

Additional information provided by: Rachel Matthews, Environmental Health Officer, Neath Port Talbot CBC.

This document is a brief summary of evidence gathered in relation to Live Lounge Public House 9 Ynysderw Road leading to the service of an Abatement Notice and the Application for the review of the licence.

History:

Our historic database goes back to 2003:

- 1) A person living close by (resident A) reported that the pub was having live music in the rear function room; this being a breach of their licence conditions. In response to this a letter was sent to the licensee: Andrew Davies, notifying them of noise complaint.
- 2) 2003: complaint regarding the same issues was also lodged.
Resident A also complained about late night patron noise; causing them to be woken up as people left the premises.
- 3) 2004: a different person (Resident B) made a complaint about loud music, a letter was sent to the licensee and diary sheets were sent to the person to complete; but the resident later advised the summer ended and he was then able to cope more with the music.
- 4) 2004: a further different person complained (Resident C) about excessive loud music over the festival weekend. A letter was sent to the licensee.
- 5) 2006: A further complaint was received from a different person (Resident D) and a telephone call was made by the officer to the licensee (still Mr Davies) that a complaint about loud music had been received.
- 6) 2008: A new person complained: Resident E about live music going on until 23.30pm. The licensee (Mr Davies) was telephoned and informed but he said that the music was not loud, and it went off at 23.30.
- 7) 2008: 3 separate anonymous complaints came in; our team had a policy of not investigating anonymous complaints.
- 8) 2010: Resident A reported a further complaint advising that people leaving the pub around midnight had disturbed them.
- 9) 2011: Resident A then reported further disturbance from loud music, a letter was sent to the licensee.
- 10) 2011 A further Resident: F reported disturbance from loud music, a letter was sent.
- 11) 2013 Resident F complained again about loud music.
- 12) 2015 Another Resident: G living further away, complained about loud music
- 13) 2015 Resident H a further person living further away complained about loud music

- 14) 2016 Anonymous complaint was received about loud music
- 15) 2016 Resident F complained again about loud music
- 16) 2016 An additional Resident: H- further away reported loud music. Letter sent to Mr Davies to advise.
- 17) 2016 Anonymous complaint received about loud music
- 18) 2017 Resident A - made a complaint about loud music in the beer garden. A letter was sent to the licensee.
- 19) 2018 anonymous complaint received about loud music
- 20) 2018 Another Resident I- complained about loud music
- 21) 2019 Resident I- made a second complaint about loud music
- 22) 2019 Resident I made a third complaint about loud music
- 23) 2020 An additional Resident: J- made a complaint about loud music
- 24) 2020 Resident I- made a fourth complaint about loud music
- 25) 2021 Resident A- made complaint- loud music
- 26) June 2021 Application for Minor Variation – Environmental Health Officer Objected.
- 27) 2021 Resident I : made a fifth complaint about loud music
- 28) OCTOBER: LETTER SENT to HD Pub Investments Ltd and to DPS Mr H Erive**
- 29) 2021 Resident I: made a sixth complaint about loud music
- 30) NOVEMBER: LETTER SENT TO HD Pub Investments LTd and to DPS: Mr H Erive**
- 31) 2022 Resident A :complaint: loud music
- 32) 21st MARCH: LETTER SENT TO HD Pub Investments and DPS: Hans Erive**
- 33) 2022 Resident A :complaint loud music
- 34) 2022 Resident I: Complaint loud music
- 35) **5th May MEETING WITH DPS and The Manager: Andrew Davies. Explained that complaints were increasing and the music style and volume was not suited to the venue and location.**

Asked for Acoustic Consultant Report to assess the suitability of the building, and what works were required.

- 36) Email Follow up to confirm in writing what they needed to do.
- 37) 20th May 2022: Environmental Health Officer witnessed intrusive loud music in residents premises.
- 38) 26th MAY: LETTER SENT to HD Pub Investments and DPS Hans Erive
- 39) 2022 Resident A : Complaint about loud music
- 40) 2022 Resident F: complaint about loud music
- 41) 14th JUNE: LETTER SENT advising loud music
- 42) 7th JULY: LETTERS SENT advising loud music
- 43) 16th July 2022 Environmental Health Officer witnessed intrusive loud music in residents premises
- 44) 18th July: LETTERS SENT
- 45) 28 July Temporary Event Notice for the Festival
- 46) Gave them the opportunity to have the festival without causing nuisance
- 47) 5th AUGUST: LETTER SENT ADVISING NOT TO CAUSE NUIASNCE AT FESTIVAL OR ANY OTHER TIME
- 48) 2022 Resident K further from the pub complained about excessively loud music at the festival from the beer garden
- 49) 26th August 2022 Environmental Health Officer Witnessed loud intrusive music in residents' premises
- 50) 28th August 2022 Environmental Health Officer witnessed loud intrusive music from live music in the beer garden; in residents' premises
- 51) In response : Environmental Health Officer attended the premises to ask the person in charge to turn down the music. Person was Linda Pritchard who said: all other pubs are having music today why are you picking on us? I don't see what the problem is for us to have live music; the Officer advised that it was a warm sunny Sunday of a Bank Holiday weekend and it was extremely loud in residents' gardens and houses. The volume of the music was not switched down.
- 52) 2nd September 2022 Environmental Health Officer witnessed loud intrusive music in residents' premises

53) 10th September 2022 Environmental Health Officer witnessed loud intrusive music in residents' premises in the bedroom of Resident I where they were able to hear a selection of Meatloaf songs between approximately 20.30 and 21.30.

54) 10th September 2022 LETTERS SENT: advising Loud music

55) 15th September: Service of Abatement Notice and Application for Licence Review

56) 1st October 2022 Environmental Health Officer witnessed loud intrusive music in residents' front living room until approximately 21.20.

In summary: Intrusive loud music was witnessed in the residential street, attended Resident C's home to monitor. Sat in front sitting room and was able to hear what the songs were that were playing, bass guitar, drums, and vocals of a male singer: Blink 182, All the small things. Ryan put on his own music on his phone as background and was able to hear the music from the live lounge over his phone music.

57) 10th October: LETTERS SENT advising of intrusive loud music.

58) October: 4 Environmental Health Officers attended Live Lounge by agreement with Andrew Davies to observe the monitoring exercise carried out for the Acoustic Consultant Report that we requested on 5th May 2022.

59) These Officers were selected as they had all submitted Witness statements to me regarding excessive loud music witnessed in residents' homes over the last few months.

60) The noise inside the premises appeared to be excessively loud and was reaching 100dB on the measuring tool on the bar. My colleague: Simon Evans observed that the Sound Level Meter used by the acoustic consultant was reading a similar level: around 3dB difference.

61) In my opinion the music inside the bar was uncomfortably loud on the ears. My colleagues were positioned in the homes of the residents who were willing to take part in the exercise: Resident A, C, J. All complainants and Environmental Health Officers were in agreement that the level of music being played for the assessment was not at the level they had previously witnessed.

62) Officers advised the Acoustic Consultant that we felt that this was not a true representation of what we have previously experienced, but the Consultant was accepting that he had sufficient volume levels to use in his assessment.

63) In my opinion the building is not constructed to reduce the noise level from the music being played at the volume the licensee's desire.

64) We have not had any specifications of acoustic properties of the ceiling tiles; installed by Robert Megson, or double glazed windows. There are many pathways in the structure and fittings: the side doors are improperly fitting, there is a ventilation grill and a flue stack; these will all provide noise break out routes.

- 65) To provide the style of entertainment the licensees want: which is high volume rock music; the building must be properly sound proofed to reduce noise breakout, or; they music must be played at a significantly lower volume to prevent public nuisance.
- 66) In response to the application for the Review of The Licence A total of 6 residents have come forward and given personal impact statements explaining why they are opposed to the activities at the premises. These residents representing their households; in most cases 4 persons inhabiting that household; have come forward to give personal impact statements on how these circumstances have affected them.
- 67) The residents who have supplied a personal impact statement are: Resident A, Resident C, Resident F, Resident J, Resident L, Resident M.
- 68) Residents have requested to be kept anonymous as they are intimidated by the online harassment they have experienced, which they have shown me photos of and can be provided.
- 69) There are many online comments in a petition that are quite aggressive and threatening.
- 70) Some videos have also been viewed that show disturbance from patrons of the pubs in the area in the street outside their homes, that the residents may wish to exhibit.
- 71) From the statements given by residents who wish to come forward to oppose the live music being played at this volume in the pub; statements such as:
- It has got louder and louder
 - It has become more frequent; 3 times per weekend
 - It used to be just the festival, which they would concede and cope with
 - The residents no longer wish to tolerate the disturbance, at the volume and regularity it occurs as it is intruding into their homes and gardens.
- 72) The Environmental Health Officers have witnessed the disturbance and have acted with appropriate enforcement action.
- 73) The Council has a duty to act on the evidence provided to prevent the residents from suffering further Public Nuisance. As we are able to see; this has been going on for a long time, and has gathered momentum with more resident complaints and more frequent episodes of disturbances.
- 74) The demographics of the area are of concern. There is a significant number of older residents and families residing in the streets adjacent to the premises. There are a significant number of households that have moved into these houses, in the last few years. These residents are unlikely to be benefitting from the activities at the pub. Some people who live in the vicinity have come forward in support of the pub, but that does not reduce the impact the pub is having on others.

75) A resident who was a prolific complainant has stated they have sold their house and moved because of the disturbance.

76) An email was received on 14th October 2022 from the Acoustic Consultant employed by the Live Lounge owners stating:

“From the measurement taken once your team had deemed the noise level from music subjectively acceptable in a nearby garden, we have a design noise level of 44.7 dB(A).

Our advice will work to this, as far as feasible, and structurally practicable”