

## Environmental Protection – Licensing Consultation Response

Date Received: 11.07.2023  
Our ref: 23/05794/LICCON

Responded:24.07.2023  
**ORDK**

Your Ref:

RE: 91 - 93 Undercliff Road West, Felixstowe, Suffolk, IP11 2AF,  
Good afternoon

We have received a review application for Alba Chiara, Felixstowe.

I have attached a copy of the current licence for reference.

Consultation periods ends on 8th August 2023.

Kind regards

Jodie

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Thank you for your consultation regarding the above application. The Environmental Protection Team's comments are given below.

Thank you for your consultation in respect of this premises licence review called by a member of the public. This response is from the Environmental Protection Team in relation to the licensing objective the 'Prevention of Public Nuisance' and refers only to licensable activities within the review application, and specifically noise.

I note that these are a restaurant premises with residential flats above along the Felixstowe Seafront. I understand that there are no planning conditions/controls over music at the premises played either internally or externally.

In terms of the premises licence, there are no specific conditions regarding the playing of live or recorded music inside or outside within the licensable area. At this time therefore the restaurant is permitted to play live or recorded music until 23:00 hours provided that this doesn't cause a statutory noise nuisance (i.e. Environmental Protection Act 1990, and not public nuisance as per licensing regime).

I can confirm that the Environmental Protection Team currently have an open noise complaint for investigation. As part of this investigation into statutory noise nuisance, a monitoring visit was undertaken on 17<sup>th</sup> June 2023. On this evening visit, low-level music only was observed playing from speakers beneath umbrellas on the external seating area. The music was considered as background music only and not at a level that would be considered licensable. This music was not audible very far from the restaurant, though could have been audible at the residential flat at first floor above.

At this time therefore we do not have evidence of a noise nuisance from these premises though will potentially undertake further monitoring visits and provide additional advice to the restaurant operator.

The operator would be advised to consider that although they are in a seafront location, they do have residential use directly above, and therefore must ensure no unreasonable disturbance. Similarly, residents

living above a commercial (in this case licensed) premises must accept that there will be some associated noise and other activity.

Outdoor music, even at low levels, is higher risk than music played indoors particularly later in the evening. That may mean they ought to consider switching off the background music earlier in the evening, and particularly if there are no customers on the outside seating area. The licensing team may wish to pass this advice on to the licence holder in this case, and is likely to be reinforced by the Environmental Protection Team is direct dialogue with the licence holder/restaurant operator.

In conclusion, at this time the Environmental Protection Team do not have any evidence sufficient to make a representation at the review hearing.

Regards,  
Environmental Health Officer