

I refer to the above application to vary a premises licence that has been passed to this team for comment.

Currently the premises is only permitted to play live and recorded music under the de-regulation provisions that enable licenced premises to play live / recorded music until 23:00. The variation applied for proposes to significantly extend opening hours and times for Supply of alcohol. However, the EH Team is particularly concerned at the proposal to vary the premises licence so as to allow regulated entertainment at the venue to be played well into the early hours of the morning on Fri - Sun nights.

A visit was made to the premises on 12th August 2021 where I met the applicant, Mr Surucu: the garden area has been enclosed with thick plastic sheet and it is proposed to be glazed with electrically operated windows. The area is for eating-in only and I was informed that music is not played here. At 22:30 the area is made out of bounds and locked. It is understood that the enclosed garden area is outside the scope of this application. However, there is a risk of noise break-out through the door that separates the restaurant building from the enclosed garden, particularly if left open.

By way of mitigation, Mr Surucu showed me his speakers and mixing desk which apparently has an integrated noise limiter. However, this would need to be confirmed by the manufacturer / supplier. The applicant stated that any music played at the premises would be from this system. Mr Surucu played music at what he said was a presentative level - which was not audible outside at the rear. There is air conditioning at the premises and there are no windows to the side or rear of the restaurant building, meaning that (other than the door referred to above) noise break-out is not expected to occur as a result of doors / windows being opened for the purposes of ventilation.

Nevertheless, in recent weeks we have received complaints of excessive noise emanating from the premises and Noise App recordings have begun to be received by this team as evidence. Some of these recordings appear to indicate excessive noise levels impacting residents.

The operating schedule (Part 4) of the application requires the applicant to state how they will promote the four licensing objectives (a - e). In the opinion of the EH Team, insufficient consideration or detail has been given to section "d" - The Prevention of Public Nuisance.

The extent of the hours applied for make it more likely that noise from regulated entertainment or customers leaving, for example, will cause disturbance to local residents. An active investigation into noise nuisance from this premises is currently under way by the EH Team, so that we are unable to support the application in its current form at this time.

If the Licensing Committee are minded to grant this application it is recommended that conditions are imposed that constrain hours of opening and licensable activities to those that are less likely to give rise to serious disturbance.

It is further suggested that a condition is applied requiring that all doors and windows should be closed during the playing of live and recorded music (other than for access and egress) and that during this time the enclosed garden area should not be used (at any time) and that the door connecting it to the restaurant should be locked (to prevent noise break-out as customers / table staff move between areas). It is further recommended that all amplification of live and recorded music must be controlled via a noise limiting system of the dynamic-compressor type (which we are informed is integrated with the applicant's mixing desk) and which must be set to a level to be agreed by this team as not being intrusive to the amenity of local residents.

Charles Hook
On behalf of Sevenoaks District Council Environmental Protection