

Appendix Y

Since the summer of 2021, the Environmental Health Team has had significant involvement with this premises, investigating complaints of noise nuisance, together with commenting on licence and planning applications submitted by the applicant seeking to extend the times they are permitted to operate (often consecutively).

During this period, the Environmental Health Team has primarily been in contact with two residents (who, to the best of my knowledge are independent of one another) and they have both complained of amplified music until 02:00 hours on occasions. I am also aware that the Police have previously received reports of rowdy behaviour outside causing disturbance to residents, as have Environmental Health Team. In response, I understand the premises now uses security staff at the door.

Noise monitoring equipment was installed at a resident's property from 6th December 2021 until 9th January 2022. The results indicated amplified music played at excessive level (and beyond the hours allowed by the premises licence). In response, a Community Protection Warning Letter was issued to the premises licence holder on 9th February 2022 (copy attached). A meeting was subsequently held at the Council Offices on 22nd February 2022, attended by the licence holder (Cihangir Surucu), Jessica Foley (Senior Licensing Officer), Phil Comben (Police Sargent) and myself. Some of the noise recordings were played to the licence holder, though Mr Surucu denied that the music was from his premises. During the meeting, Mr Surucu explained that his business model was to trade as a restaurant earlier in the evening and to operate a bar with regulated entertainment / DJ Desk to provide a party atmosphere / facilitate dancing as the evening progressed.

After this intervention, no further complaints were received until 16th May 2022. A letter was sent to Mr Surucu on 27th May 2022 informing him of the further complaint, together with a summary of the planning and licencing constraints he is required to abide by (copy attached).

More recently, I visited Mr Surucu to inform my licence review comments. Mr Surucu confirmed that a noise limiter had been installed some months ago and that any music played at the premises would be controlled by the device. I understand the noise limiter is manufactured by Formula Sound and is the AVC 2D model, which I am reasonably confident should be satisfactory. I understand that when this equipment was installed the company concerned made a noise assessment to inform the level it should be set to. However, it is presently unclear whether the assessment included the flat immediately above the restaurant or whether the level set is acceptable. I have recently tried without success to contact the resident who lives above, in order to establish whether they are affected by excess noise. A licence condition requiring use of a noise limiter is suggested below.

The licence holder has constructed an enclosed seating area attached to the main building constructed of double-glazed glass and a retractable roof made from a canvas-like material. A UPVC door connects the two. I understand that the seating area is not part of the licenced area of the premises. Whilst the windows might be expected to offer a reasonable amount of noise attenuation, the roof is unlikely to do so. During my recent visit it was demonstrated to me that the connecting door

is effective at attenuating the amplified music when played inside the restaurant at the max. level permitted by the noise limiter.

Previously, it has been suggested that when this connecting door has been left open, this has been a major contributor to the noise (for one of the residents we have dealt with, at least). I understand that the licence holder now empties this area after 23:00 hours and locks the door - by way of mitigation. This is possibly a bit late, and I would recommend that this is subject to the review of the licencing committee. It is understood that this area is used to seat diners, so I would question whether it needs to be open later than 22:00 hours? An argument could be made for not allowing its use at all during regulated entertainment, but this might unnecessarily adversely impact the business. Although the seating area is unlicensed so cannot have conditions attached to it, a condition could be applied requiring this door to be closed after a certain time.

I understand that on review of a premises licence section 177A(4) of the 2003 Act permits the District Council to add a condition that takes effect before 23:00 hours, notwithstanding the deregulation changes (see 16.55 of the Revised Guidance issued under section 182 of the Licensing Act 2003).

If the Licensing Committee are minded to amend this premises licence I would therefore recommend that they consider imposing the following draft conditions:-

1. Details of the noise limiter that will be used at the premises must be submitted to the Environmental Health Team for prior approval.

The noise limiter must be set at a level that ensures neighbours are not caused nuisance or significant loss of amenity at any time and is to be used to control noise from amplified music and sound at all times during regulated entertainment.

In the event that noise complaints are received and substantiated by the District Council, the premises licence holder must reduce the level set on the noise limiter to the satisfaction of the District Council.

2. All doors and windows must be kept closed, other than for access and egress, during the playing of regulated entertainment.

3. The door that connects the main restaurant to the (currently unlicensed) glazed seating area at the side must be closed and locked after 22:00 hours (or such other time as determined by the Licensing Committee).

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