence following incidents of noise nuisance and breach of Licence condition

If there is not enough space here, you can upload an additional document on the 'supporting documents' page

The ground(s) for review must be based on one of the licensing objectives

Please provide as much information as possible to support the application

Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.

If there is not enough space here, you can upload an additional document on the 'supporting documents' page

Previous reviews

Have you made an application for review relating to these premises before? No

Equal opportunities information

What is your ethnic group?
(Please select one option from the drop-down list)

If 'other', please specify

Do you consider that you have a disability?

Your gender

I understand that I must print the application form and send my signed printout to the

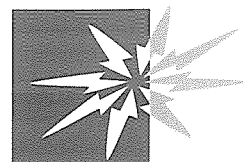


Licensing Team, to validate
this application. *


15/9/11

◀ PREVIOUS PAGE

Notice of Application for the review of a Premises Licence



Haringey Council

Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

**CHESTNUTS COMMUNITY CENTRE
280 ST ANNS ROAD
TOTTENHAM
LONDON N15 5BN**

The application for review has been made on the following grounds:

**THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE
LICENSING OBJECTIVES OF:**

- **THE PREVENTION OF PUBLIC NUISANCE**

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

**Lead Officer –Licensing, Haringey Council, Unit 271, Technopark,
Ashley Road, Tottenham, London N17 9LN**

By: 16th October 2011

The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, Unit 271, Technopark, Ashley Road, Tottenham, London N17 9LN between the hours of 10.00am and 4.00pm.

**IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL
5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE
LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN
CONNECTION WITH THIS APPLICATION**



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

LICENSING ACT 2003

Sec 24

Live Music, Recorded Music, Performances of Dance, Anything of a similar description to that of live or recorded music or performances of dance, Provision of Facilities for Making Dancing, Entertainment of a similar description to that of making music or dancing

Monday to Sunday 1200 to 0130

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0130

The opening hours of the premises:

Monday to Sunday 1000 to 0200

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption ON the premises

Name, (registered) address of holder of Premises Licence:

Chestnuts Community Centre & Community Arts Centre
280 St. Ann's Road
South Tottenham
London
N15 5BN

Registered number of holder, for example company number, charity number (where applicable):

2054577

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Monica White
22 Antill Road
Tottenham
London
N15 4AS

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

LN00002421

Issued by London Borough of Haringey

Expires: 24th January 2016

Annex 1 –Mandatory Conditions

(2) Supply of alcohol: No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence,
or

(b) at a time when the designated premises supervisor does not hold a personal licence or his
personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made
or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

The four areas of the Licensing Objectives will be enforced in accordance with the variation of the license.

THE PREVENTION OF CRIME AND DISORDER

The Regulated Entertainment and the Supply of Alcohol will only take place at pre-booked functions.

The Centre will keep to hand the local Police telephone number and will maintain a good working relationship with the local authorities.

PUBLIC SAFETY

Fire safety equipment will be checked regularly and any requirements made by the Fire safety Officer will be complied with.

The centre will have a Health and Safety policy in place.

All clients who request use of the centre will be shown the displayed fire exits and fire hydrants.

The Duty Co-ordinator will be responsible for reporting and enforcing any issues that may occur regarding the Public's Safety.

THE PREVENTION OF PUBLIC NUISANCE

Staff will call Taxis/Mini cabs for the use of customers leaving the premises when requested to do so.

The Centre will have a sound limiter control system which will enable the level of noise to be monitored. It will have an automatic switch off device should the noise level be exceeded. All staff will be made aware of the procedures regarding public nuisance, and fully co-operate with the local police and authority. Clients are also advised of policies and procedures and contracts will be put in place. A policy will also be put in place to address complaints.

Regulated entertainment will be undertaken no later than the current time until the Sound Limiter is installed and inspected.

Prevention of nuisance from noise/vibration:

Airborne:

All doors and windows will remain closed during the licensed activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. If necessary a member of staff shall be positioned at the door to ensure it is opened for as brief a period as possible.

Entry and exit to the premises will be restricted to a particular entrance(s) whilst the premises is being used for the licensable activity (except in the case of emergencies).

Emergency exit doors will be fitted with an alarm that instructs staff when the doors have been opened.

The licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.

Annex 2 – Conditions consistent with the Operating Schedule

Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.

Structure borne

All speakers will be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

Sound Limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.

The level of amplified entertainments shall be controlled by means of a limiting device set at a level agreed with the Licensing Authority and unit sealed by an authorised officer.

Outside Areas

No music shall be played in, or for the benefit of patrons in the beer garden or other external areas of the premises.

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.

Signs shall be displayed in the external area of the building instructing patrons to recognise the residential nature of the area and conduct their behaviour accordingly—the management must reserve the right to request patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

Any smoking area must be situated in a location whereby noise nuisance will not disturb local residents.

Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. This information is to include where disclosed, the complainants name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by Council Officers.

Regular state frequency liaison meetings will be held to enable neighbours to raise concerns about any aspect of the licensed activities.

Patrons entering/exiting premises

Signs should be displayed instructing patrons to respect the neighbours and behave in a courteous manner.

Prevention of nuisance from light

Security lights will be positioned to minimise light intrusions to nearby residential premises.

THE PROTECTION OF CHILDREN

The Centre will display its policies in the main areas of the building. The Centre will advise all parents or adults with children that they must be accompanied at all times while using the Centre. Staff and management will be observant of the Centre users and the activities happening within the Centre.

All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are over the age of 18.

Annex 2 – Conditions consistent with the Operating Schedule

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 - Plans

LODGED WITH LICENSING AUTHORITY

PREMISES DETAILS [CONT'D]

Monday to Saturday 1200 to 2330

Sunday 1200 to 2230

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The opening hours of the premises:

Monday to Sunday 1000 to 0200

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption ON the premises

Name, (registered) address of holder of Premises Licence:

Chestnuts Community Centre & Community Arts Centre
280 St. Ann's Road
South Tottenham
London
N15 5BN

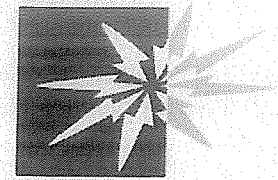
Registered number of holder, for example company number, charity number (where applicable):

2054577

Name of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Monica White

State whether access to the premises by children is restricted or prohibited:



Haringey Council

Licensing Review

To: Licensing Officer

From: Environmental Health Enforcement Response (Noise)

Name of Officer preparing representation: Lamin Tamba in conjunction with Team Leader Enforcement Response, Derek Pearce

Our Reference: WK200500

Date: 27th September 2011

Premises: Chestnuts Community Centre, 280 St Anns Road, London, N15

Type of application: Review

We have requested a Review of the premises licence for Chestnuts Community Centre, 280, St Anns Road, London, N15 (Chestnuts Community Centre), on behalf of the Environmental Health Enforcement Response Team with regards to the Licensing objective of Public Nuisance and in this document set out our grounds and recommendations.

The current Licence conditions, whilst addressing the means to prevent nuisance do not adequately address the measures for the prevention of public nuisance and even with the current conditions in place the premises has caused excessive noise levels thereby causing nuisance to local residents. This may be due partly to inadequate conditions and partly by inadequate management.

The occurrence of nuisance at the premises, in our view, has been caused by the following issues which may partly be corrected by new or amended wording to existing conditions:

1. The Licensee appears no longer to have control over the operation and effective control of regulated entertainment at the premises.
2. The Licensee has allowed the premises to be used for the provision of regulated entertainment without using an in-house sound amplification system.
3. The Licensee has not been fully complying with the Premises Licence conditions as set out under the current Premises License.
4. The sound insulation at the premises is not adequate and requires upgrading to contain the level of music from regulated entertainment. The Licensee is advised to seek advice from an acoustic consultant particularly in relation to gaps observed on the external walls of the main event hosting hall.

We invite the Licensing committee to consider, in addition to any other action they may consider appropriate, to revoke the current premises licence for Chestnuts Community Centre, until all the recommendations above have been implemented. We believe that nuisance will recur should the Licence and its existing conditions remain with the current Licensee.

Supporting Information

Our experience in dealing with noise nuisance at Chestnut Community Centre, suggests that public nuisance cannot be prevented unless suitable conditions are strictly observed.

The following letters / documents are produced as a part of our evidence

Observation sheet relating to visit on 19th August 2009

Warning letter for noise 3rd September 2009

Advisory letter for noise 12th August 2010

Advisory letter for noise 18th October 2010

Advisory letter for noise 22nd March 2011

Response letter from Chestnut Community Centre 11th May 2011

Advisory letter for noise 7th June 2011

Observation sheet relating to visit on 9th July 2011

Warning letter for noise 9th July 2011

Observation sheet relating to visit on 31st July 2011

Abatement notice dated 8th August 2011

Observation sheet relating to visit on 11th September 2011

[Meeting with Monica White – Chestnuts on 5th August 2011]

Chestnuts letter September 2011

Chestnuts review letter 16th September 2011

In summary, the Licensee has been:

1. formally warned for causing noise nuisance under the Environmental Protection Act 1990 and an abatement notice has been served.
2. A recent contravention of the Premises Licence Conditions has been witnessed on 11th September 2011. The premises operated regulated entertainment at a time that it did not have permission to do so and breached the condition relating to audibility within local residents' homes. "The licensee shall ensure that no music

played in the licensed premises is audible at or within the site boundary of any residential property.”

Complaint history over the past year

Date	Time of complaint	Time of visit	Officer comments
4.7.10	22.45	23.23	There was no noise at the time of visit. I observed several people leaving the premises when we arrived. It appeared that the event has ended. I left after a few minutes. Complainant advised. LT
10.7.10	23.30	no	Complainant appears to have been unwilling to receive a visit.
11.8.10	20.40	21.21	Some noise heard from the Community Centre, but not loud enough to be a nuisance at this time. I did however visit the centre and spoke with Monica White, who was in charge of the Centre. She agreed to close the external side doors, which were wide open. A wedding was in progress in the main hall. The noise was considerably reduced. The complainant was happy with this. MDE
23.8.10	10.10	no	website enquiry only
6.2.11	00.15	01.10	Slight bass audible from outside premises
12.2.11	01.12	no	Noise off.
28.2.11	03.00	no	Advised service now closed - complaint logged.
22.3.11	00.23	00.54	Visited area. Music was audible in the area but I could not determine nuisance as visit not possible to complainant's home. Went to the Centre where a wedding party was taking place. Advised organisers to reduce the volume of music which they did. Noise was reduced to reasonable levels when we left.
“	00.25	00.54	As above
“	01.14	02.00	Visited but the party had ended by the time we arrived.
“	01.26	“	“
“	02.01	“	Visited area and complainant's call came in when we were already on site. Party at the Community Centre had finished when we arrived.
23.3.11	22.34	23.38	Visited and went into another complainant's home at Turner Court. Noise was just audible in sitting room

			but was barely audible in bedroom. Only noise I could just about hear in bedroom was occasional amplified speech. No nuisance witnessed. Complainant advised.
"	23.03	"	"
24.3.11	00.17	00.30	Visited and phoned comp again, no reply. Music from Community Centre does not sound louder than the level we left it at when we first visited this evening. Left after 10 minutes.
"	00.39	00.44	Phoned complainant, noise has now been turned down. Gave advice that we were already on site investigating an earlier complaint. The party was scheduled to finish at 01:00, apparently. She confirmed that the noise is not that loud now. She will call again if party continues past 01:00.
"	01.18	no	Phoned complainant. Noise stopped a couple of minutes after she placed this latest call.
"	01.19	"	"
18.3.11	21.05	22.30	No noise heard in Complainant's premises - faint bass heard outside - Advised Complainant to call if further problem.
9.7.11	Noise nuisance	Playing of loud music causing nuisance to residents.	Warning Letter sent regarding noise
11.9.11	Breach of Licence conditions	Operated regulated entertainment beyond licensed hours and failure to comply with inaudibility condition	Licensing offences leading to Review of Premises Licence

The following conditions are in the current Licence under:

“The Prevention of Public Nuisance”

Staff will call Taxis/Mini cabs for the use of customers leaving the premises when requested to do so.

We recommend this condition remains

The Centre will have a sound limiter control system which will enable the level of noise to be monitored. It will have an automatic switch off device should the noise level be exceeded. All staff will be made aware of the procedures regarding public nuisance, and fully co-operate with the local police and authority. Clients are also advised of policies and procedures and contracts will be put in place. A policy will also be put in place to address complaints.

We recommend the following replacement condition

The Centre will have a sound limiter control system which will enable the level of noise to be monitored. It will have an automatic switch off device should the noise level be exceeded. All staff will be made aware of the procedures regarding public nuisance, and fully co-operate with the local police and authority. Any persons / groups booking the premises will be advised of policies and procedures and the booking contracts will reflect this. A policy will be put in place to address complaints about noise and other nuisance and this policy will be reviewed every 12 months.

Regulated entertainment will be undertaken no later than the current time until the Sound Limiter is installed and inspected.

We recommend this condition is reviewed

Prevention of nuisance from noise/vibration:

Airborne:

All doors and windows will remain closed during the licensed activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. If necessary a member of staff shall be positioned at the door to ensure it is opened for as brief a period as possible.

We recommend the following replacement condition

All doors and windows will remain closed during the licensed activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. A member of staff shall be positioned close enough to the door to ensure it is opened for as brief a period as possible.

Entry and exit to the premises will be restricted to a particular entrance(s) whilst the premises is being used for the licensable activity (except in the case of emergencies).

We recommend the following replacement condition

Entry and exit to the premises will be restricted to the main entrance whilst the premises is being used for licensable activities (except in the case of emergencies).

Emergency exit doors will be fitted with an alarm that instructs staff when the doors have been opened.

We recommend the following replacement condition

Emergency exit doors will be fitted with an alarm that instructs staff when the doors have been opened and with glass or equivalent breakable bolts which discourage casual opening of such doors

The licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

We recommend this condition remains

Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.

We recommend this condition remains

Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.

We recommend the following replacement condition

Adequate and suitable mechanical ventilation should be provided to public areas for use when windows, doors etc are closed.

Structure borne

All speakers will be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

We recommend this condition remains

Sound Limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.

We recommend this condition remains

The level of amplified entertainments shall be controlled by means of a limiting device set at a level agreed with the Licensing Authority and unit sealed by an authorised officer.

We recommend this condition is deleted as it is already covered in an earlier condition

Outside Areas

No music shall be played in, or for the benefit of patrons in the beer garden or other external areas of the premises.

We recommend the following replacement condition

No music shall be played in, or for the benefit of patrons in external areas of the premises.

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.

We recommend this condition remains

Signs shall be displayed in the external area of the building instructing patrons to recognise the residential nature of the area and conduct their behaviour accordingly—the management must reserve the right to request patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

We recommend the following replacement condition

Signs shall be displayed in the external areas of the building instructing patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The signs should state that the management reserve the right to request patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

Any smoking area must be situated in a location whereby noise nuisance will not disturb local residents.

We recommend the following replacement condition

Any smoking area must be situated in a location where noise is not likely to disturb local residents.

Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. This information is to include where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by Council Officers.

We recommend the following (slightly reworded) replacement condition

A complaints book will be held on the premises to record details of any complaints received from neighbours. This information is to include, where disclosed, the complainant's name, location, date / time and subsequent remedial action undertaken. This record must be made available at all times for inspection by Council Officers.

Regular state frequency liaison meetings will be held to enable neighbours to raise concerns about any aspect of the licensed activities.

We recommend the following replacement condition

Regular liaison meetings will be held, where requested by neighbours or others directly affected, to enable concerns to be raised about any aspect of the licensed activities. Minutes should be kept summarising what takes place and identifying any action points which should be made available to attendees and local authority officers where requested

Patrons entering/exiting premises

Signs should be displayed instructing patrons to respect the neighbours and behave in a courteous manner.

We recommend this condition is deleted as it is already covered in an earlier condition

Prevention of nuisance from light

Security lights will be positioned to minimise light intrusions to nearby residential premises.

We recommend this condition remains

The following additional matters are recommended:

1. The sound insulation at the premises is not deemed to be adequate and requires upgrading. The Licensee is advised to seek advice from an acoustic consultant or otherwise competent person particularly in relation to gaps observed on the external walls of the main event hosting hall.
2. Should the sub-committee not determine it appropriate to revoke the licence we recommend that the permitted hours for regulated entertainment are changed so that regulated entertainment is not permitted after 23:00.