

Memo



Date: 18th July 2016
To: Philip Bensted, Licensing and Land Charges Manager.
Re: Premises Licence – Clique, 58-60 Harbour Parade Ramsgate
From: Amanda Berry, Environmental Health Officer

Background

- 1.1 Following a complaint that Clique were operating regulated entertainment beyond the permitted hours and a visit from by the Police Licensing Officer, Mr & Mrs Florides wanted to discuss a proposal to regularise the premise licence and extend regulated entertainment with Environmental Health at a meeting on 21st June. Environmental Health raised concerns about the potential noise impact given that we have received a recent complaint from residents living in close proximity to the venue. The complaint resulted in Environment Health carrying out a sound limiter compliance check at the venue on 4th February 2016.
- 1.2 The following condition is attached to the premise licence:
- All music (recorded and live) shall be played through the noise limiter at the site. The noise limiter shall be in a locked enclosure only accessed by the licence holder. The licence holder shall ensure that the noise limiter is maintained to the manufacturer's specification and ensure that there is no drift in noise levels previously agreed by Environmental Health.**
- The condition requires that the limiter is set to a level recommended by Environmental Health. This had previously been recommended at 88dB. During the assessment the limiter was checked and was set to 88dB. At the same time an Officer also took a measurement within the complainant's property for reference. It was noted that even at 88dB at source the bass beat was still plainly audible within the complainant's bedroom (Appendix 1). Notwithstanding compliance with the licensing condition any extension to regulated entertainment will be audible in the complainant's home. The noise recordings are available to Members.
- 1.3 There was a previous instance of non-compliance with regulated entertainment exceeding permitted hours leading to complaint and subsequent advice was given at the time by Environmental Health (Appendix 2). In November 2012 Environmental Health brought a review of the premises licence because of breaches of licence conditions and public nuisance. A licensing sub-committee modified the hours at the premises. In May 2013 Magistrates allowed an appeal by the licence holder. No costs were ordered against TDC, the Magistrates stating that 'the licence holders were warned early on of the possibility of Court for breaches of conditions and that the local authority were justified in bringing the action'. Why were they again operating beyond their permitted hours in June 2016?
- 1.4 Environmental Health concerns also relate to noise outbreak and from patrons causing a public nuisance to residents in the local vicinity. Any increase in regulated entertainment will encourage patrons to stay longer at the venue. The music noise level will encourage patrons to talk in raised voices which will be extended to 3am, three nights per week and bank holiday Sundays and Mondays, directly impacting on the flats above.
- 1.5 Planning permission was sought and granted for the change of use of first floor from restaurant to 2 x 2 bedroom flats and change of use of second and third floors to 2 x 1 bedroom flats

(TH14/0391). Therefore new sensitive receptors have been introduced that are even closer to the premises that will be directly impacted as in closest proximity to the premises.

1.6 Ramsgate seafront has 11 licensed premises, all of which are licensed to supply alcohol after midnight (Appendix 3) contributing to a vibrant night time economy. This brings benefits to our local economy but at the same time generates additional costs for the council, police and other partners. Environmental Health is mindful of the balance between the competing needs of our residents and those of our business community. However it is essential to ensure our residents are not unreasonably impacted by public nuisance and can enjoy their homes and environment. As there is little separation of commercial and residential areas in much of Ramsgate, this often means that our residents suffer the impacts of the late night economy, particularly in the radiating residential roads which take the brunt of local residents returning home from a night out. Also there are 21 residential boats residing within the harbour and they benefit from very little sound insulation or separating distance.

Summary

1.7 Environmental Health would not support any extension that would increase the potential for public nuisance and noise transmission to residential dwellings and particularly where there are many other licensed premises in the vicinity.

Appendix 1

Date: 8th February 2016
Our Ref: WK/201557899



Mr Florides
Clique Bar
58-60 Harbour Parade
Ramsgate
Kent
CT11 8LN

Dear Mr Florides

Complaint No: WK/201557899
Complaint of loud music from Clique Bar, 58-60 Harbour Parade, Ramsgate, Kent, CT11 8LN

Further to our meeting last week I am writing to confirm that at the time of my inspection the sound limiter (AADTT SL2000) was set to 88dB and complied with condition 7, Annex 2 of remises licence LN/200800178.

Please find enclosed measurement details and note that the lower frequencies, particularly 63Hz were travelling through the structure of the building into the complainant's home. Advice given to you at the time remains, that it is, ensuring all four speakers are only suspended to the structure if they are on anti-vibration mounts and consider reducing the low frequency bass element. I would recommend further advice is sought from sound engineer in this regard.

Yours sincerely

A handwritten signature in black ink, appearing to read "AB" followed by a flourish.

Miss A Berry
Environmental Health Officer
01843 577422
amanda.berry@thanet.gov.uk

c.c. Licensing Unit, Thanet Police
Licensing Team

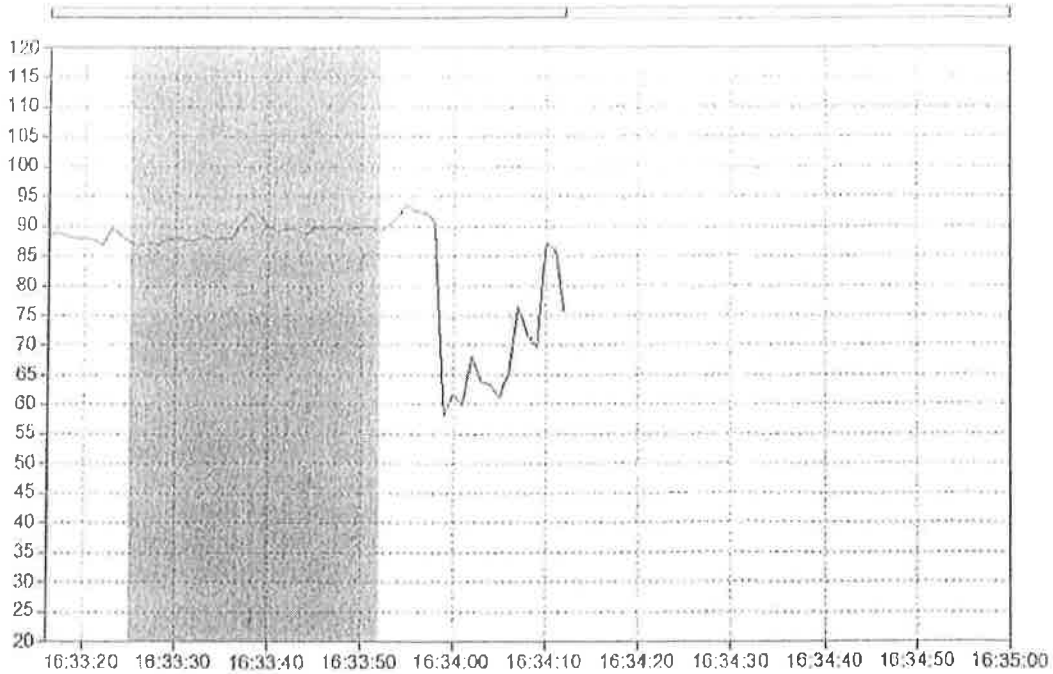
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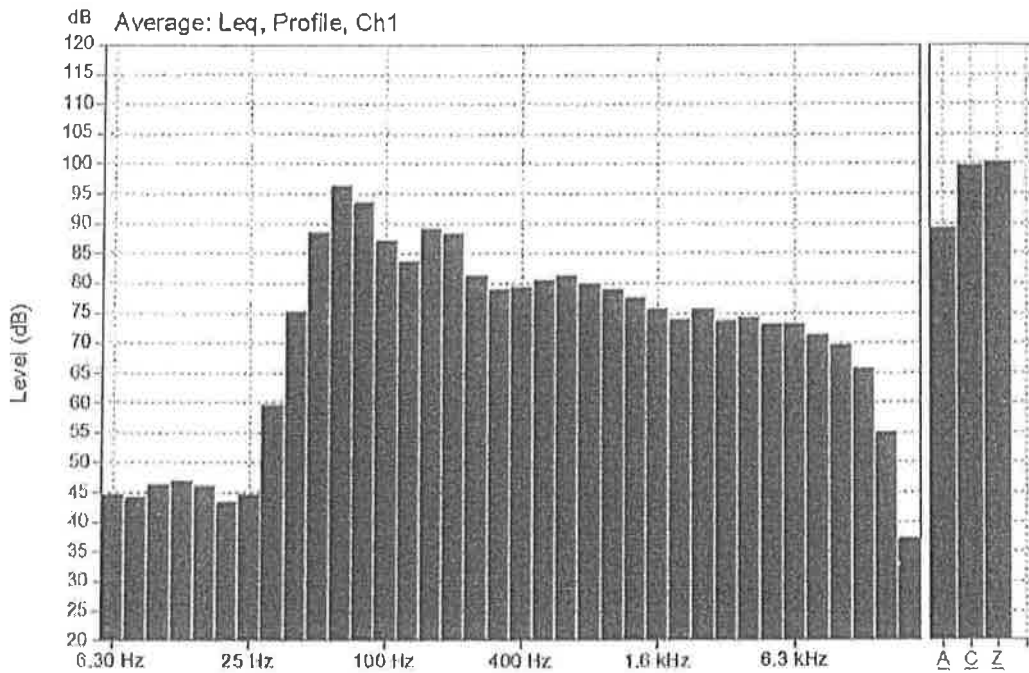
Clique Bar Sound Limiter Test
4th February 2016



Measurement within Clique Bar



SLM reading BST



Date: 23 September 2011
Our Ref: WK/201135897
Your Ref: LN/200800178



Mr. Florides
Licensee
Vista Bar
60 Harbour Parade
Ramsgate
Kent
CT11 8LN

Dear Mr. Florides

AMPLIFIED MISC AT VISTA 60 HARBOUR PARADE RAMSGATE KENT

Thank you for attending at the Council Offices today.

On the evening of Friday 16th September last into the early hours of Saturday 17th September visits were made to Harbour Parade, Ramsgate by Council officers.

At approximately 12.30 a.m you were spoken to by Philip Bensted, Regulatory Services Manager and a Licensing Officer, about the level of recorded music from your premises and licence conditions. The doors were open so that the music could be heard from some considerable distance away. As a result of the conversation, music levels were reduced and the doors of your premises closed in order for you to comply with your licence conditions.

At approximately 1.45 a.m the same evening I received a complaint about your premises. At 2.30 a.m I witnessed the level of noise from recorded music from your premises, which was again too loud. The doors were open. I spoke to you and noise levels were reduced.

There are a number of conditions attached to your licence that were not being complied with. Namely, recorded music should cease at 2 a.m on Friday nights, doors and windows should be shut except for access and egress.

In addition, if anything other than background music levels are to be played then this should be directed through a sound limiting device, to be installed and set by a qualified engineer, levels to be agreed by Environmental Health. Please contact this office to arrange a site visit so that these levels can be set. You will need to ensure that a qualified sound engineer is present during this visit. Please contact me on 01843 577400 to arrange.

Continued.....



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I have taken into consideration the letter dated the 16th May 2011 sent to you about loud music, and the events of the 16th/17th September, together with your explanation. No further warnings will be given to you and are duly advised that should there be witnessed any further problems with your premises a review will be brought under the 2003 Licensing Act.

Any review could lead to hours being reduced at the premises, suspension or revocation of the licence. This was explained to you at our meeting, should you require further advice you may wish to speak to a Solicitor.

Yours sincerely

Zoe Fennell
Environmental Protection Officer
01843 577400
zoe.fennell@thanet.gov.uk



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