



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Date Dyddiad 4th June 2021
Direct line Rhif ffôn 01639 686521
Email Ebost l.morgan7@npt.gov.uk
Contact Cyswllt Leah Morgan
Your ref Eich cyf
Our ref Ein cyf LCL/

██████████
By email

Dear Mr ██████████

RE: Environmental Protection Act 1990
Licensing Act 2003
Premises: The Surge, 74 Commercial Road, Port Talbot, SA13 1LR

I am writing to make you aware that Environmental Health have received two separate noise complaints relating to noise on the 27th May 2021. One complainant provided us with a video that clearly shows loud music emanating from the above premises and it is alleged that the recording was made after 11pm at night.

As part of our investigation hopefully you have been informed that I visited the premises yesterday with my colleague Peter Malough of Licensing. We met with a staff member that identified himself as ██████████ and Peter later spoke to ██████████ on the telephone. We discussed the noise complaint amongst other Covid and licensing related requirements.

On my arrival music was being played from an outside speaker that I could clearly hear within my car. I was concerned at the potential for the outside speaker to cause a noise nuisance, particularly when background noise from the nearby road and other sources dropped later into the evening.

Environment

Ceri Morris Head of Planning and Public Protection
The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG
Tel 01639 686868

Yr Amgylchedd

Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd
Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG
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Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.
We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

As your licence does not permit you to have outside entertainment, any music played over this speaker can only be at background level and therefore should not be audible outside of the curtilage of your premises.

During my visit the music was turned down to level that I would consider to be reasonable for that time of day (4pm) but it may not necessarily be reasonable later on in the day as other noise sources reduce. Your representative suggested that you could turn the music off at about 6 or 7pm outside to prevent it causing a disturbance. In addition to this suggested control measure, I recommended that regular checks should be carried out to make sure that the music cannot be heard outside the curtilage of the beer garden and that these checks should be documented. Peter Malough suggested that you may wish to include such controls within a noise management plan.

Whilst we appreciate the difficulties that Covid requirements are placing on the entertainment sector, for example, the requirement to ventilate and keep air flow through the premises. You must adjust your normal business activities to take this into account and ensure that you are not causing a noise nuisance. This may mean that the volume at which you can now play music is lower than it would have been previously.

I am aware that you propose to have live music on Sunday 6th June 2021. I was informed during the visit that it will start at 16.00hrs and finish at approximately 18.00hrs. Whilst this is less likely to be an issue than music later in the day it does not mean that it cannot cause a noise nuisance. As such, I again recommend that staff carry out regular patrols around the perimeter of the premises and adjacent to nearby residential properties to see if the music can be heard.

The Local Authority has a legal duty to investigate complaints of noise nuisance and should we substantiate a statutory nuisance under the Environmental Protection Act 1990 you will be served with an abatement notice. A breach of an abatement notice is an offence and you may be prosecuted and/or have noise equipment removed from the premises.

In some circumstances Environmental Health may wish to call your Premises Licence in for review where it is felt that your activities breach the Licensing Objective for the Prevention of Public Nuisance. As such I recommend that you take urgent action to assess the noise controls within your premises.

If you wish to discuss this matter with me further please do not hesitate to contact me.

Yours sincerely



Mrs Leah Morgan
Senior Environmental Health Officer

cc. [REDACTED] – by email
Licensing Neath Port Talbot Council – by email
Peter Malough, Senior Legal Regulatory Officer, Neath Port Talbot Council – by email
Calum Lewis, Environmental Health Officer, Neath Port Talbot Council – by email