



Date: 10.2.2022
Ask For: James Clapson
Direct Dial: (01843) 577200
Email: james.clapson@thanet.gov.uk

LICENSING SUB COMMITTEE

17 FEBRUARY 2022

THE RECONVENING OF THE MEETING HELD ON 9.12.2021

The 9.12.2021 meeting of the Licensing Sub Committee will reconvene at **2.00 pm on Thursday, 17 February 2022** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Bambridge, Rogers and Wright

A G E N D A

Item
No

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **APPLICATION FOR A FULL REVIEW OF THE LICENCE FOR FAITH IN STRANGERS, 17 ETHELBERT CRESCENT, MARGATE.** (Pages 5 - 132)

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Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

**APPLICATION FOR A FULL REVIEW OF THE LICENCE FOR
FAITH IN STRANGERS 17 ETHELBERT CRESCENT
MARGATE**

Meeting	9TH December 2021
Report Author	Alison Brock, Technical Support Team Manager
Portfolio Holder	Cllr Saunders
Status	For Decision
Classification:	Unrestricted

Executive Summary:

To review the licence of Faith in Strangers requested by Amanda Berry, Environmental Protection Officer, Thanet District Council. Following the serving of an Abatement Notice.

Recommendation:

The instructions of the Sub-Committee are requested.

CORPORATE IMPLICATIONS

Financial and Value for Money

Costs associated with processing the application are taken from licensing fee income.

The applicant or any other person (objector) may appeal the Committee's decision to Magistrates' Court within 21 days. Should this decision be appealed the Council will incur costs defending the appeal. Should the appeal be successful it could result in costs being awarded against the Council. Therefore all decisions should ensure that they are in line with the objectives of the Licensing Act 2003

Legal

Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.

The Licensing Sub-Committee is obliged to determine applications with a view to promoting the four licensing objectives.

Any decision the Licensing Sub-Committee make should be made with regard to the Secretary of State's guidance made under Section 182 of the Licensing Act 2003 (revised in April 2017) as well as Thanet District Councils adopted Licensing Policy.

Where any decision parts from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased. Similarly the risk of appeal/challenge is increased if any decision made is not evidence based and proportionate.

The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Conventions on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.

The effective regulation of licensable activities and of premises at which licensable activities take place can assist in safeguarding children and vulnerable adults.

Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonably can to prevent crime and disorder in its area"

In considering this application the Licensing Sub-Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.

There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.

Corporate

Corporate Priorities should be taken into account when determining the outcome of any application.

Priority 1: Growth

Priority2: Environment

Priority 3: Communities

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “other persons” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

Corporate Priorities

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

1.0 Introduction and Background

1.1 An application for a review of the premises licence for Faith in Strangers has been submitted by Amanda Berry Environmental Protection Officer Thanet Council in accordance with Section 51 of the Licensing Act 2003

1.2 The application and annexes are attached at Annex 1

2.0 The Current Situation

2.1 The review notice was posted on the premises, on the Thanet Council website and on the doors of the Thanet Council Offices as is required by the Licensing Act. The responsible authorities were also notified of the application, no comments were received from them.

2.2 Eight representations were received that are in support of the review application, these are attached at Annex 2a.

A case review received from Woods Whur the solicitors representing those supporting the review application is attached in Annex 2b.

2.3 127 emails of support for the premises have been received. The main points being that it is a key cultural and community focussed business in the area and provides space for individuals to work from during the day. Only 1 of these support emails is attached as it is the only one that mentions one of the 4 licensing objectives as required by the Licensing Act 2003 – Annex 3

2.4 Environmental Protection now wish to withdraw the application as further appraisal of the evidence has indicated that there is not a public nuisance emanating from the premises as evidence has only been gathered in one premises which does not meet the definition of public nuisance.

2.5 As a hearing had already been set and all three parties could not agree to dispense the need for a hearing this will now take place in accordance with the Licensing Act 2003.

2.6 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are: - the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of

children from harm. In carrying out its licensing functions, the Licensing Sub Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.

- 2.7 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.

3.0 Options

- 3.1 The instructions of the Sub-Committee are requested.

Contact Officer: Alison Brock Technical Support Team Manager
Reporting to: Penny Button, Director of Neighbourhoods

Annex List

- Annex 1 – review application and annexes
- Annex 2 – Representations
- Annex 3 - Representation in support

Background Papers

Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>

DCMS Guidance documents issued under Section 182 of the Licensing Act 2003 (as amended)-

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Thanet District Council Statement of Licensing Policy-

<https://www.thanet.gov.uk/media/3168621/licensing-document-2016.pdf>

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Amanda Berry

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Faith in Strangers 17 Ethelbert Crescent	
Post town Margate	Post code (if known) CT9 2DY

Name of premises licence holder or club holding club premises certificate (if known)
Faith in Strangers Ltd
Directors: Mr Richard Randles and Mr Jeremy Duffy

Number of premises licence or club premises certificate (if known)
LN/201800535

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

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Annex 1

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town	<input type="text"/>	Post Code	<input type="text"/>
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Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

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Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Amanda Berry Senior Environmental Health Practitioner Environmental Health Cecil Street Margate Kent CT 9 1XZ
Telephone number (if any) 01843 577422
E-mail address (optional) amanda.berry@thanet.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

In pursuit of the prevention of public nuisance licensing objective; Environmental Health make the following observations in support of the review in accordance with Section 51 of the Licensing Act 2003. Members are drawn to Section on 'Prevention of Public Nuisance' of Thanet Council's Statement of Licensing Policy 2016 for consideration in respect of this review application, particularly 5.5 which states that the applicant will be expected to demonstrate suitable and sufficient measures are in place. Public Nuisance is not narrowly defined in the Licensing Act 2003 but takes its broad meaning from common law and considers the effect of licensable activities on persons living and working in the area which may be disproportionate and unreasonable.

Planning permission was sought and approved (F/TH/18/0875) for the 'Change of use of the first floor from nightclub to a mixed office (Use Class B1) and restaurant (Use Class A3 and A4) and arts venue (Use Class D1)'. Details of proposed sound insulation were submitted in pursuance and included a bespoke sound insulation system that would reduce noise. The details were agreed and approval was obtained - Annex A.

The Premises Licence was granted on 29th August 2018. The licence permits live and recorded music:

- Sunday to Thursday: 12.30am. 1am close.
- Fri/Sat and BH Sundays: 2.30am. 3am close.

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Environmental Health started receiving noise complaints around Oct 2019. Of the noise complaints made to Environmental Health, 5 were from separate households within Cliftonville Court and one from their Residents Association. A record of the noise complaints received by the Council are attached in - Annex B.

Complaints stopped in 2020 during Covid and resumed again around May 2021 following easing of restrictions. The complaints mainly concern loud music although patron noise has also been raised by neighbours.

In order to investigate the complaints, complainants' were given access to a range of services. The services included the installation of specialist noise recording equipment and access to our Out of Hours Nuisance Control Service so Officers could attend to witness the problems first-hand.

Officer assessments and measurements are in Annex C and correspondence with Faith in Strangers in Annex D.

A recorder was installed within a complainant's property between 4th-9th June and Officers carried out a planned visit on 11th June 2021 at 23:00hrs. Both assessments indicated music noise was an issue; a site meeting was held with Environmental Health Officers and representatives of Faith in Strangers on 7th July 2021. A follow up letter was sent on 9th July to Faith In Strangers.

A complainant called the out of hours Nuisance Control Service on Saturday 10th July at around 23.00hrs. Officers witnessed loud music and other premises related noise within a complainant's flat. The case officer emailed Faith in Strangers to arrange a further visit to give advice and guidance regarding acceptable music sound levels. On 20th July, Officers attended to carry out a sound test and advice was sent to Faith in Strangers in a letter dated 23rd July 2021.

Further Noise Apps were submitted by a complainant over weekends 6th/7th and 12th/13th August indicating disturbance continued. A complainant called Out of Hours Service on Saturday 4th September; Officers assessed the noise to be a nuisance.

A noise recorder was installed at a complainant's home between 16th-20th September and an Officer assessment was also carried out on Saturday 18th September. Both indicated noise nuisance.

The Council is under a duty to investigate noise complaints; where there is a Statutory Nuisance an Abatement Notice must be served requiring the nuisance to be stopped or specify works to be undertaken. A Notice was served on Faith in Strangers on 23rd September 2021 regarding noise from amplified music. Faith in Strangers have appealed the Notice.

A noise recorder was installed in Flat 1 between 24th to 27th September and Officers were called out to witness the noise on 25th September, 2nd October and 9th October. In all instances loud music could be heard from within the complainant's home and considered to be a nuisance.

Environmental Health has had ongoing communication in an effort to resolve matters informally. However, it is evident that the sound insulation proposed and agreed in the original planning application has not achieved the desired outcome.

Measurements taken indicate that existing levels are those typically obtained between residential flats not those required by a commercial use, especially one where regular musical entertainment is held. While some noise is to be expected from a licensed premises, where music is regularly occurring or occurs after 11pm it is simply not reasonable to impact on neighbours ability to sleep. Advice was given on acceptable levels until 11pm but this has not been consistently adhered to and levels after 11pm will need to be further reduced so as not to disturb sleep in neighbouring flats.

Broadly speaking, occasional infrequent entertainment noise can be tolerated until 11pm but frequent occurrence or entertainment noise after 11pm should not be permitted to interfere with sleep. Environmental Health asserts that there is sufficient evidence of a breach of the licensing objective of preventing public nuisance to residents in Cliftonville Court.

Therefore Environmental Health are seeking to review current licence conditions as well as an amendment to permitted licensable hours, as follows:

1) Remove the Live Music Act exemption; which deregulates Live and Recorded music before 11pm (suspension 74) and give renewed effect to an existing condition relating to music.

2) A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location approved by the appropriate officer of the Council and set at a level:

LAeq	L10	L90	50Hz	63Hz	125Hz
81 dB	84 dB	73 dB	57 dB	65 dB	70 dB

3) All live and recorded music to be stop at 11pm.

4) All tables and chairs to have rubber socks fitted to legs.

5) Hand dryers not to exceed 80dB LAmax

With reference to condition 2; the applicants have already been given advice on an acceptable music noise level until 11pm. Should the applicant make subsequent sound insulation improvements then this level can be reassessed and hopefully increase. Environmental Health would be available to give advice in this regard. Once it is established that music noise is not impacting on the neighbour's ability to sleep, a variation to extend regulated entertainment could be sought with supporting information.

Annex A – Planning Application details

Annex B – Complaints

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Annex 1

Annex C – Noise reports

Annex D – Correspondence with Faith in Strangers

Please provide as much information as possible to support the application
(please read guidance note 2)

Agenda Item 3 Annex 1

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

D

If you have made representations before relating to this premises please state what they were and when you made them

Agenda Item 3 Annex 1

Please tick yes

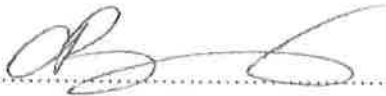
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 19th October 2021

Capacity Senior Environmental Health Practitioner

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Amanda Berry Environmental Protection Officer Environmental Health Thanet District Council	
Post town Margate	Post Code CT9 1XZ
Telephone number (if any) 01843 577422	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) amanda.berry@thanet.gov.uk	

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Annex 1

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Annex A

PLANNING APPLICATIONS TEAM

Our Ref: CON/TH/19/1214
Please Ask For: Marie Brook-Smith
Direct Line Number: 01843 577125
Email: marie.brook-smith@thanet.gov.uk
Date: 18 September 2019



Mr Richard Randles
Faith in Strangers Ltd
17 Ethelbert Crescent
Margate
Kent
CT9 2DY

Dear Mr Richard Randles

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: Application for approval of condition 7 (Noise) of planning permission F/TH/18/0875 for the change of use of first floor from nightclub to a mixed office (Use Class B1) and restaurant (Use Class A3 and A4) and arts venue (Use Class D1)

LOCATION: Franks Night Club , Ethelbert Crescent, MARGATE, Kent, CT9 2DY,

The Thanet District Council, as District Planning Authority, has now considered details submitted pursuant to conditions attached to the above mentioned planning consent.

I would confirm that the following conditions attached to planning consent reference number F/TH/18/0875 have now been approved:

Condition No's –

7 Noise

Details in the following documents / plans submitted on 9th September 2019 and 14th September 2019 are considered acceptable.

Ceiling Cross Section
Layout Drawing Showing Sound Proofing
Layout Drawing
Sound Measures
Noise Reducing Measures

The following conditions require the submission of details to be approved in writing by the Local Planning Authority.

4 (Odour Control)

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ

01843 577000
www.thanet.gov.uk

Agenda Item 3

Annex 1

You should also refer to the decision notice for all conditions that do not require the submission of details but remain in force.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E. Fibbens', written in a cursive style.

Emma Fibbens
Chartered Planner

Pretext

The purpose of this document is to outline all of the sound reducing materials and treatments used in the business 'Faith in Strangers', with the aim of controlled noise levels to that set out in planning REF: F/TH/18/0875.

Context

Faith In Strangers will operate as a workspace for designers, artists and creative professions during the traditional working week and as an event space with sound system during the evening and at weekends. The building was originally used as a nightclub, firstly as Starlight and most recently as Franks.

Expertise

Acoustician and managing director of F1 Acoustics, Robert Miller, was advised on both sound insulation and room acoustics.

Soundproofing treatments

In order to ensure that noise escaping the premises is controlled to -5db below the background noise, measures have been taken in the refurbishment of the building. Noise reduction is being managed in two ways. Firstly, by a scheme of sound insulation that will reduce vibrations by decoupling materials from the building superstructure and layered materials designed to reduce airborne noise. See Annex 1, Annex 2 and Annex 3 for sound reduction treatment details. Secondly, the room acoustics and sound system will be designed to work together so that enhanced clarity of sound will mean that a lower overall volume is required.

During the construction phase, a narrow shaft approximately 200x100mm, was uncovered. The shaft, that runs from the premises ceiling up through the north facing flats, was hidden by a piece of 12mm ply. This will have been a weakness in the premises soundproofing dating back many years. To resolve this issue and meet current fire regulations. 3 sheets pieces of Rockwool PROROX SL930 (RW3), Firerated expanding foam and 2 pieces of 15mm fireboard were installed from below. Access from above allowed us to install loose fill Vermiculite to pack any gaps. Further, the owners of the flat immediately above the premises were in the process of renovating and instructed a builder to seal the whole thing with a 6-inch concrete cap.

Sound system - Amplified music

Through the use of a multi-channel audio system, consisting of 34 speaker positions, we are able to play amplified music at a lower level, as no matter where you are in the venue, the sound source is closer to the customer. This is for lowering damaging sound levels, noise pollution reduction and also for a better quality and higher clarity of sound.

As part of that wish for clarity and high quality we also have high end EQ and Digital Signal Processing units that can deal with problem frequencies as well as limit the maximum volume.

In order to protect our customers' health as well as reduce the impact on neighbours, our sound system will never exceed 100db - but anticipate in being played at significantly lower volumes for the majority of events.

Our sound engineer will tune, adjust and limit the system to ensure that the sound system does not breach the planning conditions set out by the EHO in F/TH/18/0875.

Acoustic Treatments

We have spent time designing acoustic treatments that absorb sound waves and deter standing waves, therefore to achieve a higher clarity of sound at a lower volume. This also stops customers having to shout above each other which in turn stops the venue having to push a higher overall volume.

Testing and measuring

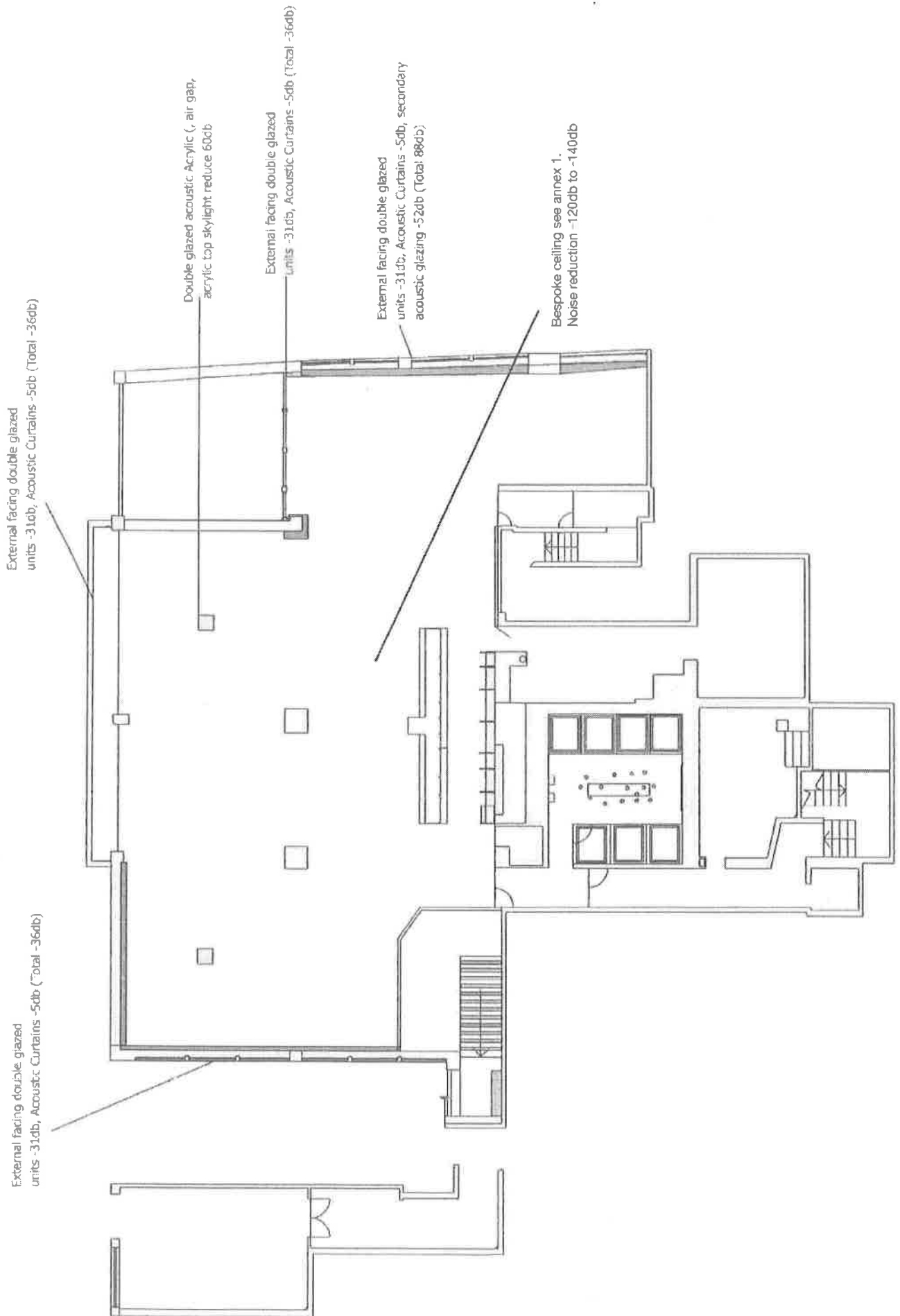
Testing will be carried out on a bi-annual basis, measurements recorded and made available to the local Environmental Health Office. A class 1 Castle Sonus sound level meter was hired for the initial measurements taken below.

Background noise

The sound will be measured from three locations see Annex 4. In accordance with the planning requirements, A-weighted background noise measurements were taken for a 15 minute duration - LAeq 15. It was noted that the west side, which is elevated away from the main road was less effected by vehicular activity.

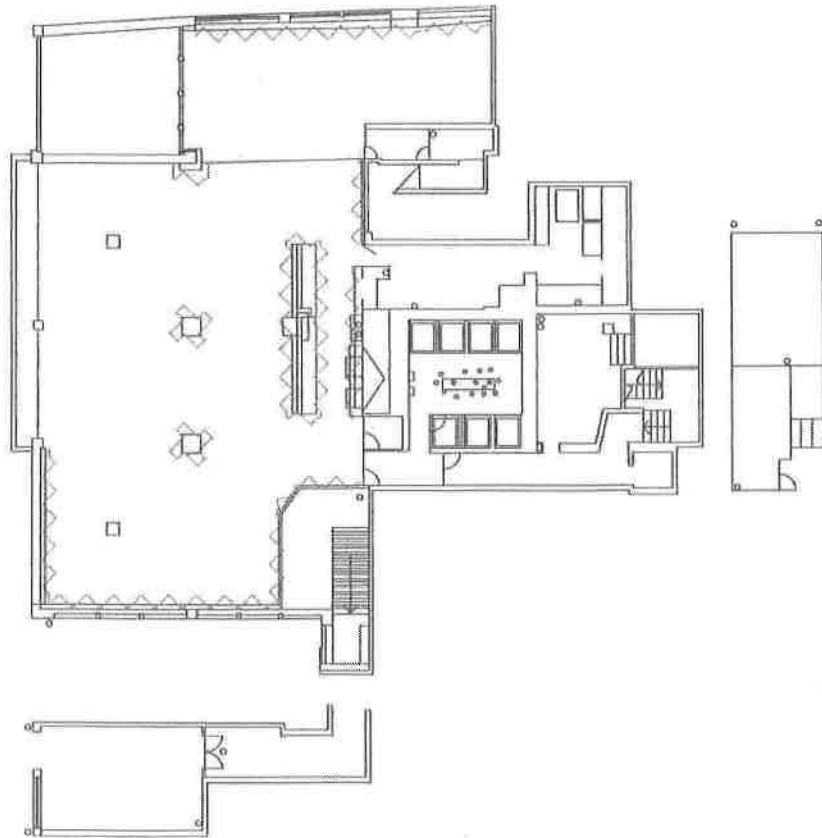
Results below were taken on Friday 13th September 2019.

Location	LAeq (Average)	Time
East side	55.8dB(a)	23:00-23:15
North side	60.4dB(a)	23:16-23:31
West side	48.9dB(a)	23:32-23:47



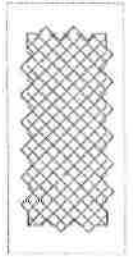
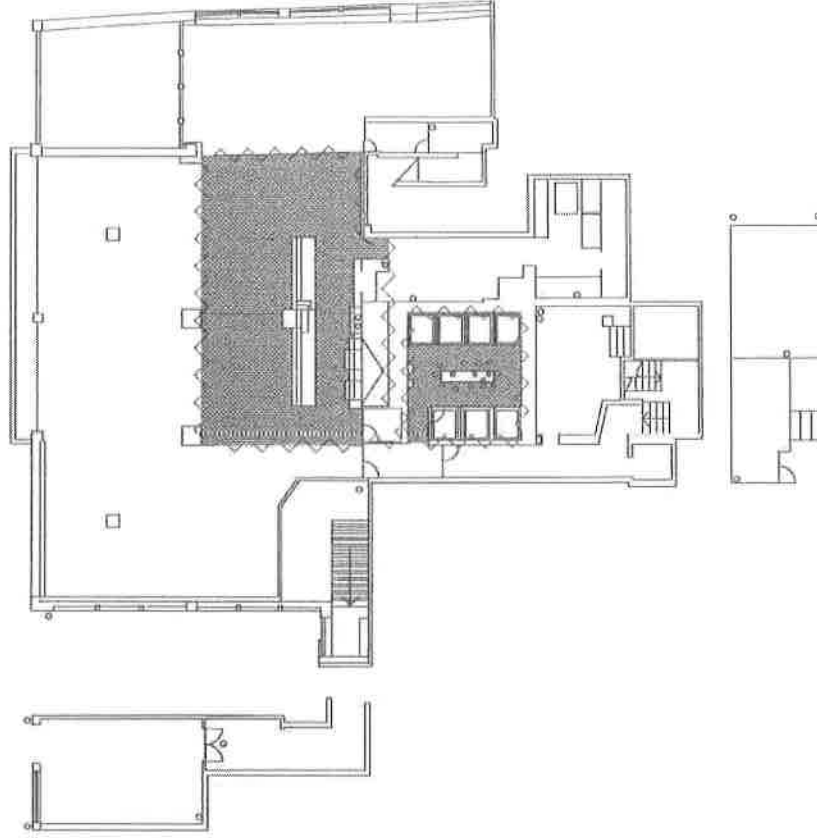
LAYOUT DRAWINGS SHOWING SOUND PROOFING FEATURES FAITH IN STRANGERS MARGATE UK

ACOUSTICALLY ISOLATED STRUCTURES



THE PINK ZIG ZAG LINES SHOW AREAS THAT ARE ACOUSTICALLY ISOLATED AND BUILT WITHIN THE EXISTING STRUCTURE OF THE ROOM

FLOATED, SOUND PROOFED CEILING




THE BLUE ZONES REPRESENT THE AREAS WITH FLOATED SOUND PROOFING ON THE CEILING

DRAWINGS NOT TO SCALE. UNITS IN MM.
FOR SOUND PROOFING RECORD BY FAITH IN STRANGERS MARGATE.

Agenda Item 3 Annex 1

This drawing not to be scaled
Verify all dimensions on site

Notes:

-  Planning Application Site
-  Total Site in Ownership

STUDIO TEKTO
 Client: Jeremy / Richard
 Project: Frank
 Title: Site Plan
 Drawn By: M32
 Scale: 1:1000 @ A3
 Drawing Number: FR-SE00
 Date: 10.01.18
 Rev: 1/2/2

**STUDIO
TEKTO**

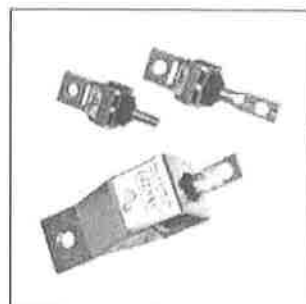
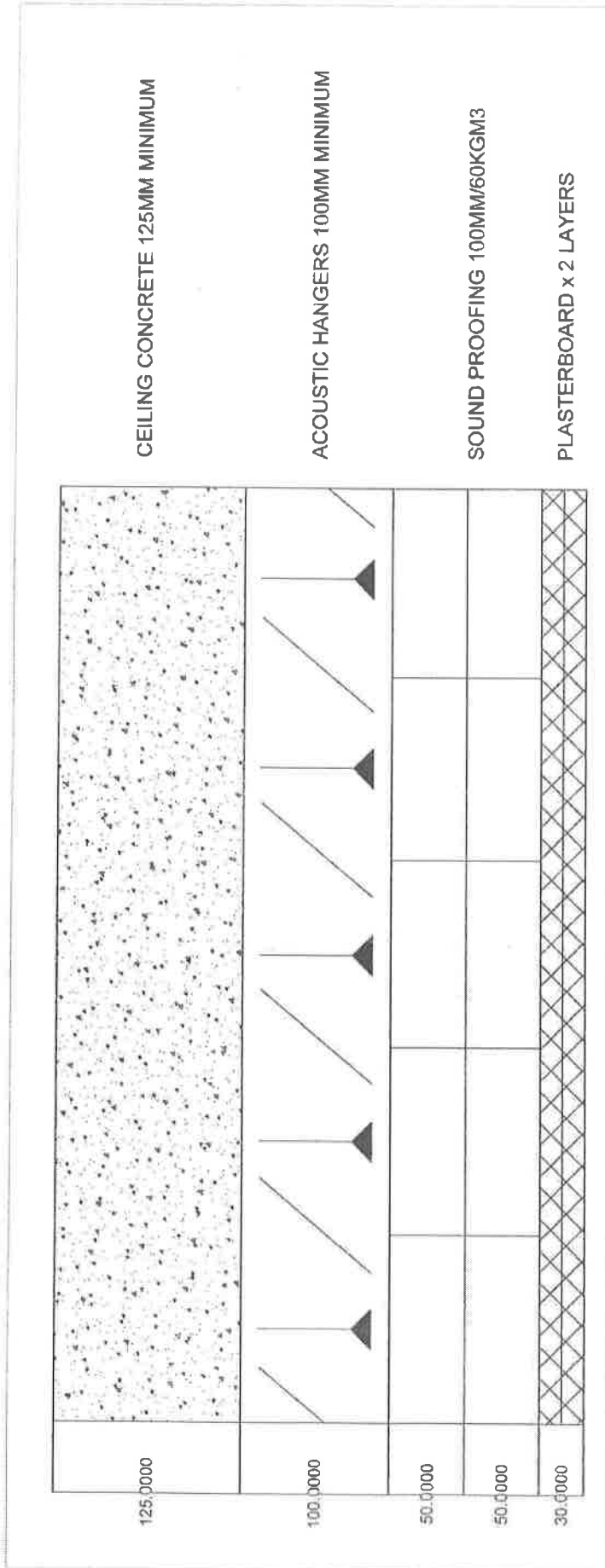
11th Floor, 110 Broad Street, Bristol, BS1 2TA
 +44 (0)117 615280
 info@studio.tekto.com



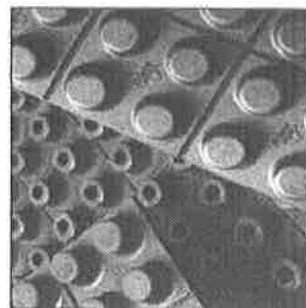
SITE PLAN

SOUND PROOFING ELEMENTS OBTAINED FROM CHRISTIE & GREY LTD
 www.christiegrey.com (images taken from website for display purposes)

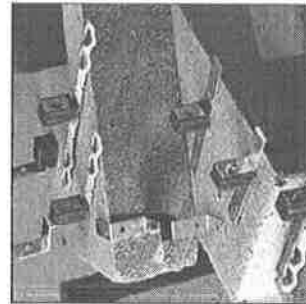
CEILING CROSS SECTION DRAWING & DIMENSIONS WITH IMAGES OF SOUND PROOFING ELEMENTS USED FOR FAITH IN STRANGERS MARGATE UK



ACOUSTIC CEILING HANGERS ACH50 HOLDING UP THE CEILING



ANTI VIBRATION STUDFLEX MATS AND PADS FOR AREA ISOLATION MOULDED IN FIRST GRADE NATURAL RUBBER TO BS5176



ACOUSTIC WALL TIES DESIGNED TO BS EN 845 WITH DRIP AND SAFETY FEATURES



PHOTOGRAPHS ABOVE AND ABOVE RIGHT SHOWING SOUND PROOFING ELEMENTS ON SITE WHICH STOP THE SOUND PROOF WALL FROM TOUCHING THE EXISTING STRUCTURAL WALL



PHOTOGRAPHS ABOVE AND ABOVE RIGHT SHOWING SOUND PROOFING ELEMENTS ON SITE WHICH STOP THE SOUND PROOF WALL FROM TOUCHING THE EXISTING STRUCTURAL WALL

DRAWING NOT TO SCALE. UNITS IN MM.
 FOR SOUND PROOFING RECORD BY FAITH IN STRANGERS MARGATE.



DESIGN AND ACCESS STATEMENT 20.06.2018

Franks Nightclub

Ethelbert Crescent, Edgar Road, Cliftonville, G19 0AF

Application for Change of Use.

Contents:

- 1 - Proposal
- 2 - Existing Site
- 3 - Use Class
- 4 - Opening Hours
- 5 - Cycle Storage
- 6 - Waste and Extraction
- 7 - Access
- 8 - Highways
- 9 - Public Nuisance

1 - Proposal.

This planning application seeks permission for change of use. The property has been previously been granted planning permission:

{Previous Application - FTL14/0122 - Change of Use from Nightclub (Use Class Sui Generis) to Restaurant (Use Class A1), offices and ~~no~~ ~~to~~ ~~be~~ ~~self~~ ~~contained~~ ~~flat~~}

Advice was taken from the pre-application meeting and the letter in response ((PRE/REF/18/001)).

Please note circumstances have changed and the new tenants are now only taking the first floor of the property.

The Owners have been seeking a new tenant for the site since July 2016. The new tenants seek to discard the residential planning and retain the current use predominantly as Office (B1) but add ancillary use as a members Bar and Restaurant A3/A4, with the sale of hot food and an arts venue (D1) - Mixed Use. The main floor space will function as B1 no less than 51% percent of the time.

Please Recycle

Flying Colours

The space will provide a place for freelancers, small businesses and entrepreneurs to rent a desk on an ad hoc or permanent basis and then relax in the evenings with their guests. It will enhance and celebrate Margate's arts and culture scene by hosting arts, performance and dining events. Entry to the workplace and establishment will only be granted to:

- Fully registered members
- Signed in guests of members
- Temporary members (ticketed)

This model has proved highly successful, internationally, by forming a creative entrepreneurial community among members. The new tenant has a proven track record of this with Creative Blocks and Curio Cabal in Shoreditch, London.

The space will be a well thought-out and forward thinking design, focussed on the sea view and bringing the external elements of nature inside. Flying Colours will strive to be energy efficient and incorporate sustainable technology at every feasible opportunity.

The project is very well suited to the economic plans for Cliftonville and Thanet, providing workspace and facilities for the local community, whilst helping contribute to the development of Cliftonville as a desirable residence to potential migrants from London and further elsewhere.

Cliftonville Court Residence and Leisure Complex was originally designed to be a social and economic hub in the local area. Flying Colours will contribute to restoring the building to its intended use and help to diversify the the local identity.

2 - Existing Site

The old Franks Nightclub is on the north-east corner of the Cliftonville Leisure Centre Complex. The site also contains Buggy's Bowling Alley, Gains Amusements, Olympia Cafe as well as twelve existing flats known as Cliftonville Court set back from the front elevation. The site also benefits from being all in one ownership.

Flying Colours



Frank's has been vacant since the early 2000s. The rest of the site is active and in full and diverse occupancy. Both levels have previously enjoyed expansive sea views and the ground floor was a successful pub, The Bowlers Arms, for nearly 40 years. The last tenants operated a pub on the ground floor and a nightclub on the first floor.

I - Use Class

See drawing [FRPEP.00_Proposed_Floor_Plan]

Advice has been taken from the pre-application meeting and response (PRE_PRL18_001)

Since then the tenants have decided to take the first floor only and remodel the business with a stronger, member based, offering.

Please Recycle



4 - Opening Hours

Our office facilities will house many start-ups, sole traders and small companies that will be under their own time demands and pressures to meet deadlines. For this reason we will require 24 hour access for our members to use the space to work. The hours that we host licensable activities will be in accordance with permissions set by the Thanet District Council Licensing Department.

5 - Waste and Extraction.

The existing bin storage is perfectly adequate to serve the needs of proposed operations. Waste and recycling will be arranged to be collected after 9am as to not cause a nuisance to neighbouring residents.

The kitchen extraction system will meet all requirements of health and safety, building regulations and the outlet will be out to the private bin store area, at the back of the site. This is following the same route as the previous tenants.

See drawing for extraction route **FR.PFP.00_Proposec_Floor_Pans,**

6 - Cycle Storage

See drawing **FR.PFP.00_Proposec_Floor_Pans,**

The Pre-Application response (PRE_PRE18_0011) called for:
"secure and covered cycle parking should be provided in accordance with KCC standards."

This will be achieved by making use of the securely locked and covered bin storage area as shown in the previously stated drawing.

7 - Access

See drawing for entrance and exit **FR.EEL.01_Existing_Elevations,**

See drawing for fire escapes **FR.PFP.00_Proposec_Floor_Pans,**

Access to the site will use the northwest door, through a member only access system which leads into the lobby/reception area.

There are three alternative fire exits

The logo for 'Flying Colours' features the words 'Flying' and 'Colours' in a large, white, sans-serif font. The text is set against a dark background with abstract, overlapping shapes in shades of grey and black, suggesting a stylized sky or a colorful pattern.

8 - Highways

A condition of the previous planning permission stated that doors should not open out onto the public highway. Flying Colours seek no changes to current planning use. In the unlikely event that there is a queue to gain access, there is ample space in our lobby area, waiting on the public highway should not happen.

The business is being built for the local community, therefore the need for people to drive is not anticipated. If car parking is required then there is ample parking space available on the public car park above Olympia Cafe.

The building is served by local buses and taxi firms.

9 - Public Nuisance

As the space is a members only location with a guest sign in system, anti-social behavior is not anticipated nor any late night disturbances. Any performances will take place at the furthest point from the above residence, towards the Ethelbert Terrace Road. Our House Rules, which will be signed by members upon joining, will be strictly enforced and any anti-social behavior will result in membership being revoked.

CCTV will monitor the entrance and exit and all members will be reminded often to respect neighbours when leaving the property. The building was built as a leisure complex and has ample material between floors to resist the transmission of airborne noise.

Annex B

Ref	Dept	Date	Officer	Source Address	Details
WK/202157378	EH	11/08/2021	AB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music and noisy patrons
WK/202149276	EH	12/07/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music noise plus other Housing issues
WK/202147125	EH	02/07/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from music and people
WK/202141106	EH	11/06/2021	CB	No Source Specified	Amplified music
WK/202139844	FH	07/06/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music
WK/202139842	EH	07/06/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Concerns regarding noise from nightclub
WK/202137088	EH	26/05/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from internal doors/hand dryers in toilet
WK/202136652	EH	22/05/2021	AB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music
WK/202129481	EH	05/05/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from building works
WK/202048992	EH	25/07/2020	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music noise from events
WK/201960329	EH	26/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from music
WK/201960248	EH	26/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music
WK/201960938	EH	26/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music from event
WK/201956460	EH	04/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from construction
WK/201955326	EH	30/09/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music noise from events
WK/201951452	EH	04/09/2019	CB	No Source Specified	Change of use of first floor to a mixed office (B1) members bar and restaurant (A3/A4) and arts venue (D1) - TH/18/0875
WK/201904973	EH	29/01/2019	CB	No Source Specified	Residents Association Concerns over music licence being granted until 03:00 hours
WK/201904952	LIC	29/01/2019	JFB	No Source Specified	Concerned resident complaint re issue of licence until 3am
WK/201904862	EH	29/01/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Concerns over music licence being granted until 03:00 hours
WK/201904779	EH	28/01/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from building works
WK/201904950	LIC	28/01/2019	JFB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Complaint regarding issue of premises licence until 3am

Annex C

Annex C



Environmental Protection - Nuisance Control Service

OFFICER DETAILS			
Name Christopher Brown		Date Saturday 10th July 2021	
Time Call Received	22:45	Time Departure	22:53
Time Arrived at Site	23:09	Time Left Site	23:43
Time Finished	23:55	Hours	1 Hr

DETAILS OF CALL	
Complaint of: Loud music	
Details of Complainant	[Redacted] Cliftonville Court, Margate
Source of Complaint	Faith in Stranger, Ethelbert Terrace, Margate


OFFICER REPORT			
<p>Description of Visit: Met Mark Kennedy outside and proceeded into Cliftonville Court. On entry to the flat I went and stood in the front room. At 23:10 I opened the window to the side facing the car park and this did not affect the music level in the room which was noticeable. When opening the sliding doors this slightly increased the level but not significantly. There was audible dance music with the sound of people noise. At 23:18pm I went into the bedroom. there was a clear base beat which was audible and noticeable. At 23:19 I opened the window and noise was drowned out by external noise however with the window closed the noise was more noticeable. At 23:21 I could hear movement of furniture i.e a scraping type noise. People noise was clearly audible with the noise from the movement of furniture. At 23:22 I went into the second bedroom and the noise level was considerably louder. At 23:27 I could hear chanting of 'its coming home'. There was a tapping noise which was clearly audible. In my opinion it would disturb sleep and prevent sleep especially in the second bedroom. We left at 23:29 and went downstairs and entered Faith in Strangers. I spoke to both owners and they used the music system to turn it down. The music was not significantly loud but conversation over 1 metre could not be heard. I then left the area and returned to my car.</p>			
Assessment:		Action:	
Not witnessed	<input type="checkbox"/>	Notes only added to M3	<input type="checkbox"/>
Witnessed: no nuisance	<input type="checkbox"/>	Notice served	<input type="checkbox"/>
Witnessed: nuisance	<input checked="" type="checkbox"/>	Passed to Area Case Officer	<input checked="" type="checkbox"/>



Environmental Protection

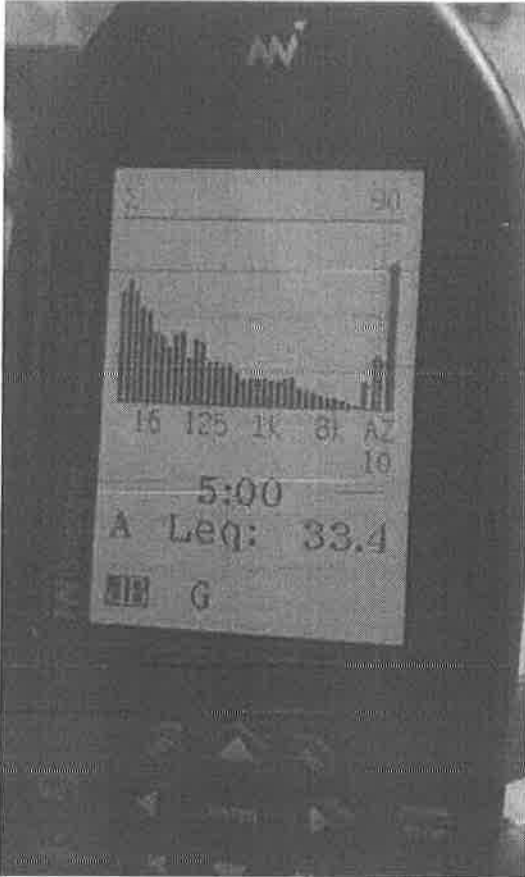
Nuisance Control Service

OFFICER DETAILS			
Name Amanda Berry		Date Friday 16th July 2021	
Time Call Received	22:45	Time Departure	22:50
Time Arrived at Site	23.10	Time Left Site	23:30
Time Finished	23:45	Hours	1

DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	 Cliftonville Court Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT
<p>Description of Visit: Entered Flat with Simon Hogben Public Protection Officer, the music was just audible in the front living room. The complainant said music was much lower than last weekend as they didn't have a DJ on, only recorded music but that it was preventing her from going to sleep.</p> <p>Windows in the complainant's home were closed and extraneous people noise and passing traffic were at times audible.</p> <p>I took a 5min measurement using a Nor-140 SLM. The level was 33dB LAeq(5min); and the Lmin was 27dB. The frequency analysis does indicate low frequencies were pervading through the property from venue below and were annoying. If the music were at this level until 11pm and occasional it wouldn't be a nuisance but if regular and after 11pm it'd likely to be a nuisance at this level.</p>

Agenda Item 3 Annex 1

<p style="margin: 0;">Margate Friday 23:16</p> <p style="text-align: right; margin: 0;">Edit</p>													
													
<p>Assessment:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Not witnessed</td> <td style="width: 50px;"></td> </tr> <tr> <td style="padding: 2px;">Witnessed: no nuisance</td> <td style="text-align: center; padding: 2px;">X</td> </tr> <tr> <td style="padding: 2px;">Witnessed: nuisance</td> <td></td> </tr> </table>	Not witnessed		Witnessed: no nuisance	X	Witnessed: nuisance		<p>Action:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Notes only added to M3</td> <td></td> </tr> <tr> <td style="padding: 2px;">Notice served</td> <td></td> </tr> <tr> <td style="padding: 2px;">Passed to Area Case Officer</td> <td style="text-align: center; padding: 2px;">CB</td> </tr> </table>	Notes only added to M3		Notice served		Passed to Area Case Officer	CB
Not witnessed													
Witnessed: no nuisance	X												
Witnessed: nuisance													
Notes only added to M3													
Notice served													
Passed to Area Case Officer	CB												

Environmental Protection

Daytime Nuisance Control Service



OFFICER DETAILS			
Name Katy Lane		Date Sat 4 th September 2021	
Time Call Received	21:26	Time Departure	21:35
Time Arrived at Site	21:40	Time Left Site	22:05

DETAILS OF CALL	
Complaint of:	amplified music
Details of Complainant	[REDACTED] liftonville Court, Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers

OFFICER REPORT	
Description of Visit:	
It was a windy evening and when arriving at the location there was no music audible externally. All windows to Faith in Strangers were closed. On entering the flat we were taken into the lounge, the TV was turned off. A light bass could be heard. The use of handriers in the premises below were also audible. The music became louder and singing could be heard but not at a level that you could distinguish the words. This was from a DJ/sound system.	
We took an assessment in the front and rear bedroom and the music could be heard in both rooms. It was louder in the front bedroom which is the bedroom used by the complainant. We opened the window and the sound of the wind and traffic drowned out the music. It was not an evening that you would want to have your windows open. I asked for the TV to be turned on. It was turned on at a low level which I did not feel was	
PTO ☑	
Assessment:	Action:
Not witnessed	Notes only added to M3
Witnessed: no nuisance	Notice served

Agenda Item 3
Annex 1

Witnessed: nuisance	x	Passed to Area Case Officer	AB
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OFFICER REPORT
Continued <input checked="" type="checkbox"/>
consistent of the level it would be watched at. I turned the TV up to a reasonable level
(There was no numbers to specify the level) and the bass was still audible over the
TV. When leaving the flat it was noted that the music was audible in the communal
hallway.
I feel that the noise level would affect sleep



Environmental Protection
Nuisance Control Service

OFFICER DETAILS			
Name Alison Stocker		Date Saturday 18th September 2021	
Time Call Received	planned visit	Time Departure	11:00
Time Arrived at Site	23:25	Time left	23:50
Time Finished	00:15	Hours	2

DETAILS OF CALL	
Complaint of: Music	
Details of Complainant	Margate Cliftonville Court, Ethelbert Terrace
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT
<p>Description of Visit:</p> <p>Picked up [redacted] from St Peters at 11:10 and headed to the above, an arrival we could hear music and lights flashing from Faith in Strangers, we walked to the front of the building and saw a queue of people waiting to enter.</p> <p>Once inside No. 3 music, patron noise and shouting could be heard from below. A DJ was playing disco type music. A whinny noise could also be heard from the hand drying machines in the toilets. Georgina explained that actually it was noisier last night, but hopefully the recorder had picked that up.</p> <p>Whilst there we visited [redacted] The layout of this flat was slightly different. We entered the lounge where we could hear the music, a drum beat from below, however not as bad as [redacted] They said they have more patron noise. They also have a small balcony which leads to overlooking the first floor car park, this attracts a lot of patrons from the club messing around. We could not go into the baby's room as he was sleeping. [redacted] explained he is often woken by the shouting and music from downstairs.</p>

They put the TV on number 8 which was substantial for the small flat, and the beat from down stairs could be heard. She explained that she thinks they are nearer to the toilets than Flat No 7 and often hear fights break out with raised voices.

When we left we walked to the front of the building, where the queue had grown, possibly 25 waiting to enter.

Assessment:

Not witnessed	
Witnessed: no nuisance	
Witnessed: nuisance	x

Action:

Notes only added to M3	
Notice served	
Passed to Area Case Officer	



Environmental Protection

Noise recorder transcription

Complainant	
Name	[REDACTED]
Address	Cliftonville Court, Edgar Road, Margate
Location of recorder	Bedroom
Source	
Name	Faith in Strangers
Address	17 Ethelbert Crescent Margate
Date of recordings	From 16 th Sept 2021 To 20 th Sept 2021

Date recorded	Time recorded	Description of noise
Thurs 16 th Sept 2021	10:12 -10.17	Officer install, reference tone 70dB WAV0., confirmation of location/date/time WAV1. Calibrated and secured.
Fri 17 th Sept	19.54	Muffled voices and music audible, WAV 2
	19.56	Muffled voices and music audible. Complainant heard making notes. WAV 3.
	20.30	Muffled voices and music audible. Chairs being moved. WAV 4.
	20.52	Internal sound from tv heard initially but music and patrons audible above tv. WAV 5
	21.30	Music bass beat heard clearly, chairs scraping across floor. WAV 6
	21.56 – 21.59	Bass beat plainly audible and instrumental sound also heard. Brief pause in bass beat at 21.58.55 sees a drop of about 4dB but muffled voices from patrons still could be heard. WAV 7 & 8
	22.27-22.30	Repetitive thudding from bass beat plainly audible and intrusive, chairs being moved across floor. Complainant's phone sounds and music can be heard above it. WAV 9 & 10
	22.40	Music level has increased, bass beat and music clearly heard and intrusive. Almost discern the lyrics. WAV11.

PTO

Agenda Item 3

Annex 1

Date recorded	Time recorded	Description of noise
Fri 17 th Sept 2021	23.00	Heavy bass beat and chair movements clearly heard. WAV12
	23.12	'I'm every woman one' lyrics are discernible in places and bass beat again intrusive. WAV 13
	23.30	Heavy intrusive bass beat 31dB. WAV14
Sat 18 th Sept	00.34	Heavy bass beat WAV 15.
	01.51	Music noise level has significantly reduced but is still present. WAV 16
	02.30	Voices from outside in street. No music audible. Occasional thud but unclear of source. NB Background levels drop to 18dB without music present. WAV 17
Sat 18 th Sept	19.52	Complainant movement initially. Singing from customers on external balcony. WAV18
	22.12	Music audible, chair movement. WAV 19
	22.36	Less intrusive than Fri evening but bass still noticeable. WAV 20
	22.44	Easily follow the rhythm of the song and beat is clear. WAV 21
	22.54	" "WAV 22
	23.04	Music is louder now, thudding plainly audible. WAV 23
	23.23	Louder again, intrusive bass beat (around 33dB) – would disturb sleep. Doorbell **TDC Officer arrives see report. WAV 24
	23.41	Music would disturb sleep around 29dB. WAV 25
	23.58	Music level has increased, vocals apparent, bass very intrusive. Hitting levels of 38dB. WAV 26
Sun 19 th	00.10	Intrusive music would disturb ability to sleep. WAV 27
	00.20	Intrusive music would disturb ability to sleep; rhythm clear, levels around 35dB, chair movement. WAV 28
	00.22	Complainant commentary re 'this is work your body by Diana Ross'. Bass frequencies would disturb sleep. WAV 29
	00.26	'somebody tell me' song can be discerned; levels around 34dB. Patrons can be heard singing. WAV 30
	00.41	Complainant commentary. Song discernible and music intrusive. WAV 31

Agenda Item 3

Annex 1

	00.52 – 00.55	Madonna 'like a prayer' song clearly heard and commentary from complainant. Thumping noise extremely intrusive – at points reaching 39.4dB. WAV 32 & 33
	01.10	Complainant commentary 'hung up' by Madonna. Plainly audible. WAV 34
	01.26	Intrusive level of music. Wav 35
	01.58-02.02	Slightly lower levels but still intrusive, heavy bass beat pervading through to bedroom and would impact on ability to sleep. Thudding from doors not fitted with closures. WAV36 & WAV 37
	02.20	Levels reduced but bass noise still present but given time of night would still be considered unreasonable. WAV38
	03.30	Music now off. Movement of furniture causing noise level to jump from 19dB to 35dB. WAV39
	17.30	Movement of furniture across floor and doors. WAV40
	17.52	Noise from movement of furniture across floor. WAV 41
	17.58	Thumps and bangs from movement of furniture. WAV 42
Mon 20 th Sept	10.08	Officer collection, confirming date/time/location. WAV43

Assessment:		Action:	
Marginal		Advise complainant	
Definite	X	Serve Notice	X
No nuisance		Close case	
		Ongoing investigation	



Environmental Protection

Nuisance Control Service

OFFICER DETAILS			
Name Simon Hogben		Date Saturday 25th Sept 2021	
Time Call Received	23.15	Time Departure	23.20
Time Arrived at Site	23.41	Time Left Site	23:51
Time Finished	00.10	Hours	1

DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	Cliftonville Court
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT	
<p>Description of Visit: Met with _____ Goodall on Edgar Road, loud music could clearly be heard coming from faith in strangers night club located below the flats. Dance music with a heavy bass could clearly be heard in the living space of the flat. Vocals from the music could be made out but the main issue was the bass. The music could also be heard just as loud in the bedroom of the flat. Patron noise, furniture being moved and the hand dryer could all be heard in the flat clearly. Noise coming from outside the nightclub could also be heard in the flat as people queued and were entering the nightclub. It was a clear evening and all window were closed in the flat. The noise volume was about the same as my last visit which was on 11/9/2021.</p>	
Assessment:	Action:

Agenda Item 3
Annex 1

Not witnessed		Notes only added to M3	
Witnessed: no nuisance	X	Notice served	
Witnessed: nuisance		Passed to Area Case Officer	AB



Environmental Protection

Noise recorder transcription

Complainant	
Name	[REDACTED]
Address	Flat 1 Cliftonville Court, Edgar Road, Margate
Location of recorder	Bedroom
Source	
Name	Faith in Strangers
Address	17 Ethelbert Crescent Margate
Date of recordings	From 24 th Sept 2021 To 27 th Sept 2021

Date recorded	Time recorded	Description of noise
Fri 24 th Sept 2021	10:28	Officer install, reference tone 70dB WAV0, confirmation of location/date/time WAV1. Calibrated and secured.
Fri 24 th Sept	23.44	Low level bass around 20dB, WAV 2
	23.50	Music just audible. WAV 3.
	00.04	Thudding – unclear origin. Music almost inaudible. WAV 4.
	00.24	Voice whooping, music in audible around 19dB WAV 5
Sat 25 th Sept	22.18	Music level has increased. Now clearly audible bass beat. WAV6. Around 25dB Complainant's dog snoring.
	22.38	Bass beat plainly audible. WAV 7
	23.08	Music level increases to around 29dB. WAV 8
	23.16	Clear rhythm, prominent bass. WAV9. Internal noise from dog.
	23.56	Heavy bass beat, around 30dB. WAV10 NB – NCS Officer visit at 23.41-23.51
Sun 26 th Sept	00.16	Heavy intrusive bass music. Would be difficult to sleep. WAV 11.

Agenda Item 3 Annex 1

PTO

Date recorded	Time recorded	Description of noise
	00.48	WAV 12. Heavy bass music, chairs scraping across floor.
	01.06	Music level around 31dB. Bassy and intrusive. WAV 13
	01.22	Lower level 28dB but still plainly audible, patrons can be heard whooping. Brief gap in music an level drops to 24dB. WAV14
	01.44	Patrons audible whistling and shouting. Music increased in level again to around 31dB and heavy intrusive bass would prevent sleep. WAV 15.
	01.48	Stomping and whooping from patrons significant as well as bass. WAV 16
	01.54	Louder levels at around 34dB. Hollering from patrons along with the music. Intrusive. WAV 17
	02.00	Bass and music still plainly audible and significant. Vocals too. Dog snoring. WAV18
	02.10	Music plainly audible and intrusive – around 30dB. When bass drops out music level drops to 25dB. WAV 19
	02.14	Music, bass and vocals significant and would affect ability to sleep. WAV 20
	02.24	Hollering and whooping from patrons. 'I want your love lyrics audible and bass cause levels to increase to around 30dB. WAV 21
	02.30	Music stops at 02.31 to sounds of applause and whooping from patrons. WAV 22. See graph.
	03.07	Furniture being moved. WAV 23
	03.11	Furniture being moved. WAV 24
	03.15	Noise from movements of furniture plainly audible and impulsive. WAV 25
	03.29	Furniture movement. WAV 26
	09.31	Furniture movement. WAV 27
	09.54	Officer collection confirming date, time and location. WAV 28

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Assessment:		Action:	
Marginal		Advise complainant	
Definite	X	Notice Served	X
No nuisance		Close case	
		Ongoing investigation	



Environmental Protection

Nuisance Control Service

OFFICER DETAILS			
Name Abigail Young		Date Saturday 2nd October 2021	
Time Call Received	19:05	Time Departure	19:14
Time Arrived at Site	19:30	Time Left Site	19:45
Time Finished	next call	Hours	1

DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	Flat Cliftonville Court, Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT	
<p>Description of Visit: Met with Alison Stocker outside Cliftonville Court, it was raining and windy on arrival and no music could be heard from the street.</p> <p>When we entered Flat at 19:30 the beat of the music was audible in the hall; on approach to and once in the lounge the music was plainly audible. The music was DJ/ Disco music and the lyrics were also detectable. Patron noise was also distinct above the music, I witnessed footsteps on entry to the facility, chairs being pulled and the hand dryer.</p> <p>The noise was intrusive and would affect the use and enjoyment of the property. The music level remained constant throughout the duration of my visit.</p>	
Assessment:	Action:

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Not witnessed		Notes only added to M3	
Witnessed: no nuisance		Notice served	
Witnessed: nuisance	X	Passed to Area Case Officer	



Environmental Protection

Nuisance Control Service

OFFICER DETAILS			
Name Mark Kennedy		Date Saturday 9th October 2021	
Time Call Received	23:06	Time Departure	23:08
Time Arrived at Site	23:20	Time Left Site	23:30
Time Finished	23:55	Hours	1

DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	Cliftonville Court, Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers Ethelbert Terrace Margate

OFFICER REPORT	
<p>Description of Visit: Met with Abigail Young to carry out the visit. It was a mild evening and people may want their windows open for ventilation.</p> <p>When we entered Flat 1 the music was plainly audible and pervaded the front living room and all rear rooms. The music was clearly audible and the lyrics were discernible. The music was coming from Faithful Strangers. The volume would easily disturb sleep and would render use of the rear bedroom unusable. It would also intrude on the use and enjoyment of the living room. The bass beat was audible over the use of the occupant's television. The music level remained constant throughout the duration of my visit.</p> <p>Windows in both the complainant's and perpetrator's home were closed.</p> <p>Based on this evening, the level of music was a significant intrusion on the use and enjoyment of the complainant's home.</p>	
Assessment:	Action:

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Not witnessed		Notes only added to M3	
Witnessed: no nuisance		Notice served	
Witnessed: nuisance	X	Passed to Area Case Officer	AB

Annex D



Date 27th May 2021
Ref WK/202137088

The Occupier
Faith in Strangers
17 Ethelbert Crescent
Margate
Kent

Dear Sir/Madam

Environmental Protection Act 1990 – Section 79 (1)
Complaint of Nuisance of internal noise (doors/hand dryers in toilet) at Faith in Strangers,
17 Ethelbert Crescent, Margate, Kent, CT9 2DY

We are writing to inform you that on 26th May 2021 we received a complaint from at least one resident in the area who claims they are being caused a nuisance from your premises. A nuisance can be defined as something that unreasonably interferes with someone else's enjoyment of their home or garden; it is not a single event or 'one-off' episode.

It may be that the complaint is not justified and no further action will be taken but if there is any possibility that you could be causing a nuisance to neighbours we ask that you consider what you can do to sort out the problem. Members of the Environmental Protection Team are always pleased to give advice and guidance if you would like any. We would like to hear from you what can be done to resolve any problem.

In all cases of this sort we ask the persons making the complaint to contact us again if there is no improvement in the situation. If this happens we then investigate the matter further.

If, as a result of our investigation, we confirm that a nuisance does exist, we are obliged to serve a legal document called an "Abatement Notice" on the person responsible. The notice would require that all practicable means are employed to prevent the nuisance. If the Abatement Notice is ignored then any further nuisance will be an offence which, on conviction in the Magistrates' Court, could result in an unlimited fine.

I hope that such action will not be necessary in this case. It is our policy not to reveal who has complained but if you would like any other advice please contact me on environmental.health@thanet.gov.uk

Yours faithfully

Mr C Brown
Environmental Protection Officer
christopher.brown@thanet.gov.uk
01843 577400

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk

Date 30th June 2021
Ref WK/202137088



The Occupier
Faith in Strangers
17 Ethelbert Crescent
Margate
Kent
CT9 2DY

Dear Sir/Madam

Environmental Protection Act 1990 – Section 79 (1)
Complaint of nuisance of internal noise (doors/hand dryers in toilet) and amplified music at Faith in Strangers, 17 Ethelbert Crescent, Margate, Kent, CT9 2DY

I write further to our letter of 27/05/21.

Since sending the letter we have received further evidence of on-going issues with noise emanating from your premises.

At this point I would like to arrange a meeting to discuss this evidence. Could you please contact me on the details below to arrange a visit to your premises? If I do not hear from you I will likely make an unannounced visit on Friday 9th July at around 12:00 pm.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Christopher Brown".

Mr Christopher Brown
Environmental Protection Officer
christopher.brown@thanet.gov.uk
01843 577400

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk



Date: 9th July 2021
Ref: WK/202136652

The Company Secretary
Faith in Strangers
17 Ethelbert Terrace
Margate
Kent
CT9 2DY

Dear Sir / Madam,

RE: Complaint of nuisance from various sources at Faith In Strangers, 17 Ethelbert Terrace Margate
Environmental Protection Act 1990 – Section 79 (1)(g) – noise emitted from premises so as to be prejudicial to health or a nuisance

I write further to my letters of 27/05/21, 04/06/21 and our meeting of 07/07/21.

During our meeting I outlined the complaints we have received and asked to discuss them. This prompted a good conversation on the subject matter.

To summarise the complaints we have received, they include:

- Noise from internal doors, possible squeaking.
- Noise from the use of hand dryers in the toilets.
- Noise from patron both inside and outside the premises. Including noise from patrons leaving the premises, congregating outside and a complaint from this weekend about shouting / chanting by occupants requesting further songs at the end of the night.
- Noise from music, described as an obvious base beat.
- Noise from furniture movement or other heavy objects. This has been reported as a particular issue early in the morning but has also been reported prior to you closing at night.

In terms of the hand dryer and door noise I will visit next week to make an assessment. This will involve an officer in the premises and an officer in the complainant's property. I will contact you on this either next week or the week after.

The noise from patrons externally, I note your comments on passing pedestrians. I am happy to accept this as more than plausible but I would advise that you consider writing a dispersal policy. This will be a process where you identify the noise and possibly health and safety risks with the end of the night dispersal process and document how you deal with it. Members of staff can then use it as an operational document. It doesn't have to deal with individual customers unless you wish to identify within it how to deal with difficult, violent or very drunk customers. It is more suited to noisy events such as large groups congregating and then leaving. As stated there is no requirement for you to do this but it can be helpful to us and yourself.

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In terms of noise from patrons inside I note the difficulty in tackling some customers with certain events. The only advice we can give is to try and avoid crescendo endings where the customer is left requesting or demanding more. It is noted that this is not always possible.

In terms of music noise your comments are noted in terms of the actions on video of one of your neighbours, however there is a clearly audible base beat on both the calibrated noise monitoring equipment we installed and noted during our visit of 11/06/21. We will continue to gather evidence however we are certainly concerned by the information we are receiving.


Finally there is the reported noise from the alleged movement / dragging of furniture or other heavy equipment. This is reported to be mainly early in the morning however we do have a recording on 04/07/21 at around 00:33am. With this I cannot confirm that this is a justified complaint however I would advise against generating significant noise outside of 23:00pm until 07:00am. If there are processes that you are performing such as the reset of a room for a differing use, or movement of furniture by a cleaner then this should be done in a manner that does not affect other premises. However again it is noted that there is little evidence to support this part of the complaint.

In summary this contact is an attempt to open dialogue on the complaints we are receiving and to discuss if there are any solutions to any known issues. This is also the chance for you to dispute any claims that you feel are unfounded.

The local authority will continue to investigate the matter and if further evidence comes to light on any of the issues above I will come back to you.

If you wish to discuss this matter further please contact me on the details below.

Yours sincerely



Christopher Brown
Environmental Protection Officer
Tel – 01843 577400
E-mail – Christopher.brown@thanet.gov.uk



Christopher Brown (Environmental Protection Officer)
<christopher.brown@thanet.gov.uk>

Re : 202136652 - Noise from Faith in Strangers, 17 Ethelbert Crescent Margate

Christopher Brown <christopher.brown@thanet.gov.uk>

13 July 2021 at 13:27

To: Faith In Strangers [REDACTED]
Cc: Amanda Berry <amanda.berry@thanet.gov.uk>

F.A.O Richard Randles and Jeremy Duffy,

I write further to my visit on Saturday night (10/07/21) at approximately 23:35pm.

For information we now have 6 complainants from separate households. Primarily about music noise affecting their homes.

Based on the visit of myself and my colleague we both concluded that in our opinion a statutory nuisance was being caused. The music level witnessed on Saturday night would prevent and disturb sleep and the music level on Friday night, if heard on multiple occasions would constitute a nuisance due to its ongoing and cumulative effect. We are now duty bound as an authority to serve an abatement notice. However we can consider forgoing this action if suitable measures can be found to prevent further nuisance from being caused.

At this time I suggest that we look at obtaining measurements of sound (noise). Myself and a colleague will visit and obtain measurements of the music system in both the complainants property and your premises. What we hope to achieve is a maximum level that can be played at the venue so that a further nuisance is avoided. I would hope to do this either tomorrow afternoon (Wednesday), Thursday (15th) after 3pm or Friday (16th) lunchtime (from 12:00pm onwards). This will involve the use of the music system at your premises and may cause some temporary disturbance to occupants. Please come back to me to arrange this as soon as possible.

In terms of the other issues noted, the movement of furniture was noticeable within the premises. As suggested during my visit you can look at rubber mounts for the chair legs but overall this may not resolve it. The issue is that the dragging of furniture across the floor is audible in the complainant property. Likely through the vibration of the chair leg and the flooring.

Patron noise is certainly an issue and has been noted on a number of occasions. This was particularly bad in the area from the patio doors onto the balcony down to the boundary wall with Cliftonville Court. At this time I can only foresee that the installation of additional sound insulation may aid or alleviate the issue. It also may aid the music noise issue. The complainants state that the removal of previous material to expose bare concrete may have caused the issues and I am learning towards agreeing with them based only on what I have heard.

Reportedly the door noise has reduced but the hand dryer noise still remains. I intend to deal with this issue during my visit to assess noise.

Outside of this there are the terms of the lease which you have outlined in previous meetings. This prevents occupants from complaining about nuisance. I will obviously take advice on this but I would be interested in the exact terms outlined in the lease that may inform our decision. If you do not have access to this I will seek it from another source.

You will note in our conversation at our meeting of 07/07/21 that I mentioned patrons attempting to get into Cliftonville Court thinking this was your premises. Unfortunately I have to report that the complainant again reported such an instance with a group of women on the Saturday night but I also witnessed this with two males ringing doorbells on the Friday evenings. It appears that this is certainly a matter that requires some thought from you.

In summary I am concerned by the effect on the complainant property and must take all reasonable action to resolve this matter. I welcome your cooperation in this matter and I look forward to your response to this email.

Regards,

7/13/2021

EKS Partnership Mall - Re : 202136652 - Noise from Faith in Strangers, The Crescent Margate

Christopher Brown
Environmental Protection Officer
Thanet District Council
Cecil Street
Margate
Kent
CT10 1XZ

Tel: 01843 577400

e-mail - christopher.brown@thanet.gov.uk or environmental.health@thanet.gov.uk



Christopher Brown (Environmental Protection Officer)
<christopher.brown@thanet.gov.uk>

Re: Sound Tests

Christopher Brown <christopher.brown@thanet.gov.uk>

16 July 2021 at 13:57

To: Faith In Strangers <[REDACTED]>

Cc: [REDACTED] Amanda Berry <amanda.berry@thanet.gov.uk>

Richard & Jeremy,

It appears that Tuesday 20th July at 18:00pm is acceptable to all parties. I have also found a second officer with Amanda volunteering. So unless you have any objections that is when we will visit.

Regards,

Christopher Brown
Environmental Protection Officer
Thanet District Council
Cecil Street
Margate
Kent
CT10 1XZ

Tel: 01843 577400

e-mail - christopher.brown@thanet.gov.uk or environmental.health@thanet.gov.uk

On Fri, 16 Jul 2021 at 12:30, Faith In Strangers <hello@faithinstrangers.co.uk> wrote:

Dear Christopher,

Further to our previous email, we ask kindly that we can do the tests required between Monday - Wednesday at 18:00 onwards to allow our current daytime revenue streams to not be affected. Although we cannot do this Monday coming as we had already offered the venue free of charge to a local charity for an event.

Ahead of doing sound tests we have created an itinerary that we can work through, noted below. Please let us know if there is anything else you would like to check so we can prepare to make it as prompt as possible so as to not inconvenience all involved for too long.

To explain, we have developed and built a unique and custom sound system that can perform multichannel audio. This is for artistic and future technological purposes but also for our building facilities. What this means is that we can control and send audio signals to each individual speaker in the premises. So the itinerary will involve producing and performing a sweeping frequency generator over each individual speaker along with music, at various volumes to see where the main trouble may lie and if there are solutions we can work out to mitigate transference.

We have also listed other assets in the timeline to check during the test, such as the newly rubber feet chairs, doors, hand dryers etc.

Added to this we brought plans for our digital signage forwards and finished it as per picture below. This is situated on the exit wall just before the lobby.

7/16/2021

EKS Partnership Mail - Re: Sound Tests



Please find pictures of the rubber feet for the metal legged chairs.



Date 23rd July 2021
Ref WK/202136652



The Company Secretary
Faith In Strangers
17 Ethelbert Crescent
Margate
Kent
CT9 2EA

Dear Sir / Madam,

Environmental Protection Act 1990 – Section 79 (1) (g) noise emitted from premises so as to be prejudicial to health or a nuisance

Re: Nuisance associated with amplified music, the movement of chairs and furniture, the operation of a hand dryer and patron noise at Faith in Stranger, 18 Ethelbert Crescent, Margate, Kent

I write further to my email of 13/07/21 and my subsequent visit to the premises of 20/07/21.

Prior to the meeting of 20/07/21 I noted the submission of the dispersal policy and the addition of rubber feet for chairs at the venue. These are both welcomed as a move by yourself to attempt to tackle issues we have raised. We also welcomed your acceptance of the visit we subsequently completed to perform testing.

During our visit of 20/07/21 we conducted a test where an officer was stationed in the complainant property and an officer in your premises. Music was played through two separate sound systems and measurements were taken.

These measurements were:

System	LAeq	L10	L90	50Hz	63Hz	125Hz
Main Sound System	81 dB	84 dB	73 dB	57 dB	65 dB	70 dB
Larger speakers near window	81 dB	84 dB	73 dB	70 dB	70 dB	69 dB

Please ensure that the levels are not exceeded. You may wish to install a sound limiting device which prevents anyone from altering the levels once set.

When speaking to my colleague they stated that while the music noise was audible in the complainants home it was not in their opinion a nuisance at that time, they could not however confirm that post 23:00pm. We will come back to you with an updated position following further investigation into noise impact after 23:00hrs but in the meantime I suggest that post 23:00pm the three key frequencies above are further reduced to prevent transfer.

While conducting the visits we also looked at furniture noise and the noise from the use of hand dryers in the toilet. When moved or operated both were audible in the complainant property. Given the times and frequency of operation of the premises we are concerned and welcome any changes you can instigate to reduce this transfer. The addition of rubber feet is

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noted however the noise was witnessed from furniture across the floor not just in the central position. The hand dryers also were clearly audible with a high pitch noise transferring above.

One point that I must bring to your attention is our concern over sound insulation. With experience a venue used for live music entertainment usually operates at between 95 - 105 dB. Given the figures we have shown above, the noted patron noise transfer and the other noise reported, in our opinion the venue is unsuitable for anything other than low level music entertainment. If you wish to use the venue for live and recorded performances of music entertainment then a significant upgrade on sound insulation is required, given what is being reported it may require some upgrading now to maintain your current operation. If you choose to embark on such works, please ensure to seek advice from a competent acoustic consultant who specialises in noise control and is a member of the Institute of Acoustics; please visit www.association-of-noise-consultants.co.uk/ for a list of consultants.

In summary we have visited, conducted testing and have identified a baseline up to 23:00pm. We will update you on levels post 23:00pm but have made some interim recommendations. We request you look at actions to improve noise transfer from furniture and equipment at the earliest opportunity. Internal patron noise is still noted, however a reduction in music noise may reduce this, this area will be monitored.

If you wish to discuss this or any other matter please contact me on the details below.

Yours sincerely



Mr Christopher Brown
Environmental Protection Officer
01843 577400
christopher.brown@thanet.gov.uk



Gmail

Amanda Berry (Senior Environmental Health Practitioner) <amanda.berry@thanet.gov.uk>

Noise Complaint Sat 5th

1 message

Amanda Berry <amanda.berry@thanet.gov.uk>

7 September 2021 at 15:43

To: [Redacted]

Dear Richard

Following Chris Brown's departure I have taken over his caseload which includes investigation into noise complaints from residents at Cliftonville Court.

For info, Officers were called on Fri and Sat this weekend. They were not able to attend on Friday but arrived at the complainant's home around 21:30hrs on Saturday.

They did make observations that would suggest the noise levels were in excess of those recommended to you previously.

I understand that you have arranged for an acoustic consultant to carry out investigations into possibly improving the sound reduction between FIS and flats above - if I can be of any help in this regard please let me know.

Kind regards

Amanda Berry
Senior Environmental Health Practitioner

Environmental Protection | Environmental Health | Thanet District Council | Cecil Street | Margate | Kent | CT9 1XZ

01843 577422
amanda.berry@thanet.gov.uk

If you are interested in air quality please visit www.kentair.org.uk for up to date information on latest pollution levels across the county.



Gmail

Amanda Berry (Senior Environmental Health Practitioner) <amanda.berry@thanet.gov.uk>

Re: Noise Complaint Sat 5th

1 message

Faith In Strangers <hello@faithinstrangers.co.uk>

7 September 2021 at 16:03

To: Amanda Berry <amanda.berry@thanet.gov.uk>

Hi Amanda,

Thanks for making contact. We have engaged with an acoustician who will be conducting a full survey and will hopefully offer a more detailed picture of what exactly is going on.

Best wishes,

Richard

On Tue, 7 Sept 2021 at 15:44, Amanda Berry <amanda.berry@thanet.gov.uk> wrote:

Dear Richard

Following Chris Brown's departure I have taken over his caseload which includes investigation into noise complaints from residents at Cliftonville Court.

For info, Officers were called on Fri and Sat this weekend. They were not able to attend on Friday but arrived at the complainant's home around 21:30hrs on Saturday.

They did make observations that would suggest the noise levels were in excess of those recommended to you previously.

I understand that you have arranged for an acoustic consultant to carry out investigations into possibly improving the sound reduction between FIS and flats above - if I can be of any help in this regard please let me know.

Kind regards

Amanda Berry

Senior Environmental Health Practitioner

Environmental Protection | Environmental Health | Thanet District Council | Cecil Street | Margate | Kent | CT9 1XZ

01843 577422

amanda.berry@thanet.gov.uk

If you are interested in air quality please visit www.kentair.org.uk for up to date information on latest pollution levels across the county.



Faith In Strangers

01843621337 | hello@faithinstrangers.co.uk

Address: 17 Ethelbert Crecent, CT9 2DY

Website: www.faithinstrangers.co.uk



Date 23rd September 2021
Ref WK/202136652



The Company Secretary
Faith in Strangers Ltd
17 Ethelbert Crescent
Margate
CT9 2DY

Dear Sirs

Environmental Protection Act 1990 – Section 79 (1)
Noise Abatement Notice
Faith In Strangers, 17 Ethelbert Crescent, Margate

Further to Mr Brown's letter dated 23rd July 2021 and subsequent emails; Environmental Health have evidence of an ongoing Statutory Nuisance. Officer visits and recorded measurements indicate nuisance occurred again on 4th, 17th & 18th September. While I appreciate you are making efforts to explore sound insulation improvements, the Council is under a duty to serve an Abatement Notice.

The enclosed Abatement Notice relates to music pervading into neighbouring properties. Advice was given to you regarding reasonable levels until 11pm; our evidence suggests that these levels fluctuate and at times exceed those levels recommended. For premises that have entertainment on a regular basis or after 11pm music should not be audible in any neighbouring noise sensitive property. Our assessments indicate that the noise is regularly pervading into neighbouring flats and would also disturb sleep. The Notice requires that you stop causing a noise nuisance to neighbours. How you go about this is entirely up to you but as has been raised with you, the sound insulation at the premises is simply not preventing noise transmission into the adjoining flats at Cliftonville Court. I would recommend that until this is effectively resolved that you suspended having any live or amplified music and certainly cease all music at 11pm. Attached to the Notice is your right of Appeal to the Magistrates Court which must be lodged within 21 days.

Yours faithfully

A handwritten signature in black ink, appearing to read "A Berry".

Ms A Berry
Senior Environmental Health Practitioner
amanda.berry@thanet.gov.uk
01843 577422

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk



**THE ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
SECTION 80**

ABATEMENT NOTICE IN RESPECT OF A STATUTORY NUISANCE

To: Faith in Strangers Ltd

Of: 17 Ethelbert Crescent, Margate, England, CT9 2DY

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Thanet District Council being satisfied of the existence and likely recurrence of a statutory nuisance at:

Faith In Strangers, 17 Ethelbert Crescent, Margate, England, CT9 2DY

within the district of the Thanet District Council arising from the following matters which are such as to be a nuisance namely:

Noise from amplified music emitting from your machinery

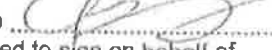
HEREBY REQUIRE YOU as the person responsible and occupier of the premises on which the nuisance arises immediately from the service of this notice to abate the same and prohibit its recurrence and for that purpose require you to: abate the nuisance.

In the event of an appeal, this Notice shall not have effect and be suspended.

YOUR ATTENTION IS DRAWN to the provisions of parts of Sections 79 and 80 of the Environmental Protection Act 1990 and in particular to Section 80 (3) which states that the person served with the notice may appeal against the Notice to a magistrates' court within the period of 21 days beginning with the date on which the person was served with the notice. The grounds for appeal are set out in the Statutory Nuisance (Appeals) Regulations 1995, Regulation 2 and 3, which are attached. You are strongly advised to seek immediate independent legal advice from a solicitor and take this Notice with you.

IF YOU CONTRAVENE or fail to comply with any requirement or prohibition imposed by this notice without reasonable excuse you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990. If you commit such an offence on industrial, trade or business premises you will be liable on summary conviction to an unlimited fine. If the offence is committed on another class of premises you will be liable on summary conviction to a fine not exceeding level 5 (currently £5,000) on the standard scale together with a further fine of an amount equal to 1/10th of that level for each day on which the offence continues after the conviction. If this notice is not complied with Thanet District Council may abate the nuisance and do whatever may be necessary in execution of the notice and recover from you any expenses reasonably incurred in doing so or in preventing the recurrence of a statutory nuisance.

DATED 23rd September 20 21

SIGNED 
Authorised to sign on behalf of
Regulatory Services Manager
Thanet District Council
PO Box 9
Cecil Street
MARGATE Kent CT9 1XZ
Amanda Beatty

THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(In these Regulations "the 1974 Act" means the Control of Pollution Act 1974 and "the 1990 Act" means the Environmental Protection Act 1990 and "the 1993 Act" means the Noise and Statutory Nuisance Act 1993)

Appeals under Section 80(3) of the 1990 Act

2 (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney; or
 - (iii) is a nuisance falling within section 79(1)(ga) (section 79(1)(ga) was inserted by section 2(2) of the 1993 Act) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, or any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance,
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

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Annex 1

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court -

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of notice

3 (1) Where -

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -

(b) either -

- (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
- (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

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All correspondence should be sent to our Leeds office

Our ref PW/BM/GFO001-1-7/5841

Your ref

09 November 2021

Dear

Review of Premises Licence for Faith in Strangers, 17 Ethelbert Crescent, Cliftonville, Margate, CT9 2DY

We represent the interests of Ms [redacted] and Mr [redacted] of Flat [redacted], Cliftonville Court, Edgar Road, Cliftonville, Margate, CT9 2EA.

Please take this letter as their formal representation to the review of the above premises licence under Section 51(3)(c).

Our clients are "other persons" who are affected by the licensable activities carried out at the above premises.

Amanda Berry, a senior Environmental Health practitioner at Margate Council has brought the review against the premises licence for breaching the licensing objective of:

- The prevention of public nuisance.

Our clients have read the application for review and support the comments made in the application. We had been instructed to instigate review proceedings against the premises should Amanda not have done so.

Our clients are near neighbours of the premises, from within the same building, and their continued trading style has caused significant noise nuisance and disturbance leading them to make formal complaints to the Environmental Health Department on a regular basis.

We can confirm that we will provide detailed evidence and a case summary to support this representation, and will attend and represent our clients' interests before the hearing of the Licensing Sub-Committee.

Our clients live in Cliftonville Court, which is a block of 12 flats sitting directly above Faith in Strangers. Our clients' flat is 1 of 3 which share a floor with the ceiling of Faith in Strangers. Our clients have lived there for over two and a half years and, prior to the nightclub opening at Faith in Strangers, were happy and had no nuisance to contend with in their home life. Prior to the nightclub opening, it was felt that Cliftonville Court was a peaceful residential area to live with a strong sense of community. This was why our clients moved to this address.

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About 7-8 months ago, Faith in Strangers changed its business model from a private members co-working space to a night club. The premises were granted planning permission and a premises licence to trade as a private members co-working space with “spoken word poetry nights and academic talks.” If the premises had continued to trade in line with the granted planning permission and premises licence then there would be no complaint. Our client feels that there has been a cynical breach of the planning and licensing process to ensure the grant of a premises licence which has allowed them to change their business model and trade as a nightclub.

Most weekends, our clients suffer from audible noise disturbance from the music played at the premises from 7pm. From 9pm they can feel the bass and are able to hear song melodies and lyrics. This noise continues to get louder and create more of a disturbance as more patrons enter the premises. It is impossible to relax and enjoy a normal home life with this continuing disturbance. It is not even possible to watch the television, listen to music or read a book. They then have to live with drunken cheering, whooping, scraping of furniture, use of electric hand driers in the bathrooms and general noise disturbance. By 1am the noise is so debilitating and continues until about 2.30am that sleep becomes impossible.

Towards the end of a trading session, when the music stops, this is followed by the sound of furniture being moved around the venue as it closes up. They also then hear loud anti-social behaviour from people leaving the premises as they stay and hang around once the premises close. This can be for a considerable time after the premises have made them leave, but not move on.

There have been DJs playing at the premises, or live music performances for at least 34 times over the 20 week period from May to October. This is considerably outside what was promised during the original planning and licensing process.

As a result of this, our client has maintained a sound diary which will be produced for the hearing. In addition, they have liaised with the Environmental Health Officers who have installed sound recording equipment over 4 events. As a result of these readings, Environmental Health have instigated a licensing review of the premises licence under the Licensing Act. In addition, they have served a noise abatement notice on the premises licence holder alleging a statutory nuisance.

What is significantly disappointing is, notwithstanding the service of the abatement notice alleging a statutory nuisance and the review hearing, the disturbance has continued.

On Saturday 8th November, the bass noise from the DJ started at 7.30pm, and by 9pm it was so loud that it made watching the TV impossible and was vibrating through the flat in every room. This was followed by patron noise, cheering and furniture scraping with hand dryers in the toilets going on into the early hours. At a time when one would expect the premises licence holder would be promoting the licensing objectives in an attempt to persuade the residents they can behave responsibly, they continue to commit a public and a statutory nuisance.

This repetitive bass beat carried on until 2.30am. It became louder after midnight and the types of patron noise and melodies could be heard and increased after 1am. The patrons were noisy and caused a disturbance at around 2.30am with drunken shouting and the furniture being scraped until nearly 3am.

Our clients concerns are that notwithstanding the launch of the review and the statutory nuisance noise abatement notice, that the operators have no intention of making meaningful changes.

It is frustrating for them that they have had to report and call out the Environmental Health officers on multiple occasions even after the abatement notice and review have been launched. This continued nuisance leads our clients to the view that the premises licence holders have no intention to abate the nuisance.

Agenda Item 3

Annex 2

As well as the noise nuisance that is created directly from the premises, and their style of operation, our clients are seeing increasing anti-social behaviour as the venue has become more popular as a late night music venue. This leads to a nuisance being created in that there is often drunken shouting in the street and bins being kicked over when people leave the venue.

As the premises is one of the latest operating premises in the area, it attracts drinkers from other bars when they close earlier. After 11pm, queues generate for customers to get into Faith in Strangers. These are not well managed or controlled and, as a result, this creates noise nuisance and smokers congregating under our windows. As the entrance to the venue is small, customers regularly mistake the entrance to the residential flats for the club. As a result of this, our clients' doorbell is regularly rung in the early hours. In addition, our clients have been followed into their building by drunken people believing that they were going into Faith in Strangers. Family members have been scared by patrons of Faith in Strangers banging and shaking the main entrance door, demanding to be let in. There are regular occasions when intoxicated customers stop our clients on the doorstep asking for directions to the venue.

These disturbances and examples of public nuisance are directly attributed to the premises causing stress, anxiety and lack of sleep to our clients.

This has led, at times, to them having to sleep in a camper van away from Faith in Strangers to ensure a better night's sleep. Clearly this is not acceptable and is a direct cause of the operating style of the premises.

The prior use of the premises, as a nightclub (Frank's) was at a time when there were significantly more noise attenuation measures in the building.

We understand that Faith in Strangers, in preparing to open their premises, removed key sound proofing measures from the venue from when it has previously traded as a night club. As a result of this, there are insufficient noise attenuation measures in the building which causes noise nuisance throughout.

Of considerable concern is that there has been no attempt by the premises licence holder to propose any remedial action to remove the ongoing public and statutory nuisance. We can confirm that additional information will be provided for the Licensing Sub-Committee hearing when it will be submitted to the Licensing Sub-Committee that the hours and style of operation need to considerably change so as to promote the licensing objective of prevention of public nuisance and ensure there are no continuing breaches of the statutory noise abatement notice.

Yours faithfully

Woods Whur

ORIGINAL



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

I wish to *object* to the following application i.e. I wish to support the review of the licence

Name of Applicant (if known):	Faith in Strangers Margate	
Premises Name and Address:	17 Ethelbert Crescent	
	Margate	
	Postcode:	CT9 2DY

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

Surname:	Forenames:	
Address	fiat Cliftonville court Edgar road	
	Margate	
	Postcode:	CT9 2EA

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

<i>Name of Representative/Organisation</i>	
<i>Address of Representative/Organisation</i>	
	<i>Postcod</i>

<i>Telephone</i>		<i>Email</i>	
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I AM (Tick as appropriate):

- Representative or Residents Association
- Representative of Trade/Business Association
- Ward Councillor
- MP
- Other (please specify)

Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant, it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/ further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
Prevention of Public Nuisance	<p>faith in strangers have continuous high volume music this prevents my 2 year old son, my partner and myself from sleeping.</p> <p>- Loud music until 2Am - Constant shouting/screaming from drunk customers.</p>

<p>Continued from previous page: Prevention of Public Nuisance</p>	<ul style="list-style-type: none">- Constant use of loud dryers- dragging of tables / chairs at late hours- When people are leaving they are being loud, aggressive and come onto the car park. (Also verbally abused us)- bottles smashing throughout the night. <p>All of this prevents my son from sleeping due to loud noises scaring him.</p>
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I, _____, hereby declare that all information I have submitted is true and correct.

Signed: _____	Date: 10/11/2021
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Please send the completed form to:

Licensing Team
Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk



LICENSING REPRESENTATION FORM

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Premises Name and Address:	17 Ethelbert Crescent	
	Margate	
	Postcode:	CT9 2DY

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

Surname:	Forenames:	
Address	FLAT CLIFTONVILLE CT.	
	EDGAR ROAD, MARGATE	
	KENT	
	Postcode:	CT9 2EA

Telephone		Email	
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<i>Address of Representative/Organisation</i>	
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<i>Telephone</i>		<i>Email</i>	
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Licensing Objective	Reason for Representation
<p>Prevention of Crime & Disorder</p>	<p>Patrons of F.I.S. leaving the venue intoxicated and apparently unaware of the residential setting; they are doing unduly loud. In terms of crime and disorder, they are on occasion destructive, violent and disrespectful in their actions and behaviour - not least of all in where they choose to "relieve themselves."</p>
<p>Prevention of Public Nuisance</p>	<p>On top of the noise-generating patrons as they leave the venue in the early hours, the venue itself has speakers beyond the capability of their soundproofing. This is a problem that has existed since 2017 - evident from a complaint from my late mother, and previous owner of Flat 2, Mary Strachan which she lodge with Environmental Health, after the noise disturbance of 'only' a party. From my brother's experience of staying in the flat over the weekend of 26th June, there has been no improvement to the level of noise disturbance.</p>
<p>Protection of Children from Harm</p>	<p>The building and areas around F.I.S. are becoming increasingly unsanitary - due to aforementioned reasons. F.I.S. is opposite a popular play area and, for reasons I'm unable to comprehend, has an operating DJ/night-club within a residential building where children live. My own niece's and nephews have been unable to visit, as often as they once did, for weekends by the sea in Flat 2 because of</p>
<p>Public Safety</p>	<p>the levels of noise generated/lack of soundproofing the F.I.S. business.</p> <p>Again, in reference to the intoxicated patrons of F.I.S. I would feel significantly more at risk outside of Cliftonville Court at night than I should be. It is very far from to the concept of a shared work-space / art centre that I expected & I feel it captures a whole different market - one that I feel has no place in the family community at Cliftonville Court.</p>

Agenda Item 3
Annex 2

I, _____, hereby declare that all information I
have submitted is true and correct.

Signed: _____	Date: 2/11/2021
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Please send the completed form to:

Licensing Team
Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk

ORIGINAL



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

I wish to **object** to the following application i.e. I wish to support the review of the licence

Name of Applicant (if known):	Faith in Strangers Margate	
Premises Name and Address:	17 Ethelbert Crescent	
	Margate	
	Postcode:	CT9 2DY

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

Surname	Forenames	
Address		
Flat Cliftonville Ct.		
Edgar Rd		
Margate	Postcode:	CT9 2EA

Telephone		Email	WA
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

Name of Representative/Organisation		
Address of Representative/Organisation		
	Postcode	

Telephone		Email	
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Licensing Objective	Reason for Representation
Prevention of Public Nuisance	<p>Dear Sir/Madam,</p> <p>I had no objection to the initial granting of a licence to FIS before their business began as the written information we were given (P10)</p>

Continued from previous page: Prevention of Public Nuisance

(held without a license) stated that the space would be for small groups of people doing social activities with snags & hot drinks provided. However that has now become a musical venue for most weekends with rowdy behaviour by patrons leaving in early hours of the morning. Cases were pointed through not be so I live on the third floor of the building it can hear quite clearly loud music in my flat above for the club. Cases were known to occur people I can hear which songs are being played above the volume of my TV. FIS have been told but have so far not done anything to reduce the volume.

I, _____, hereby declare that all information I have submitted is true and correct.

Signed: _____ Date: 01.11.21

Please send the completed form to:

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Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk



LICENSING REPRESENTATION FORM

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<i>Premises Name and Address:</i>	17 Ethelbert Crescent	
	Margate	
	<i>Postcode:</i>	CT9 2DY

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

<i>Surname:</i>	<i>Forenames:</i>	
<i>Address</i>	<i>Flat</i>	
	Cliftonville Court	
	Edgar Road	
	<i>Postcode:</i>	CT9 2EA

<i>Telephone</i>		<i>Email</i>	
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<i>Address of Representative/Organisation</i>			
		<i>Postcod</i>	
<i>Telephone</i>		<i>Email</i>	

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Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	

Agenda Item 3

Annex 2

<p>Prevention of Public Nuisance</p>	<p>I am sending this regarding the 'Faith in Strangers' problems we've been having since them opening. I live with my family in a flat 'storeys above them.</p> <p>We've had a number of occasions where the music was so loud our sons couldn't sleep in their own room, as they're bedroom is above faith in strangers bar. I have heard glasses smash, people being sick and also fights.</p> <p>Not to mention I've even witnessed a man urinating in a bush outside the place and the man himself and his friends laughing about him doing it.</p> <p>It's not the only problem we've had, I've also had to tell people where faith and strangers is as they've tried entering our building which is scary for my kids.</p> <p>I think this all needs to be dealt with, it's not fair on the children that live in this Cliftonville court that have to put up with sleepless nights due to the thumping music</p>
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<p>Protection of Children from Harm</p>	
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<p>Public Safety</p>	
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I, _____, hereby declare that all information I have submitted is true and correct.

Signed: 	Date: 28.10.2021
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Please send the completed form to:

Licensing Team
Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

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<i>Premises Name and Address:</i>		17 Ethelbert Crescent
Margate		
<i>Postcode:</i>		CT9 2DY

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

<i>Surname:</i>		<i>Forenames:</i>	
<i>Address</i>		Cliftonville Court	
Edgar Road			
Margate			
<i>Postcode:</i>		CT9 2EA	

<i>Telephone</i>		<i>Email</i>	
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<i>Address of Representative/Organisation</i>			
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Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	

Agenda Item 3

Annex 2

Prevention of Public Nuisance	<p>Being an owner occupier of 20 years standing in the block of flats the last 3 years have been hell since Faith in Strangers moved in. All in all we have endured remedial work whilst Faith in Strangers converted the premises during day time hours, to the DJs now to 3am each week.</p> <p>After some respite over lockdown, they have become more of a nightmare since they started operating as a nightclub.</p> <p>My husband and I are both in our 80s and do not enjoy perfect health. The noise from their music on weekends is often loud enough that it prevents us sleeping even though we are on the top floor of the building.</p> <p>Late night revellers come up to Faith in Strangers post 11pm making drunken noise. They then leave the venue in the early hours of the morning being more anti-social e.g. shouting / swearing when waiting for taxis and urinating in our front door entrance.</p> <p>Our front door is often mistaken for FIS' entrance and we have been disturbed by people trying to gain access by ringing our doorbell.</p> <p>We are also occasionally disturbed by their flashing lights underneath our window.</p>
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Protection of Children from Harm	
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Public Safety	
----------------------	--

I, _____, hereby declare that all information I have submitted is true and correct.

_____, hereby declare that all information I

Signed: _____	Date: 31-10-2021
---------------	------------------

Please send the completed form to:

Licensing Team
Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk



LICENSING REPRESENTATION FORM

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<i>Premises Name and Address:</i>		17 Ethelbert Crescent
Margate		
<i>Postcode:</i>		CT9 2DY

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(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

<i>Surname:</i>	<i>Forenames:</i>	
<i>Address</i>	Cliftonville Court	
Edgar Road		
Margate		
<i>Postcode:</i>	CT9 2EA	

<i>Telephone</i>	01843	<i>Email</i>	
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<i>Address of Representative/Organisation</i>	
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Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	

Agenda Item 3
Annex 2

Prevention of Public Nuisance	<p>I have lived on the first floor of Cliftonville Court for 50 years and I brought up my family here, I am now in my 80s.</p> <p>I find it hard to sleep without fresh air in my bedroom but since Faith in Strangers started having DJs I have to close my bedroom window at night. Otherwise all the shouting from people leaving and waiting for taxis under my flat wakes me up most weekends.</p> <p>I also hear the thump, thump, thump of the music on Friday and Saturdays which disturbs me when watching television.</p> <p>I support my neighbours and would ask for Faith in Strangers to play their music at a much quieter level and to stop serving alcohol at 11pm so that people don't come up from Margate town centre and congregate under my flat when I am trying to sleep.</p>
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Protection of Children from Harm	
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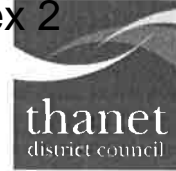
Public Safety	
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I, _____, hereby declare that all information I have submitted is true and correct.

Signed: _____	Date: 01/10/2021
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Please send the completed form to:

Licensing Team
Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

- I wish to **object** to the following application This a variation on a license and I wanted the points below to be considered when it is reviewed.

<i>FAITH IN STRANGERS</i>
<i>17 ETHELBERT CRESCENT</i>

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

<i>Surname:</i>	<i>Forenames:</i>
<i>Address</i>	<i>DALBY SQUARE</i>
<i>Postcode:</i>	<i>CT9 2ER</i>

<i>Telephone</i>		<i>Email</i>	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

Prevention of Public Nuisance

Looking at the original license granted I cannot see where it states that the venue would become a nightclub operating until 3am a few nights per week.

Whilst it faces the seafront, nearby residents sometimes feel the impact of very late night street noise (2/3 am) from his customers leaving the venue or smoking outside it.

No one who lives nearby got to choose whether we had a '3am close' venue. It just happened one day.

I know it's a popular venue and is lovely inside but the owner hasn't seemed mindful of the impact his post-midnight business has on those living nearby. He could adjust his hours and frequency of late night events to be more considerate of late night noise that impacts those who live nearby.

Residents near the sea front noticed increased noise on the street at 2-3.30am after events such as the Dreamland After-Parties. Can the owner prevent his customers making excessive noise when they leave in the middle of the night?

As his customers smoke outside, there can be increased noise outside at times as some move along to the end of the square instead of standing outside his venue. The sound travels. Up to midnight it isn't that bad but 2/3am it can be very noticeable. In this area we are used to street noise up until around midnight (especially in summer) but it's fairly rare from 1am onwards.

I know he can't be blamed for all the street litter directly outside his premises (as the arcade customers contribute to it too) but fab butts etc. never seem to be swept up by either owner and relying on TDC street cleaning isn't enough as they hardly clean the area more than once per month. Many customers don't seem to use the fag bin on his wall or the public street bin.

This might sound nit-picky and a bit trivial but it's actually fairly irritating as local residents do the bulk of street cleaning as volunteers and a number of residents fund a private street cleaner to help. It would be polite of the owner to keep his frontage clean too.

Copy
Also sent via
email



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

I wish to **object** to the following application i.e. I wish to support the review of the licence

Name of Applicant (if known):	Faith in Strangers Margate	
Premises Name and Address:	17 Ethelbert Crescent	
Margate		
	Postcode:	CT9 2DY

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

Surname:	Forenames:	
Address	Flat , Cliftonville Court, Edgar Road, Margate	
	Postcode:	CT9 2EA

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

<i>Name of Representative/Organisation</i>			
<i>Address of Representative/Organisation</i>			
		<i>Postcode:</i>	
<i>Telephone</i>		<i>Email</i>	

I AM (Tick as appropriate):

- Representative or Residents Association
- Representative of Trade/Business Association
- Ward Councillor
- MP
- Other (please specify)

Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant, it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
<p>Prevention of Crime & Disorder</p>	

<p>Prevention of Public Nuisance</p>	<p>My husband, 4 year old daughter, and I live at Flat Cliftonville Court which is located above Faith in Strangers. FIS is on the first floor of the building and we are on the fifth floor. We bought our flat in 2017.</p> <p>Since FIS started their programme of events we have been consistently woken up (or prevented from sleeping) by thumping music from inside the venue, and noise and shouting from out on the street. Our flat is not the worst affected, as we are three floors up from Faith in Strangers. However, the music is loud and audible within our flat from around 10.30/11pm onwards, and we can clearly hear the beat and bass of the music, as well as the tonal variations within the songs. Often at around 1-3am we hear shouting out on the street as patrons leave, which regularly wakes us up. We have also had our buzzer rung on several occasions with people looking for the entrance to the nightclub. I have also noticed evidence of our recessed doorway being used as a urinal.</p> <p>This is a residential area which was always very quiet at night prior to the arrival of Faith in Strangers. There should not be a nightclub in this location. Before FIS opened we were told that it was going to be a co-working space with some ‘cultural’ and ‘arts’ events in the evenings, and their planning application and late license was granted on this basis. Their soundproofing is inadequate for live DJs and loud music, which is what their business has morphed into.</p> <p>Every single one of the 12 flats within this building can hear the noise from the venue (albeit to varying degrees depending on their location within the building). Even in our flat, located 3 floors up from the premises, we can hear furniture scraping and hand driers going off, as well as the music which they play.</p>
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One of the arguments made by FIS regarding the suitability of a nightclub in this location was due to the historic precedent of Franks, which closed in the early 2000s. I visited Franks in 2016 (then vacant and disused) and the space I saw then is unrecognisable from the space I see now.

Franks had no windows at all – the historic openings built in the 1960s were fully blocked up with dense blockwork. Furthermore, there were dropped ceilings and dry-lined walls, fitted with sound insulation, and there was no exposed concrete frame at all. All of these old soundproofing measures were ripped out, new large windows were installed, and the bare concrete frame of the building is now exposed, which means that the noise from the venue vibrates and reverberates through the building through the concrete structure. Nightclubs generally do not have windows because glass will never block noise transfer, and they rarely coexist in the same building as residential units. The two uses are not compatible.

The noise we suffer is not just from within the premises though. The thumping music makes going to sleep harder, but once we are asleep we are then regularly woken up by noise from out on the street at around 1-3am. We have heard people fighting, shouting, screaming, swearing etc. and this is common on Friday and Saturday nights. The entrance/exit to FIS is on the ground floor of the building, whereas they are located on the first floor, and I don't think anyone is employed to make sure people leave quietly and with consideration to the neighbours.

This ongoing and consistent noise nuisance, which occurs every weekend, affects our family's sleep and has a negative impact on our lives, and prevents us from enjoying our home peacefully on the weekends – which we (and the others who live here) have a right to do.

Protection of Children from Harm	
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Public Safety	
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I, _____, hereby declare that all information I have submitted is true and correct.

Signed: 	Date: 03/11/21
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Please send the completed form to:

Licensing Team
Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk

CASE OUTLINE

Review of Premises Licence for Faith in Strangers, 17 Ethelbert Crescent, Cliftonville, Margate, CT9 2DY

Valid representation

1. Please note that we represent the following in the review of the above premises licence. All have submitted valid representations to the review.

Cliftonville Court, Edgar Road, Margate, Kent,
CT9 2EA (will be attending hearing)

Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA (will be attending hearing)

• Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA (will be attending hearing)

• Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA

• Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA (will be attending hearing)

• Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA (will be attending hearing)

• Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA (will be attending hearing)

• Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA

N/B: Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA) did not submit a valid representation in time, but supports the review and has also instructed Woods Whur.

2. Initially we were instructed by [redacted], and have now been instructed to represent the above.

3. All of the above listed residents have been affected by the operating of Faith in Strangers to such a degree that a clear public nuisance has been ongoing, causing them substantial disturbance and loss of private amenity.

Attached to this note are:

- The noise diary
- Original design and access statement for planning permission
- Original licence application

Background Information

4. Initially, we were instructed to represent the interests of [redacted] of [redacted], Cliftonville Court, Edgar Road, Cliftonville, Margate, CT9 2EA.

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5. Prior to the review being launched, we had been advising them of their options, and if a review had not been launched by the Environmental Health Officer, then a review would have been launched by them.

6. As a result of liaising with them after the review has been launched, we have been asked to represent the interests of those listed above. Our clients have read the application for review, and support the comments made in the application. All of those listed above are near neighbours of the premises, from within the same building, and Faith in Strangers continued trading style has caused significant noise nuisance and disturbance, leading them to support this review application. Ms Wilson-Powell and Pritchard have made a number of complaints to the Environmental Health department, as the public nuisance has been sustained, continued and is still ongoing.

7. Cliftonville Court is a block of 12 flats, sitting directly above Faith in Strangers. Ms Powell and Pritchard share a floor with the ceiling of Faith in Strangers. They have lived there for 2 and a half years, and prior to the nightclub opening in Faith in Strangers, were happy and had no nuisance to contend with in their home life. Prior to the night club opening, it was felt by all residents that Cliftonville Court was a peaceful residential area to live, with a strong sense of community.

8. Some 8 months ago, Faith in Strangers changed its business model from a private members co-working space to a night club. It is critical to note that the operation was granted planning permission and a premises licence under the Licensing Act 2003, after the authorities and local residents were told that it would trade as a "private members co-working space with spoken work poetry nights and academic talks."

9. Our clients had no objection to this, nor would they have any complaint should that be the style of operation. Due to the passage of time and continued ongoing public nuisance, our client now feels that this has been a cynical breach of the planning and licensing process to ensure the grant of a premises licence which has allowed them to change the business model and trade as a night club.

10. Most weekends public nuisance is created as a result of music being played at the premises from 7pm. From 9pm, the bass can be felt travelling through the building, and it is possible to hear song melodies and lyrics. This noise becomes louder and creates more disturbance as more patrons enter the premises. As a result, it is impossible to relax and enjoy a normal home life with this continuing disturbance.

11. Watching the television, listening to music or reading a book has become near impossible due to the noise breakout through the building.

12. As well as the noise travelling through the building, there has been an increase in drunken cheering, whooping, scraping of furniture, use of electric hand-dryers in the bathrooms and a general noise disturbance of the customer base whilst in the premises and on leaving.

13. Regularly, the noise is that debilitating from 11pm, continuing to 2am/3am and later that sleep becomes impossible.

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14. At the end of any trading session when the music stops, customers leave noisily, they regularly stay outside the premises creating anti-social behaviour and noise. This can be for a considerable time after the premises have closed.

15. There have been DJs or live music playing at the premises for over 35 occasions during a 20 week period from May to the date of the review. This bears no resemblance to what was promised during the original planning and licensing process.

16. As a result of all of this, our client is regularly complaining to the Environmental Health department, who advised the creation of a sound diary, the contents of which are attached to this case outline.

17. The noise nuisance has led the Environmental Health Officer to issue a noise abatement notice against the premises.

18. Against the backdrop of a noise abatement notice and the review of the premises licence, not only have the instances of nuisance not reduced, they have become more frequent and more impactful to those who made representations. There has been no meaningful action to mitigate the noise nuisance. It is the clear evidence of Ms Wilson-Powell and Pritchard that the noise nuisance has become louder and more impactful since this time.

19. An example of this is on Saturday 8th November, the bass noise from the DJ starting at 7.30pm became so loud by 9pm that there were vibrations felt throughout the flat. This was followed by patron noise, cheering and furniture scraping with the hand-dryers in the toilets until the early hours.

20. At a time one would expect the premises licence holder would be promoting the licensing objectives in an attempt to persuade the residents they can behave responsibly, they continue to commit a public and statutory nuisance. This carried out until in excess of 2.30am.

21. It is clear from the behaviour of the premises licence holder during the currency of the review, and the launch of the statutory noise nuisance abatement notice, that they have no intention of making meaningful changes.

22. As the premises are one of the latest operating premises in the area, they attract drinkers from other bars who close at an earlier time. Regularly, after 11pm, queues are generated for customers to get into Faith in Strangers. The queue is not managed or controlled and as a result, there is regular anti-social behaviour outside of the premises. Our clients have been followed into the building by drunken people believing that they were going into Faith in Strangers, and have had family members scared by this behaviour.

23. The nuisance has been so significant that it has led to our clients having to sleep in a camper van away from their home to ensure a better night's sleep. Clearly, this is not acceptable at any time but is worse as the winter months approach.

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24. It is understood that the premises used to trade as a night club - Frank's - but this was at a time when there was significantly more noise attenuation measures in the building. Whilst preparing to open their premises, Faith in Strangers removed key soundproofing measures from the venue from when it previously traded as a night club. As a result of this, there are insufficient noise attenuation measures in the building which cause noise nuisance throughout.

25. At the time of writing this note, we are not aware that the premises licence holder has attempted to propose any remedial action to the Environmental Health Officer, nor the residents. It would be expected that this would be the position taken by a responsible operator in the face of ongoing public and statutory nuisance claims.

Section 182 Guidance

26. The relevant sections of the statement are as follows:

(2.15) "The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."

(2.16) "Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health."

(2.19) "Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave."

(11.1) "The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."

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(11.19) “Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.”

(11.20) “In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

(11.23) ... “But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”

Licensing Act 2003 - Statement of Licensing Policy

27. The local licensing policy deals with the prevention of public nuisance at paragraph 5, the relevant sections for this case are as follows:

(5.1) “Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.”

(5.2) “The Licensing Authority intends to interpret ‘public nuisance’ in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti- social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.”

(5.3) “Applicants need to clearly understand that the Licensing Authority will pay particular attention whether or not to impose stricter conditions, including controls on licensing hours, with a view to protecting the quality of life of residential occupiers.”

(5.6) “When addressing the issue of prevention of public nuisance, the applicant should have considered those factors that impact on the likelihood of public nuisance. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- The hours of operation, particularly if between 2300 and 0700

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- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - The design and layout of premises and in particular the presence of noise limiting features
 - The occupancy capacity of the premises
 - The availability of public transport
 - Last admission time
 - The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly
 - The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises
 - Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises.
-
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of licensed door supervisors.
 - The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
 - The likelihood of any violence, disorder or policing problems arising if a licence were granted.
 - Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
 - The siting of external lighting, including security lighting that is installed inappropriately.
 - Whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premise and any measures or proposed measures to deal with this.
 - The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.”

(5.7) “The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance
- Control of operating hours for all or parts (e.g. garden areas) of premises
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour.”

Conclusions

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28. It is clear that the operators of Faith in Strangers have no desire to operate in line with how planning permission and licensing were granted for the use of the space.

29. The evidence produced in written form and orally before the Licensing Sub-Committee will show that there is a continuing and substantial public and statutory nuisance taking place at the premises as a result of the style of operation.

30. Those who have made representations and live in close proximity to the premises have no faith that any changes will occur to promote the licensing objectives. As a result of complaints made, a statutory noise abatement notice being served and review proceedings for public nuisance, there have been no improvement. There have been no attempts by the premises licence holder to meet with residents and to explain future operations, and how they would mitigate to avoid public nuisance.

31. Rather than attempt to mitigate the problems, the opposite has been the case, and the position is there is a continuing and enhanced nuisance taking place during this period running up to the review.

32. As well as the night time issues detailed above, the movement of furniture and use of electric hand-dryers in the premises cause issues. Our client would ask that the electric hand-dryers are replaced towel dryers so the issue of noise from electric hand-dryers is removed. In addition, a simple solution with regard to the furniture scraping along the floor would be the addition of rubber socks or a carpet to mitigate those concerns.

33. Those who have made representations would therefore ask that the Licensing Sub-Committee determine that the remedial action needed in relation to the licence is to reduce all licensable activities to 2300 hours.

34. A consistent public nuisance is created after that time by the premises licence holder, and it should be determined that the hours for all licensable activities should be reduced to those hours. The conditions attached to the premises licence have had no effect in promotion of the licensing objectives, and the appropriate and proportionate response is to reduce hours and therefore remove the late night disturbance and nuisance.

Paddy Whur
42-46 Princelet Street
London
E1 5LP

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Below is a list of the live DJ events that Faith in Strangers have held since opening as a nightclub. In addition to the below, we are often disturbed on Thursday nights or nights when there isn't a DJ present but there is still music, however, live music is the biggest source of nuisance. We've included dates when we were away from the flat to show the high frequency of events - neighbours who were in the building were disturbed by the events when we weren't here. **TO BE CLEAR - music mentioned is throughout our flat, in every room, the volume levels make all ordinary weekend activities like sitting down to a meal or watching TV, having a bath or reading a book**

Key: Event held after licence review announced Event held after licence review announced

Date	Act	Away	Disturbed From	Disturbed To	Notes
Fri 21 May 21	J	Away			
Sat 22 May 21	E		2000	After midnight	Music audible over the TV. Patrons shouting. Music started early evening and got gradually louder until we could make out every lyric. Doors squeaking to the toilet and electric hand dryer audible every few minutes. Whooping / cheering got louder throughout the night. Unclear how social distancing rules are being adhered to as if people are dancing. Furniture scraping throughout
Thu 27 May 21	-		? (we were out early evening)	After midnight	Music audible, strong pounding bass. Ibiza house music style prevented sleep. Hand dryer, squeaking doors and furniture scraping throughout. Drunk people tried to enter the building, talked us in after an evening out.
Sat 29 May 21	F	Away			
Fri 04 Jun 21	T		21:00	02:00	Can hear every word of conversation from patrons on balcony. Music audible over the television from 2100. Shouting cheering from patron. Music kept us awake. Woken up at 7am by scraping furniture
Sat 05 Jun 21	N		15:30	02:30	Music initially started at 15:30 and was unbearably loud (patio doors open?) continued for c.30 mins at this level. Loud conversations on patio. Music stopped and started again at a lower level later in the evening. Volume increased throughout the evening to the loudest it has been. Temporarily left the flat to go to a neighbour's to get some respite, however, volume was almost as bad in their flat so returned to ours
Fri 11 Jun 21	T		? (we were out early evening)	After midnight	Bass audible over the TV. Sleep interrupted, hand dryers, furniture scraping etc. Volume was disturbing but not at previous levels
Sat 12 Jun 21	S		? (we were out early evening)	After 02:00	Much louder than prior night, sleep interrupted, hand dryers, furniture scraping etc. Drunken people looking for FIS scared our family who were visiting by rattling the front door demanding to come. Doorbells rung twice in the early hours
Fri 18 Jun 21	B	Away			
Sat 19 Jun 21	J	Away			
Fri 25 Jun 21	Y	Away			
Sat 26 Jun 21	H	Away			
Fri 02 Jul 21	P		Pre 2100	02:00	Music audible over the television from 2100 and got incrementally louder. Singing and drunken conversations from balcony. Hand dryers, doors banging, furniture dragging. Kept us awake to until 2am.
Sat 03 Jul 21	J		21:30	04:00	Loudest night so far, structure of the building felt like it was 'shaking' with people dancing / jumping in time with the music. Screaming, shouting, crowd chanting encore, encore. Bass pounding. Music stopped at 0230, however furniture scraping continued after and shouting as people left the venue. Furniture scraped from 8am following Sunday
Fri 09 Jul 21	E		Not noted	03:15	Loud music audible from balcony with door open. ABBA, Tom Jones, Sade lyrics / songs audible past midnight. Bass audible over the TV, hand dryer, furniture scraping. Music stopped at 01:30. Between 01:30 and 03:15 furniture being scraped all over the floor and drunk people shouting and screaming as they were leaving
Sat 10 Jul 21	M		Not noted	03:00	Volume progressively louder throughout the night. Patrons chanting, hand dryer audible. Volume went up at 1am to match the volume of patrons singing. Volume further went up at 01:30 as crowd worked into a crescendo. Music stopped at 02:30, furniture and patrons shouting continued to disturb sleep until 3am. Furniture scraping started again at 8am
Thu 22 Jul 21	L		Not noted	01:00	Bass audible over the TV, music not as loud as normal but patrons much louder and ramped it up particularly from 22:15. Furniture scraping hand dryer etc.. Music audible to 00:30 with cleaning up noise keeping up until after 1am
Fri 23 Jul 21	A		Not noted	After midnight	Vocal / bass music disruptive. Drunken chatter from balcony. Audience getting progressively louder once inside, furniture scraping and hand dryer. Kept us awake till after midnight
Sat 24 Jul 21	N				Nothing noted
Sat 31 Jul 21	N	Away			

Fri 06 Aug 21	20:00	After 3am	Music, bass, furniture moving, drunken chatter on balcony from 8pm, noise from patrons incrementally louder throughout the night. George running a fever (Covid), patron noise on the balcony meant she could not sleep at any point. At 23:00 our bed was physically shaking with bass. Hand dryer got more frequent throughout the night. Shouting at midnight. Music stopped at 02:30, however, patrons shouting as leaving with an argument between two girls ongoing for 20 minutes until after 3am under our bedroom window
Sat 07 Aug 21	?	02:00	Music much louder than previous night. Loud soul and jazz with luring vocals, furniture scraping etc. From 22:00 volume was too loud to watch TV. Patrons getting incrementally louder and drunker throughout the night. Music audible until 1am, however, patrons much louder and shouting in the street from people leaving / congregating outside kept waking us up to 2am
Fri 13 Aug 21	21:30	Not noted	Worse noise for weeks, loud bass and house music made watching TV pointless from 21:30. Bass pounding, screaming and shouting from patrons.
Sat 14 Aug 21			Nothing noted
Fri 20 Aug 21	After 23:00		Music incredibly loud up until 23:00 at which point it was turned down. Kept awake till gone midnight. Patrons, hand dryers etc. still audible though. Drunken chatter on balcony
Sat 21 Aug 21	20:00	Left at 22:00 to stay in camper van	Music at same level as previous night. Patrons, hand dryers etc. Went to sleep in camper van to get some rest
Fri 27 Aug 21		Away	
Sat 28 Aug 21		Away	
Fri 03 Sep 21	?	After midnight	Loud house music, not possible to watch TV, patrons cheering / whooping. Hand dryers and furniture scraping
Sat 04 Sep 21	20:30	04:00	Louder than previous night. Not possible to watch television. Music very vocal and patrons singing, cheating and shouting with music all evening until 2am. E.g. could hear Madonna word for word at 2am. After music stopped, furniture scraping, drunk people leaving, hand dryers etc kept us awake until 4am.
Fri 10 Sep 21	?	After midnight	Kept awake, details of times not noted
Sat 11 Sep 21	20:00	03:00	Utterly ridiculous level of noise, drums from the band making the building shake from 8pm. DJ set continued straight after. Hand dryers, furniture scraping, patrons at their noisiest
Fri 17 Sep 21	20:00	02:30	Patron noise from balcony. Music audible over the TV. Lyrics etc can be made out after 23:00, music carried on until 2am. Patron noise from people leaving
Sat 18 Sep 21	20:00	03:30	Patrons singing on balcony. Music incrementally louder, started to be really intrusive from 23:30, song lyrics etc identifiable e.g. Madonna hung and Like a Prayer. Patrons noisy throughout both on the street and in nightclub. Music stopped 02:30, furniture scraping kept us awake until 03:30
Fri 24 Sep 21	?	00:30	Kept awake, music disturbing until after midnight
Sat 25 Sep 21	21:00	03:30	Music audible from 21:00 and increased throughout the night. One of the loudest nights of the year. Patrons whistling, shouting and stomping on floor until after 01:30. Endless handier/furniture scraping. Music / lyrics / patrons audible until 02:30. Furniture scraping via cleaning kept us awake until 03:30
Sat 02 Oct 21	14:30	02:30	Pounding bass started much earlier in the middle of the afternoon and went on for 12 hours keeping us awake. Slept in camper van in the street to get away but music still audible outside in street. This followed the prior evening being kept awake until 1am and prior evening passed 23:00 (no DJ on these evenings), so this was 3rd night in a row of disturbance.
Sat 03 Oct 21	?	03:00	Patrons shouting on balcony. Incredible loud music in flat, impossible to do anything inc sleep, have a meal etc. Drunken fights on street underneath after midnight (patrons kicking bins and mentioned FIS in the argument). Music, bass, furniture scraping, hand dryer etc. Large groups congregating outside FIS to smoke.
Fri 22 Oct 21	?	00:30	Kept awake, music disturbing until after midnight
Sat 06 Nov 21	19:30	02:30	Music louder after midnight. Melodies still audible after 1am. Drunk shouting at 02:30, furniture being scraped around until 3am. Furniture scraping again from 8am on Sunday morning.
Fri 12 Nov 21	?	After 1am	
Sat 13 Nov 21		After 01:30	Worse than prior night. Bass, music audible etc, hand-dryers furniture scraping
Fri 19 Nov 21	20:00	02:30	Worse volume for months. Started at 20:00, flat was shaking with bass. Patrons screaming / shouting after midnight. Music went on until 02:30 with repetitive bass, hand dryers etc. Furniture scraping after close. Furniture scraping started again at 07:00 and loud bottle bins being emptied at pre 8am.



Flying Colours

DESIGN AND ACCESS STATEMENT 20.06.2018

Franks Nightclub

Ethelbert Crescent/Edgar Road, Cliftonville, CT9 2AF

Application for Change of Use.

Contents:

- 1 - Proposal
- 2 - Existing Site
- 3 - Use Class
- 4 - Opening Hours
- 5 - Cycle Storage
- 6 - Waste and Extraction
- 7 - Access
- 8 - Highways
- 9 - Public Nuisance

1 - Proposal

This planning application seeks permission for change of use. The property has been previously been granted planning permission :

*[Previous Application - F/TH/17/0132 , Change of Use from Nightclub (Use Class Sui-Generis) to Restaurant (Use Class A3), **offices and 1No 3-bed self contained flat**]*

Advice was taken from the pre-application meeting and the letter in response ((PRE/PRE/18/0011)).

Please note circumstances have changed and the new tenants are now only taking the first floor of the property.

The Owners have been seeking a new tenant for the site since July 2016. The new tenants seek to discard the residential planning and retain the current use predominantly as Office (B1) but add ancillary use as a members Bar and Restaurant A3/A4, with the sale of hot food and an arts venue (D1) - Mixed Use. The main floor space will function as B1 no less than 51% percent of the time.

Please Recycle



Flying Colours

The space will provide a place for freelancers, small businesses and entrepreneurs to rent a desk on an ad hoc or permanent basis and then relax in the evenings with their guests. It will enhance and celebrate Margate's arts and culture scene by hosting arts, performance and dining events. Entry to the workplace and establishment will only be granted to:

- Fully registered members
- Signed in guests of members
- Temporary members (ticketed)

This model has proved highly successful, internationally, by forming a creative entrepreneurial community among members. The new tenant has a proven track record of this with Creative Blocks and Curio Cabal in Shoreditch, London.

The space will be a well thought-out and forward thinking design, focussed on the sea view and bringing the external elements of nature inside. Flying Colours will strive to be energy efficient and incorporate sustainable technology at every feasible opportunity.

The project is very well suited to the economic plans for Cliftonville and Thanet, providing workspace and facilities for the local community, whilst helping contribute to the development of Cliftonville as a desirable residence to potential migrants from London and further elsewhere.

Cliftonville Court Residence and Leisure Complex was originally designed to be a social and economic hub in the local area. Flying Colours will contribute to restoring the building to its intended use and help to diversify the the local identity.

2 - Existing Site

The old Franks Nightclub is on the north-east corner of the Cliftonville Leisure Centre Complex. The site also contains Bugsy's Bowling Alley, Cains Amusements, Olympia Cafe as well as twelve existing flats known as Cliftonville Court set back from the front elevation. The site also benefits from being all in one ownership.

Flying Colours



Franks has been vacant since the early 2000s. The rest of the site is active and in full and diverse occupancy. Both levels have previously enjoyed expansive sea views and the ground floor was a successful pub, The Bowlers Arms, for nearly 40 years. The last tenants operated a pub on the ground floor and a nightclub on the first floor.

3 - Use Class

See drawing **[FR.PFP.00_Proposed_Floor_Plans]**

Advice has been taken from the pre-application meeting and response (PRE/PRE/18/0011)

Since then the tenants have decided to take the first floor only and remodel the business with a stronger, member based, offering.

Please Recycle



4 - Opening Hours

Our office facilities will house many start-ups, sole traders and small companies that will be under their own time demands and pressures to meet deadlines. For this reason we will require 24 hour access for our members to use the space to work. The hours that we host licensable activities will be in accordance with permissions set by the Thanet District Council Licensing Department.

5 - Waste and Extraction.

The existing bin storage is perfectly adequate to serve the needs of proposed operations. Waste and recycling will be arranged to be collected after 9am as to not cause a nuisance to neighbouring residents.

The kitchen extraction system will meet all requirements of health and safety, building regulations and the outlet will be out to the private bin store area, at the back of the site. This is following the same route as the previous tenants.

See drawing for extraction route (**FR.PFP.00_Proposed_Floor_Plans**)

6 - Cycle Storage

See drawing (**FR.PFP.00_Proposed_Floor_Plans**)

The Pre-Application response (PRE/PRE/18/0011) called for:
"...secure and covered cycle parking should be provided in accordance with KCC standards."

This will be achieved by making use of the securely locked and covered bin storage area as shown in the previously stated drawing.

7 - Access

See drawing for entrance and exit (**FR.EEL.01_Existing_Elevations**)

See drawing for fire escapes (**FR.PFP.00_Proposed_Floor_Plans**)

Access to the site will use the northwest door, through a member only access system which leads into the lobby/reception area.

There are three alternative fire exits.

Please Recycle



8 - Highways

A condition of the previous planning permission stated that doors should not open out onto the public highway. Flying Colours seek no changes to current planning use. In the unlikely event that there is a queue to gain access, there is ample space in our lobby area, waiting on the public highway should not happen.

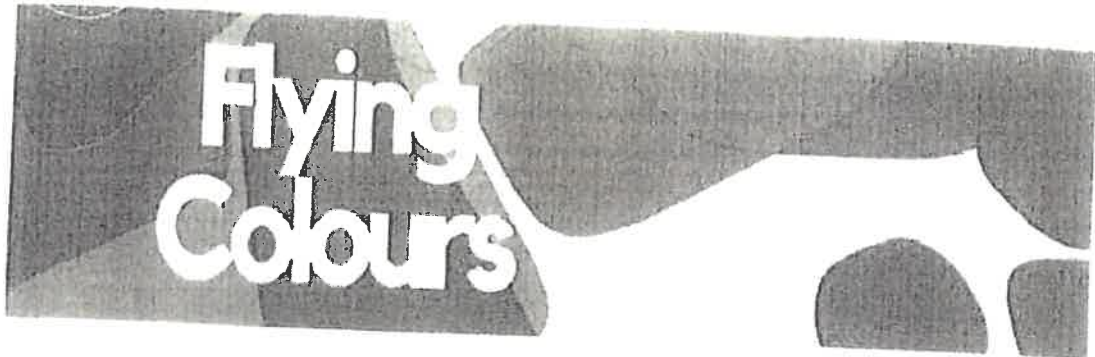
The business is being built for the local community, therefore the need for people to drive is not anticipated. If car parking is required then there is ample parking space available on the public car park above Olympia Cafe.

The building is served by local buses and taxi firms.

9 - Public Nuisance

As the space is a members only location with a guest sign in system, anti-social behavior is not anticipated nor any late night disturbances. Any performances will take place at the furthest point from the above residence, towards the Ethelbert Terrace Road. Our House Rules, which will be signed by members upon joining, will be strictly enforced and any anti-social behavior will result in membership being revoked.

CCTV will monitor the entrance and exit and all members will be reminded often to respect neighbours when leaving the property. The building was built as a leisure complex and has ample material between floors to resist the transmission of airborne noise.



Dear Thanet Licensing,

It is with great excitement and enthusiasm that we present our license application to bring our new business, Flying Colours, to Cliftonville.

Our application includes:

- Operating Schedule
- Site map
- Internal Layout
- Existing Building elevations

About the business

Flying Colours will be a vibrant, modern and forward thinking co-working space for freelancers and small businesses, providing desks, small office units, general work space and office facilities. Flying Colours aims to attract some of the most innovative and creative industries to Cliftonville by offering a space that combines the stunning beauty of the local landscape with our own inimitable concept and design. In addition to providing a space to work, Flying Colours will also offer a social space for members and their guests to relax during evenings and weekends. A provision of hot food, beverage, art, live performance, screenings and academic talks will form the mainstay of our entertainment and cultural programme.

As our business model is structured on a membership platform, we believe antisocial behaviour will be close to or non-existent. In circumstances in which this may occur then those members access will be revoked and reported to the police. We are sensitive to the potential for public nuisance that any business can bring to the area; we will be doing all that we can to prevent neighbouring residents to be affected by our operation. We believe this is paramount in ensuring that we can build a community drawn from and beneficial to, the local residents and neighbourhood. Ultimately, we wish to be a catalytic force in the regeneration of Cliftonville. Patrons will be asked to wait in the lobby area for taxis or if by foot then leaving quietly. Patrons will also be reminded that this will be monitored via our external CCTV. We have strict house rules to create a community built on respect, which provides an inspiring environment for our members to thrive and develop, anyone that challenges that will not be welcome.

We are fully aware of the socio-economic challenges that the area has faced and we expect to be part of a changing tide, attracting new and innovative industries to the area. In order to meet our own economic challenges as a business, we will be under an imperative to maximise our income by offering a space that operates with many functions - some of which would benefit from late opening hours. Our social hours are intrinsic to our business plan, ability to launch and survive in an area still in the early stages of regeneration.

We understand our business model is more unique and a little more complicated than usual, so please do not hesitate to contact us with any questions.

Contact

Yours faithfully,
Richard & Jeremy, Flying Colours



Operating Schedule in Respect of Premises License Application

Premises Address

Franks, 1st Floor, Ethelbert Crescent, CT9 2DY

Description of Premises

The old Franks Nightclub is on the north-east corner of the Cliftonville Leisure Centre Complex. The site also contains Bugsy's Bowling Alley, Cairns Amusements, Olympia Cafe as well as twelve existing flats known as Cliftonville Court set back from the front. The site also benefits from being under one ownership.

Franks has been vacant since the early 2000s. The rest of the site is active and in full and diverse occupancy. The facade, which faces out onto a beautiful coastal vista, has recently been refurbished to its original 1960s glory. Both levels were previously occupied by a traditional pub called The Bowlers Arms, for nearly 40 years.

The new tenants Seaco Ltd trading as 'Flying Colours' wish to use the premises as an Office with ancillary use as a bar, kitchen/hot food preparation and performance space for private use through a membership system.

The space will provide a place for freelancers, small businesses and entrepreneurs to rent a desk on an ad hoc or permanent basis and then relax in the evenings with their guests. It will enhance and celebrate Margate's arts and culture scene by hosting arts, performance and dining events.

Access

Entrance is from the mainroad, Ethelbert Crescent, under the Bugsy's Bowling signage. Door access is controlled through our smart phone technology software which logs all visits from members and any guests are signed in through our visitor software system. Membership will be subject to identity checks and the agreement to our meaningfully enforced house rules.

Layout

The space will predominantly be used as B1 Office space, where members will use the space to carry out the tasks associated with their individual companies and businesses. During evenings and weekends the space will adept into a social space, which will fall under a mixture of Uses A3/A4/D1.

The premises is 550 sqm in total, of which 297.50sqm is proposed for licensing.

Office and Mixed Use Areas - 251.9sqm

Terrace - 29.6sqm

Bar area - 16sqm

Lobby - 30 sqm

Kitchen area - 25sqm

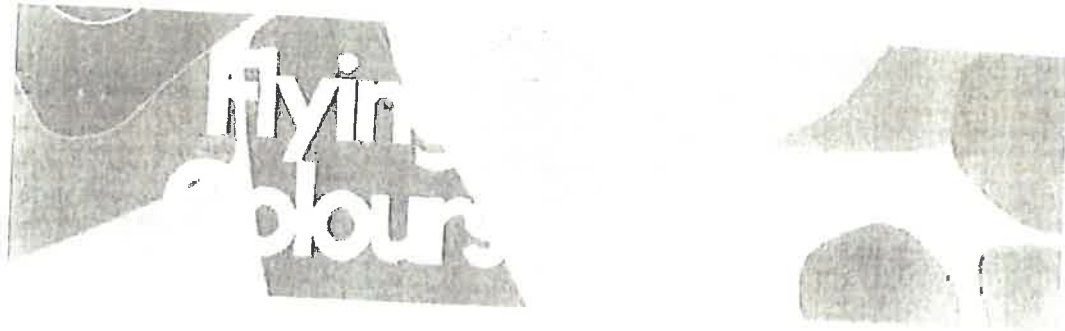
Toilets - 15.1 sqm

Rest of the premises is hallways, stairs and storage.
Please see 'Licensing Plan.pdf'

Existing

The premises are currently B1 use with a pending planning application for B1 and mixed use A4/A3/D1.

All building works, electrical installations and finishes will conform to the required current building regulations - all finishes will be class 1 or equivalent.



Operating Hours:

Opening Times

Office

24 hours access for office work purposes is asked for in our planning application. We expect most workers to enter the office from 9am.

Please note access to the property is via our smart phone technology and can have time based restrictions on when people can enter.

Social Hours

Monday - Thursday - 18:00 - 01:00

Friday - Saturday - 11:00 - 03:00

Sunday - 11:00 - 01:00

Sale Of Alcohol

Sunday - Thursday 11:00 - 00:30

Friday - Saturday - 11:00 - 02:30

30 minutes drinking up time accounted for.

Although no performances will take place during the day, we may have a product launch or presentation during office hours where alcohol may be sold.

Licensable activities such as performances

Monday - Thursday - 18:00 - 00:30

Friday - Saturday - 11:00 - 02:30

Please note 30 minutes prior to closing for members to not rush out all at once.

Performance Space

The performance space will be a small area in front of the large panoramic windows, with the sea as the backdrop. Performances will range from screenings, music performances, academic talks, comedy, theatre and workshops. As well as offering a space for product launches and conventions.

The Bar

High quality alcohol ranging from craft beers and ales, biodynamic/organic wines, rare liquor and cocktails will be served.

The Restaurant/Cafe

Various cuisine will be offered, with opportunity for chefs to test their new menus or restaurant concepts. Our in-house offering will be healthy items, speciality coffee and loose leaf teas.

The Owners:

Jeremy Duffy has owned and operated a successful bar/restaurant/cafe in Shoreditch since 2013. During this time Jeremy has overseen the numerous licensed events.

Richard Rendles has 6 years experience in child protection and 7 years experience in fire safety and emergency response.

Jeremy and Richard are attending their personal license course on the 6th of July, for the provision and sale of alcohol.



Appearance:

Housed on the first floor of a restored 1960's building, Flying Colours will have minimal impact on the public highway.

Licenceable activities:

Playing recorded music (as background music)
Performance of music, dance, plays, film screenings etc
Sale of alcohol for consumption on the premises

Steps to Promote the Licensing Objectives

General

Flying Colours will primarily be a member lead workspace, promoting innovation, social responsibility and community. It will be a place for creative professionals and artists to work in an environment suitable for and conducive to the forward thinking industries that they are part of.

Subscription based membership will be gained providing adequate documentation to prove identity and residence. Full members will be allowed to bring a limited number of guests to the space for meetings or social events. All entrants will be required to agree to strict house rules.

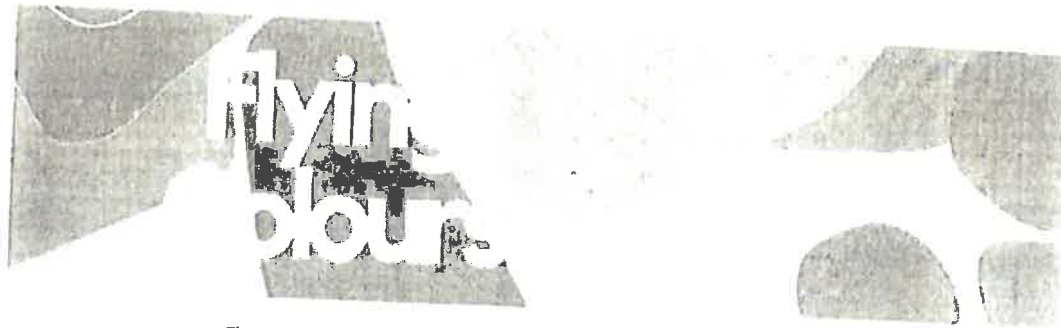
Our aim is to create a familiar and familial membership base that has a vested interest in the space and the surrounding community.

By denying general admittance, we will greatly reduce the likelihood of crime and public nuisance. Similarly, our stringent membership policies will negate the risk of children being exposed to an adult environment. The existing infrastructure of the space, rated suitable for a high capacity nightclub, coupled with our own highly specified building plans will negate the risks to public safety.

Prevention of Crime and Disorder

The owners and managers of Flying Colours are aware of the problems alcohol presents in terms of violent crime and anti social behavior in the district and more beyond. The following steps will be taken to prevent problems arising as a result of our business operation.

- Members will go through a vetting process before being accepted.
- All visitors are required to be signed in by a member and digital records are kept.
- CCTV will be fitted throughout the premises, internally and externally. This can be monitored both on and off site and recordings will be kept for one month and made available to the police on request. There will be 6 internal cameras covering all member areas, entrances, fire escapes door and 2 external cameras covering the entrance and back gate.
- Signage will be displayed advising customers that CCTV is in operation
- Drinks will not be promoted irresponsibly.
- There is an outdoor terrace for smokers. Members will be reminded to be quiet in this area.
- Free drinking water will be offered to all customers
- We are an office and workspace predominately and do not anticipate a drug use on the premises, but staff will be trained to look out for unusual behaviour and check toilets for signs of drug taking during social periods.



- The management is aware of problems with gang related crime in the area. Because of the nature of the premises, we do not anticipate any gang related problems. Nonetheless, staff will be made aware of potential issues
- Flying Colours is located on the main road, members will be able to walk down well-lit streets limiting the danger to people leaving the premises.
- Our location is served by various taxi companies and we will publicise their contact details on internal signage.
- Members have to be over 18 to join, though we expect most to be over 25.
- All staff with alcohol serving responsibility will be trained in the licensing objectives. A record will be kept.

Public Safety

- All building works will comply with up to date Building Regulations
- The capacity of our events will comply with the parameters set by building regulations, fire safety and associated risk assessments.
- The premises are inclusive and will be designed to comply with approved document M-2010.
- A suitable and sufficient Fire Risk Assessment will be carried out once the final layout and design has been agreed with building control.
- A suitable and sufficient Health and Safety Risk Assessment will be carried out once the final layout and design has been agreed with building control.
- First Aid equipment will be kept on site. A qualified first aider will be on site during hours when alcohol is sold.
- Records of annual fire testing and electrical equipment testing will be kept onsite.
- Unfortunately we are unable to provide wheelchair access to the first floor

Prevention of Public Nuisance

The premises faces the coastline to its north and a car park to the west. Residential properties are located above the rear of our location and to the west on Edgar Road. The following factors will reduce the impact of airborne noise on the surrounding homes:

1. The concrete slab structure, purpose built to house entertainment facilities below residential properties.
 2. Speaker placement towards the front of the space, on isolators.
 3. Furniture and treatments chosen to reduce dissonance and problematic frequencies.
 4. A company ethos of promoting high fidelity over high volume.
 5. The ceilings and floors resist the transmission of airborne sound such that the weighted standardised difference ($D_{nt}, W + C_{tr}$) shall not be less than 53 decibels.
- There is an outdoor terrace for smokers. Members will be reminded to be quiet in these areas.
 - Provision has been made for bins and glass recycling to take place in the morning after 8am.
 - Outdoor queues are not anticipated - We have an 11 meter hallway entrance / lobby.
 - Commercial waste will collect weekly between 7 and 8am. Refuse will be stored in 360 litre Eurobins in the private communal bin store area at the back of the building. Collections will be increased if necessary.
 - Deliveries will come after 8am.
 - Several local taxi firms serve the area. Customers will be asked to wait inside our entrance hall until their taxi has arrived. Taxis will be able to collect from the main road, outside the premises, which should not disturb local residents.
 - The premise is served by its own car park, which can be used by customers.



- External light will be restricted to the front entrance area and balcony. External light will be selected and sited so as not to cause light pollution that will negatively affect local residents.
- We do not anticipate crime nor disorder being a problem at our establishment, due to the membership based entry scheme.
- Members will be reminded that external CCTV will be checked and memberships will be revoked for anyone causing a public nuisance.

Protection of Children from Harm

- Members ages will be verified upon application to join.
- Children are only permitted to be on the premises when accompanied and supervised by an adult.
- No children will be allowed on the premises beyond 18:00, unless at a dining or performance event.
- If alcohol is served at a food event during the day, a Challenge 25 scheme will be employed and all staff trained in respect of this. Records of training signed and kept on file.
- Children will not be allowed in close proximity to the bar.
- There will be no entertainment of an adult or sexual nature or gambling on the premises.
- Children will not be in the premises when any film screenings or live performances that come with an 18+ certificate or are otherwise unsuitable for children are showing.

Our operations will also consider the following:

Waste, Recycling and Sustainability

- Flying Colours will display signage for all appropriate waste and recycling procedures to make sure staff are aware of all regulations.
- Flying Colours will have mixed recycling for cardboard waste and will have a weekly glass collection.
- Glass recycling will be dealt with in the allocated time slots to avoid noise pollution in the evening.
- Flying Colours will clean areas of the street outside and notify the council of any waste left on the street nearby by external sources.
- Flying Colours will avoid the use of plastic cups, straws and utensils wherever possible.
- Energy efficiency will be considered at every aspect of our daily operations.

**Public Notice
Licensing Act 2003**

Seaco Ltd trading as Flying Colours

1st Floor, Ethelbert Way, Margate, CT10 2DY

This notice is given to Thanet District Council, P.O. Box 9, Cecil Street, Margate, Kent for a Premises licence certificate under the above Act. A copy of the application may be inspected during normal office hours at the Thanet District Council offices, address above.

The licensable activities will be:

Flying Colours will be a vibrant, modern and forward thinking co-working space for freelancers and small businesses, providing desks, small office units, general work space and office facilities. Flying Colours aims to attract some of the most innovative and creative industries to Cliftonville by offering a space that combines the stunning beauty of the local landscape with our own inimitable concept and design. In addition to providing a space to work, Flying Colours will also offer a social space for members and their guests to relax during evenings and weekends. A provision of hot food, beverage, art, live performance, screenings and academic talks will form the mainstay of our entertainment and cultural programme.

Any representations in respect of the application should be made in writing to the Licensing Department, Thanet District Council, P.O. Box 9 Cecil Street, Margate, Kent before the 30/07/16.

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5000.



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

- I wish to ~~object~~ to the following application
- I wish to **support** Faith in Strangers' Licence as it stands

Name of Applicant (if known):		
Premises Name and Address:		Faith in Strangers
	Postcode:	CT9 2DY

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- ~~Mr~~
- ~~Mrs~~
- ~~Miss~~
- Ms
- Other (Councillor)

Surname:	Forenames:	
Address	Arlington House, Margate,	
	Postcode:	CT9 1XR

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

Agenda Item 3 Annex 3

Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

<i>Name of Representative/Organisation</i>	<i>Unsure</i>
<i>Address of Representative/Organisation</i>	<i>Unsure</i>
	<i>Postcode:</i>

<i>Telephone</i>		<i>Email</i>	
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I AM (Tick as appropriate):

- ~~Representative of Residents Association~~
- ~~Representative of Trade/Business Association~~
- Ward Councillor for Margate Central
- ~~MP~~
- ~~Other (please specify)~~

Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant, it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	<ul style="list-style-type: none"> FIS have a doorbell to ensure there is a check before people are allowed in the venue According to FIS the only time the police have come inside is after a woman was found to be hiding from Domestic Abuse by coming to the club on a Saturday night. On Friday/Saturday evenings where they serve alcohol they have security on the door

<p>Prevention of Public Nuisance</p>	<p>Background</p> <ul style="list-style-type: none"> • During the fit out of the space a TDC Environmental Health officer witnessed the insulation measures by FIS – Christopher Brown. Sadly he seems to have left TDC. Christopher Brown released the planning conditions related to sound transmission. • For the previous three months the flats above FIS have had scaffolding around them and work being carried out during the day. I can only imagine the frustration of having to hear the building work associated with the flats during the day, and then hearing music from the venue on certain nights of the week. However, the venue has been a nightclub a long time, a licence was granted to FIS and I believe they have done pretty much everything they can to mitigate such noises, as I hope is described below: <p>Concrete pillars under the flats:</p> <ul style="list-style-type: none"> • During Frank’s nightclub time these had no insulation and would have easily transmitted noise. During the FIS fitout, the size of the pillars have gone from 30cm to 85cm, with rockwool insulation fitted inside. I have seen photos of the heavy insulation fitted, which was not in place during Frank’s nightclub. <p>Floor</p> <ul style="list-style-type: none"> • The new metal floor has isolation in it to dampen noise. During Franks nightclub time I believe there was no dampening so would have been noisier as it would have just been a mix of tile and carpet. <p>Ceiling of FIS</p> <ul style="list-style-type: none"> • As part of the installation of their sound system, by F1 Sound, FIS received consultancy by F1 Acoustics, who recommended their soundproofing system. F1 apparently saw the Franks nightclub plasterboard ceiling, screwed directly into the concrete ceiling using wooden battens and said that this would have increased noise transference to the flats. F1 recommended that FIS install acoustic ceiling hangers on the ceiling under the flats, this has been done as per their recommendations. • Noise had been escaping through small windows in the ceiling of the FIS space. Following acoustic reviews from FIS directors going onto the roof, they have installed secondary glazing to reduce noise. <p>Balcony usage:</p> <ul style="list-style-type: none"> • FIS have a balcony where drinking is allowed until 10pm. The space could also be used as an outdoor smoking area. However FIS have decided to only open it until 9pm and it is a no-smoking area to cut down on noise. <p>Speakers</p> <ul style="list-style-type: none"> • All speakers have rubber fittings to ensure noise is not transferred into the concrete to the flats
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Agenda Item 3

Annex 3

	<p>Toilet ceiling - handryer noise:</p> <ul style="list-style-type: none"> I believe FIS do have plans to noise isolate the ceiling in the toilets, as I believe the Dyson handryers can be heard in the flats upstairs. Perhaps they can commit to noise insulate this? <p>Personal view of the noise levels:</p> <p>I have been to numerous events at FIS and compared with other nightclubs such as Kabuki in Margate or clubs in Canterbury I have always found the noise a bit too quiet. Obviously I don't live above the nightclub, but I believe they are already very sensitive to their location and are doing everything (apart from the hand dryers) they can. I want them to open the balcony up and allow smoking as an example, but they will not allow it, even to a Councillor!</p>
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Protection of Children from Harm	<ul style="list-style-type: none"> They have an age verification policy They keep a logbook when they reject people at the door.
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Public Safety	<ul style="list-style-type: none"> First aid kit is under the bar, and they are making enquiries into a defib. They follow strict measures for alcohol and do not free pour alcohol 5 star food and hygiene rating Kent Fire and Rescue Services (KFRS) according to FIS have praised them on the fit out of the space. They have successfully held various events without incident, including PRIDE events, electronics workshops and music events
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I, _____, hereby declare that all information I have submitted is true and correct.

Signed: _____	Date: 16/11/2021
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Please send the completed form to:

Licensing Team
 Thanet District Council
 PO Box
 Margate
 Kent, CT9 1XZ
 Email: Licensing@thanet.gov.uk

**ADDITIONAL MATERIAL FOR FULL REVIEW OF THE LICENCE FOR FAITH
IN STRANGERS, 17 ETHELBERG CRESCENT, MARGATE**

1. Correspondence between Beth Pritchard and Christopher Brown (EHO) dated 5 August 2021
2. Correspondence between Donna Walker and Amanda Berry (EHO) dated 26 September 2021
3. Correspondence between Beth Pritchard and Amanda Berry dated 2 December 2021
4. Correspondence between Beth Pritchard and Paddy Whur dated 6 December 2021
5. Correspondence between Georgina Wilson-Powell and Amanda Berry (EHO) dated 15 December 2021
6. Correspondence between Beth Pritchard and Faith in Strangers dated 15 December 2021
7. Correspondence between Georgina Wilson-Powell and Faith in Strangers dated 16 December 2021
8. Correspondence between Donna Walker and Amanda Berry dated 16 December 2021
9. Correspondence written to Craig McKinlay MP from Charlene Bryant
10. Correspondence between Georgina Wilson-Powell and Paddy Whur dated 26 January 2022
11. Message from resident Flat 8 to Clifton Court Residents' Association sent on 29 January 2022.
12. Correspondence from Clifton Court Residents' Association to Paddy Whur dated 30 January 2022

Agenda Item 3 Annex 4

13. Email from Jackie Davies to Amanda Berry (EHO) dated 30 January 2022
14. Message from FIS to Ms Deal on 2 February 2022
15. FIS advertising of Klipsch Audio
16. Statement from Donna Walker
17. Photographs of Frank's Night Club interior vs FIS interior - showing removal of sound proofing

1

Christopher Rees-Gay

Subject: FW: Sound test

From: Beth Pritchard <>
Date: 5 August 2021 at 12:45:39 BST
To: Christopher Brown <christopher.brown@thanet.gov.uk>
Cc: Georgina · , Cllr-Alan Currie <cllr-alan.currie@thanet.gov.uk>, "Morgan Sproates (Regulatory Services Manager)" <Morgan.Sproates@thanet.gov.uk>, Amanda Berry <amanda.berry@thanet.gov.uk>
Subject: Sound test

Dear Mr Brown

Thank you for your email, hopefully your further advice to the venue does the trick.

If it doesn't, then please see below for more colour on why we wondered if this situation can be resolved on a cross department basis. We're not actively asking for this, but wanted to set out our rationale just in case.

Please can I also flag that George (double jabbed as well) recently tested positive for Covid so we are self isolating and cannot make use of the call out service this weekend.

Please accept my apologies in advance for the length of my email and for the fact that I repeat the history of the matter. My logic behind doing so was to set out the context for Officers in other departments unfamiliar with the situation.

Planning and Building Control

In May 2021, 11 weeks ago, the venue substantially changed their business model. Having previously been a members only co-working space (as per planning) they opened to the public three nights a week, hosting DJs until 3am and have, in effect, become a de facto nightclub.

There are 12 flats above FIS, flats 1, 3, 8, 9 and 11 have all complained about nuisance from the venue since it opened for evening events. Residents who lived in the block when the venue previously held music events (20 years ago) have confirmed that the noise transference is much worse now, following changes to soundproofing as follows:

- removing suspended ceilings and leaving bare concrete surfaces
- opening up sky lights
- striping out walls
- removing breeze blocks from the windows and terrace
- punching holes through the ceiling for air-conditioning, creating an escape route for noise

Considering the above and that we can hear furniture moving, as well as the sounds of patrons talking, we are concerned that the venue has not met the 2 planning conditions below relating to noise:

1. Ref F/TH/18/0875 Condition 7; Prior to first operation of the premises a scheme of sound insulation shall be submitted and approved in writing by the local planning authority. The scheme shall be designed to ensure that Entertainment noise (noise from the amplification of human voice and music) (LAeq 15 mins) should be controlled to 5dB below the background noise level (LA90 15 mins) without the entertainment noise present, in each octave band at the façade of any noise location
2. Ref F/TH/18/1556/F/TH/17/0132 Condition 9; The ceiling and floor that separate the residential and commercial unit resist the transmission of airborne sound such that the weighted standardised difference (DNT. W + C1r) shall not be less than 53 decibel

We initially raised our concerns about this with Planning and Building Control in October 2019 after experiencing nuisance from the venue on three occasions in summer / autumn of 2019.

We did not get a response to our letter, nor did we follow up on it, because after we complained the venue stopped evening events.

Members of the Residents' Association have offered to pay for a professional test of the ceilings in order to ascertain if our concerns about the effectiveness of the soundproofing are correct, however, the venue have not responded to our requests for access.

Licensing

Stepping back from the detail, we think it is inappropriate that a business in a suburban, residential block of 12 flats, that was issued an alcohol licence as a 'member only co-working space', has gone on to serve alcohol to the public until 2.30am, hosts DJs to 3am and acts as a magnet for late night drinkers that leave other venues which have tighter restrictions on their licence.

As such, we would like to understand if it is possible for conditions to be placed on the licence. As part of this we would like to understand if a failure to implement planning conditions would provide sufficient grounds for a licence to be reviewed.

We would also like to understand why a 3am licence was issued. I say this noting EH's recommendation in 2018 that limitations should be added to their application. We wonder if this was an oversight in the application process? If so, we would like to ask for Licensing's support in correcting the situation.

Residents' Association (RA)

The homes above FIS were here for half a century before FIS took over the venue. Having been empty for c.20 years, the permitted use for the venue was changed to a residential flat after which FIS took over the lease and applied to change to an arts venue.

Residents feel it is unfair that the venue can suddenly adopt a business model as a nightclub and in doing so make our homes uninhabitable. We are therefore really keen to explore if it is possible for other departments in TDC to help us resolve this situation.

Cliftonville Court has an active RA, however, a number of members don't have access to the Internet or Noise App and we worry that not everyone's voice in the situation is being heard. There are also other serious problems with the building unrelated to FIS. As such, not all residents have the capacity to individually engage with TDC departments when nuisance occurs (for out part the situation is exhausting).

I appreciate how busy TDC Officers are, but given how many people this affects, a meeting with the RA could help bring the situation to life for Residents and Officers alike and help residents understand options available.

As I say, just an idea at this stage, but something we'd like to explore if the venue continues to be a nuisance.

With kind regards

Beth

Beth Pritchard - Written by thumb, sent from my phone (I'm justifying typos) -

On 27 Jul 2021, at 13:29, Christopher Brown
<christopher.brown@thanel.gov.uk> wrote:

Ms Pritchard,

Thank you for your email. The content is noted. I have copied in my management line for information purposes.

My current intention is to update our advice to Faith in Strangers once I have spoken to my colleague on 02/07/21 (or as close to this date as possible). I note your absence this weekend which I hope provides some respite from the ongoing reported issues.

In terms of an officer meeting I am happy to raise this with colleagues however I feel that they will question why they are attending and may want some clarity first. I believe the planning permission was granted and to my knowledge cannot be revoked. The premises license was granted and can only be changed or revoked through a set licensing process. Building Controls involvement would be in terms of the conversion of a premises in relation to Building Regulations. However once these were signed off I am not aware that they can intervene further. If you are questioning the processes that were undertaken at the time then I believe this would have to be done via the Councils complaints process.

I understand your direction and I am sure officers will be happy to answer questions but I am unsure the answers will be any

different to what I have outlined. If you wish to outline the issues you feel are relevant to each department I am happy to send them on and ask them to respond accordingly alongside responding to your request for attendance at a residents meeting. They may then be happy to attend a meeting to answer those questions and possibly any others to a wider audience at that meeting.

Regards,

Christopher Brown

Environmental Protection Officer

Thanet District Council

Cecil Street

Margate

Kent

CT10 1XZ

Tel: 01843 577400

e-mail - christopher.brown@thanet.gov.uk or environmental.health@thanet.gov.uk

On Mon, 26 Jul 2021 at 14:54, Beth Pritchard wrote:

Dear Mr Brown

Many thanks for the update and for hand delivering your advice to the venue.

Thursday 22nd - Sunday 25th July

This weekend there was a live DJ three nights. The crowds were worked up into crescendos, the bass was ever present and the furniture / hand dryer / people chatting / drunken singing continued to be a nuisance.

I acknowledge, however, that subsequent to your advice to the venue, there was a reduction in music volume compared to prior DJ events; although it was louder than last week when there was no DJ.

We are away this weekend which will hopefully give the venue time to act on your other advice reference furniture, hand dryers and pending advice on bass.

Resident Association and TDC Officer Meeting

If that doesn't work, however, I'd be grateful for your thoughts on the following.

Last week Cllr. Currie was kind enough to meet with 2 flats affected by the issue. He has suggested that as the problem with the venue spans a number of TDC departments that a meeting of Officers from licensing, planning (building control (?)), alongside all residents affected would be appropriate.

This sounds ideal from our perspective as we believe the noise nuisance we're experiencing is directly linked to a breach of planning conditions plus an inappropriate licence. If the sound proofing was made adequate then the vast majority of issues would be resolved.

Moreover a number of other residents are very keen to raise their concerns and discuss next steps and this would give them the forum to do so.

Future Events

I am pleased to hear that the venue is working with you although I see in parallel they have booked a number of DJs who are more suitable for an Ibiza rave than a residential block of flats in Margate.

We also note that the venue has a history of saying one thing to TDC e.g. 'paid members only arts venue' and doing another e.g. 'free entry for all into a de facto nightclub'.

Finally, please can I thank you for yours and your colleagues' continued work on this matter, Cllr Currie shared with us the breadth of issue you are involved in sorting in Thanet and how busy EH are at present.

In particular we're grateful for the specific advice you have given the venue on hand dryers / furniture which should make the situation materially better in the short term.

Kind regards

Beth

Beth Pritchard - Written by thumb, sent from my phone (I'm justifying typos)

On 23 Jul 2021, at 15:18, Christopher Brown
christopher.brown@thanet.gov.uk wrote:

Ms Pritchard,

Thank you for your email. I note a further email from Ms Wilson-Powell and noise app recordings from last night. I will respond to these accordingly.

To provide an update, based on the results of our visit I have today written to Faith In Strangers (hand delivered letter this afternoon). We have advised them of sound levels for the period up until

23:00pm and have advised them to reduce low frequency noise (basebeat) from 23:00pm onwards. We are reviewing guidance and will provide them with a more direct view on post 23:00pm noise when my colleague returns from leave the week commencing 02/08/21.

They have been advised to seek remiative measures for the furniture noise and hand dryers at the earliest opportunity.

Other observations have been made which we will continue to discuss with them.

My colleague has stated and I agree, that an expectation of no noise given the environment is not something we can pursue; however, we will seek to reduce any unreasonable effect to what we deem to be an acceptable level. We will continue to work on this over the next few weeks. In mitigation Faith in Stranger have shown a willingness to work with us on this matter and have provided information when requested.

In terms of ongoing action please continue to use the services available to you, however I am aware that there may be issues with the out-of-hours service this weekend due to officer availability. We are currently working on this.

Regards,

Christopher Brown
Environmental Protection Officer
Thanet District Council
Cecil Street
Margate
Kent
CT10 1XZ

Tel: 01843 577400

e-mail

- christopher.brown@thanet.gov.uk or environmental.health@thanet.gov.uk

On Wed, 21 Jul 2021 at 07:53, Beth Pritchard

> wrote:

Hello Mr Brown

Thank you to you and Amanda for carrying out the sound test
yesterday.

Annex 4

I'm so sorry that I got frustrated, that was unhelpful of me. We really appreciate all your work on this and for you taking the time to keep us updated on progress.

We have also taken on board both yours and Amanda's feedback about what is considered a nuisance.

Let's hope that the advice from the sound tests work.

Beth

Beth Pritchard - Written by thumb, sent from my phone (I'm justifying typos) -

2

Christopher Rees-Gay

Subject: FW: Faith in Strangers

From: Donna Walker

Date: 26 September 2021 at 19:20:14 BST

To: Amanda Berry <amanda.berry@thanet.gov.uk>

Cc: Beth Pritchard <beth.pritchard@thanet.gov.uk> Georgina Wilson-Powell <georgina.wilson-powell@thanet.gov.uk>

Subject: Faith in Strangers

Dear Amanda,

I am going to fill in a form and send it to you this week, as I know you need that as a formal record too - but I just wanted to let you know now that Saturday night was very bad with the noise and disruption from Faith in Strangers.

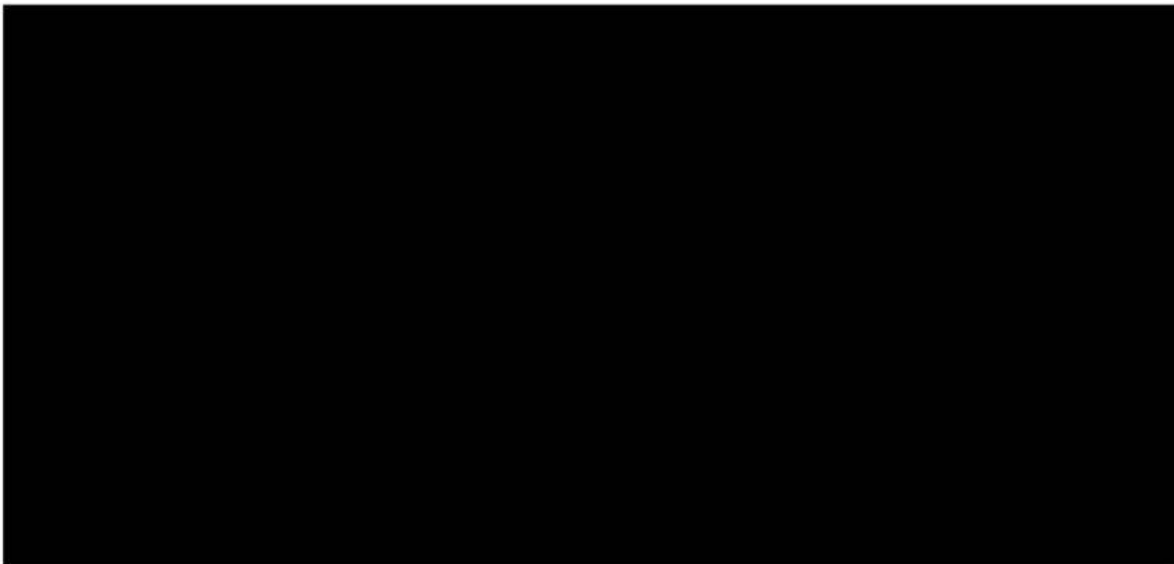
From about 10.30 onwards the music was audible from our flat (flat ■ Cliftonville Court) and it got louder again about 11.30. It was loud enough to disturb our sleep. In addition there was loud shouting from the street - at around 1.25am we were both woken up by a man swearing and shouting. Then the loud music made it hard to fall asleep again.

When I left the flat this morning it looked like people had been using our recessed doorway on Edgar Road as a urinal overnight - this is the first time I have encountered this.


Things definitely seem to be getting worse.

Kind regards,

Donna





Donna Walker


<emaillogo.jpg>



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On 6 Sep 2021, at 11:15, Amanda Berry
<amanda.berry@thanet.gov.uk> wrote:

Dear Donna

Thank you for your email.

FIS have been given noise limits which they should not exceed, these have been based on acceptable levels in the nearest affected flat. If these levels are being exceeded then the matter will be taken forward for licence review.

I understand that FIS has an acoustic consultant assessing potential sound insulation improvements.

I have reviewed your complaint and see that you have not returned the log sheet sent to you on 11th August; however, I am giving you access to our services (letter attached) so you can call an officer to witness problems and have noise monitoring equipment installed within your home. These are necessary for any subsequent enforcement action. Do please also return the log sheet.

Kind regards

Amanda Berry

Senior Environmental Health Practitioner

Environmental Protection | Environmental Health | Thanet
District Council | Cecil Street | Margate | Kent | CT9 1XZ

01843 577422

amanda.berry@thanet.gov.uk

If you are interested in air quality please visit www.kentair.org.uk for up to date information on latest pollution levels across the county.

On Sun, 5 Sept 2021 at 08:26, Donna Walker

wrote:

Hi Amanda,

My husband, daughter, and I live in Flat ■ Cliftonville Court, and we have been avoiding being home at weekends due to the ongoing problems with Faith in Strangers downstairs. However, we were here this weekend and the noise is worse than ever.

On Friday night the music was very loud from around 10.30 onwards and it took us long time to get to sleep.

On Saturday night it was worse. After managing to get to sleep around 10.30, when the music was audible but just about bearable from our flat (3 floors up from FIS), the music then woke us up at around midnight. It was so much louder at this time, and continued like this until around 2.30. None of us got any sleep during this time. At 2.30 we heard people leaving, with loud shouting outside.

The soundproofing FIS say they have installed is inadequate. Prior to FIS taking on the lease of the first floor space, the freeholders got planning permission to turn that space into a residential unit under planning reference F/TH/17/0132, and they ripped out all the old soundproofing from Franks nightclub (which previously had no windows, blockwork walls,

dropped ceilings, no exposed concrete frame etc. - ~~Annex 4~~ essentially a 'box within a box'). FIS then continued to strip out the space, back to the bare concrete aesthetic we see today. The residents who have lived here for a long time confirm that the transfer of noise is so much worse now.

As an architect myself, I am familiar with the detailed acoustic tests that are required for Building Control. Have FIS ever been requested to run proper Airborne Sound Tests to BS EN ISO 140-4:1998 and Impact Sound Tests to to BS EN ISO 140-7:1998? And if not, then please can this request be made? I know that the official 'change of use' is a grey area (as it used to be a nightclub in the 1990s, and it is now a nightclub again) but this is a major Building Regulations loophole considering that planning permission was granted for change of use from a nightclub to residential unit in 2017, and building works were undertaken on that basis, prior to the use being changed again back to a nightclub. The exposed concrete frame here makes the noise transfer issues complex, and it would be good to have some detailed figures to interrogate.

We have used a man called Andrew Frisby on our own projects, who is local to the area. Perhaps you could pass his details onto FIS? He can run detailed tests and also offers advice on how to make improvements.

Andrew Frisby
Acoustic Consultant
Mobile:
Office:
Email:
Website: [www.andrewfrisby.co.uk](#)


Do please keep us updated on the progress of this issue. We would love to be able to live in our flat in peace at weekends, but as it stands, things are unbearable here - and we will continue to avoid being here as much as possible.

Kind regards,

Donna

Donna Walker


<emaillogo.jpg>



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On 9 Aug 2021, at 08:09, Donna Walker

wrote: 

Dear Chris, Amanda,

Just a note to say that Saturday night was much the same as Friday, and we were repeatedly woken up by drunk people leaving FIS and shouting on the street between 12 and 3.

There should not be a nightclub in this location. We were told that FIS was going to be a co-working space with some 'cultural' events in the evenings, like poetry and cinema screenings, and their license was granted on this basis. Their soundproofing is inadequate for live DJs and loud music, and they clearly have no control over people entering and exiting the premises.

Kind regards,

Donna

Donna Walker


<emaillogo.jpg>



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On 7 Aug 2021, at 09:02, donna walker

wrote:

Dear Chris, Amanda,

I live in Flat [REDACTED] Cliftonville Court, Edgar Road, [REDACTED] from Beth and Georgina in Flat 3, also copied in to this email.

The lower floors of our building bear the brunt of the noise from FIS, though we have been trying to avoid being at home when FIS have events on, planning our holidays and visits to family on those weekends, as we know how bad things can get here and how the noise can travel up through the concrete frame of the building. However, last night we were at home.

I am generally quite a heavy sleeper, and whilst we could hear the music at FIS when we were going to sleep around 10.30pm, we were able to get to sleep. However, at around 3am, there was so much shouting and noise coming from outside that both me and my husband woke up. We were then continually woken up for about half an hour with various drunken groups of people exiting FIS and shouting on the street. We had our windows shut last night so it must have been extremely loud for us to hear it on the 5th floor of the building.

I'm afraid I didn't take any recordings of the noise but I wanted to note it as a complaint with you, so you can continue to build a picture of what the residents here are going through.

Thanks,

Donna

Donna Walker



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...



[Faint, illegible text visible through the redaction box]

<FIS.pdf>

3

Christopher Rees-Gay

From: Beth Pritchard
Sent: 2 December 2021 21:39
To: Amanda Berry
Cc: Paddy Whur; Morgan Sproates; Penny Button; Georgina
Subject: Re: Detrimental Impact
Attachments: Combined Cliftonville Court Residents' Complaints.pdf

In total 8 flats made representations to the licence review and more than this had agreed to attend to give evidence.

Two flats stated their children couldn't sleep in their bedrooms due to the music from FIS (one child has severe learning difficulties).

I find it concerning, you do not consider this evidence of detrimental impact.

I attach their comments for reference (noting these were also hand delivered to EH for consideration weeks ago).

In addition, a number of residents were prevented from making complaints either due to errors with the noise app, not having access to the Internet or EH personnel being unavailable. These issues were flagged to EH and a request from the resident association's to discuss wasn't addressed.

Like you, we await legal advice.

Please can you also share details of EH's complaints procedure.

----- Forwarded message -----

From: Amanda Berry <amanda.berry@thanet.gov.uk>
Date: Thu, 2 Dec 2021 at 16:55
Subject: Re:
To: Georgina Wilson-Powell <
Cc: Paddy Whur <paddy@woodswhur.co.uk>, Morgan Sproates (Regulatory Services Manager) <morgan.sproates@thanet.gov.uk>, Penny Button (Director of Neighbourhoods) <penny.button@thanet.gov.uk>

Hi Georgina

I did try calling Paddy earlier, I am sincerely sorry and realise how much the review meant to you and Beth. For the reasons set out in my previous email, that is, the music being played within FIS is not at an unreasonable level for a licensed premises, in fact they are operating at around 80dB which is exceptionally low and thereby indicates that they are not being irresponsible nor unreasonable given their lawful planning and licensing consents. The evidence gained during our investigation also shows that while we can show a detrimental impact from music to Flat 3 we can not for any other flat, therefore we can not show community impact either.

I realise my clarification won't ease how you are feeling and I regret that I'm not in a position to offer any assurances going forward without obtaining further legal advice.

Kindest regards

Amanda Berry

Senior Environmental Health Practitioner

Environmental Protection | Environmental Health | Thanet District Council | Cecil Street | Margate | Kent | CT9 1XZ

01843 577422

amanda.berry@thanet.gov.uk

If you are interested in air quality please visit www.kentair.org.uk for up to date information on latest pollution levels across the county.

On Wed, 1 Dec 2021 at 19:50, Georgina Wilson-Powell <georgina.wilsonpowell@kentair.org.uk> wrote:

Amanda,

I know you've already spoken to Beth, but personally, I'm so beyond dismayed, I don't even know where to start.

Having had to leave a meeting in the middle of my working day in London to deal with the fall out from this decision, I'm now going 'home' to a flat where the noise is already driving Beth out of the door at 6.30pm.

Their noise and business model is destroying our lives, our home and our mental health. I don't know how many times I have to express this is pushing me to breaking point where my health and my business is suffering - when at the same time we are being told there are 'errors' in your case.

We are already £3K down in costs plus the fact we are having to rent another home from 1 Jan because we cannot cope with the unreasonable levels of noise from FIS.

And now we have seemingly have no real time support - inc no witnessing from Environmental Health and we're in a worse position, with an emboldened venue - who are making a profit on our misery, anxiety and driving us literally out of our homes.

I'm sorry but this is not ok.

--

Georgina Wilson-Powell ||

[PORTFOLIO HERE](#)

ae.linkedin.com/pub/georgina-wilson-powell/5/967/675/

--

Georgina Wilson-Powell ||
tter & Instagram

[PORTFOLIO HERE](#)

ae.linkedin.com/pub/georgina-wilson-powell/5/967/675/

--

Georgina Wilson-Powell

[PORTFOLIO HERE](#)



4

Christopher Rees-Gay

From: Beth Pritchard
Sent: 6 December 2021 12:20
To: Paddy Whur; Georgina
Subject: Update

Hello Paddy

I just wanted to share this with you.

FIS turned up the volume on Wednesday evening after which George and I went to stay with her Mum on the assumption that the venue would be newly emboldened.

Our fears were warranted. Below is from a neighbour on the top floor (4 storeys up) confirming Saturday night would have been unbearable if we'd stayed at home.

I try very hard to be measured, but I am finding it increasingly difficult and am currently on the verge of tears.

Put simply we are being forced out of our home and we have a near worthless flat with a mortgage to pay.

I'm saying this because I am so incredibly upset that Thanet and FIS have put us in this situation.

I feel like we undoubtedly are 'in the right' but am concerned that Thanet Council could have prejudiced the case and FIS will out manoeuvre us.

Beth first of all, and just as important, how are you and George, it's so unnerving.

Yes of course I will support you wholeheartedly. X

Incidentally, on Saturday night they really turned it up, almost like a celebratory salvo. Anyway, keep me posted. Jackie X

1.2.2.2.1

5

Christopher Rees-Gay

From: Georgina Wilson-Powell
Sent: 15 December 2021 21:39
To: Amanda Berry; Morgan Sproates (Regulatory Services Manager); Paddy Whur; Beth Pritchard; Cliftonville Court RA
Subject: Noise disturbance Faith In Strangers

Dear Amanda,

I'm writing to inform you of noise disturbance from Faith In Strangers on the third Wednesday in a row. It is only 9.20pm and we can hear so much music we cannot watch the film we just bought, neither can we go to bed, have a bath or anything else normal on a Weds night at home.

On the last 2 Weds the noise has resulted in us leaving our flat to stay with relatives (I have had to spend the last 10 days with my elderly mother to get away from the noise at home). As you will recall, the first time we experienced noise from FIS on a Weds was 2 weeks ago after you told them you did not consider them a nuisance. This is despite 8 flats putting in complaints and us working with you for 8 months to record noise disturbance both in person and via equipment.

The nuisance has now increased to every Weds - in addition to the Thurs, Fri and Sat nights we have previously advised you of - meaning over 50% of our nights are now disturbed by the venue's music - thanks to being emboldened by EH's inaction and lack of duty of care towards the residents and families in this building.

Our neighbours have reported that the last 2 Saturdays have been the worst they have experienced in 2021 (to reiterate we have been staying with family because we've been driven out of our home). To be clear these are the same neighbours EH have declined to meet in a resident's association meeting, that have been blocked from accessing the noise app and who do not have witness support from EH.

It is unsustainable for our mental and physical health to remain in our home so we are having to rent another home at great cost from 1 Jan 2022 which we will be looking to TDC to cover.

I note that you did not respond to Beth to share your complaints procedure on 2 December and have declined to share further evidence of noise nuisance.

It feels entirely at odds with your dept's assessment (that FIS' noise is affecting our health) that no help is being offered from your dept to residents. More and more hurdles are being presented to us to get FIS to stop their noise nuisance.

Quite honestly I'm at a loss at how dealing with EH and TDC can be so stressful for the residents who are so clearly not at fault while the business making the noise can carry on week after week making a profit at our expense and health.

Because of the route EH has decided to take, I will be sharing our case with Thanet press and local MP Craig Mackinlay is taking a personal interest in this case.

Please share your complaints procedure with me ASAP.

Best

Georgina

Georgina Wilson-Powell

PORTFOLIO HERE



6

Beth Mortell

From: Beth Mortell
Sent: 9 February 2022 14:20
To: Beth Mortell
Subject: FW: Noise
Attachments: Video.mov

From: Beth Pritchard <[redacted]>
Date: 15 December 2021 at 22:35:55 GMT
To: Faith In Strangers <hello@faithinstrangers.co.uk>
Cc: Amanda Berry <amanda.berry@thanet.gov.uk>, Georgina <[redacted]>, Morgan Sproates <morgan.sproates@thanet.gov.uk>
Subject: Noise

Hello

I just tried to ring reference the noise we are currently experiencing.

We would like to go to sleep however that is impossible due to the music we are hearing.

For reference, attached is a video of our DB reader taken a few moments ago recording the sound of music from your sound system and party.

Please would you turn the volume down so we can go to sleep.

Kind regards

Beth

Beth Pritchard - Written by thumb, sent from my phone (I'm justifying typos) -

7

Beth Mortell

From: Beth Mortell
Sent: 9 February 2022 14:18
To: Beth Mortell
Subject: FW: Noise disturbance

From: Georgina Wilson-Powell <georgina.wilson-powell@thanet.gov.uk>
Date: 16 December 2021 at 22:57:22 GMT
To: Faith In Strangers <hello@faithinstrangers.co.uk>
Cc: Amanda Berry <amanda.berry@thanet.gov.uk>, Beth Pritchard - Sproates (Regulatory Services Manager)" <Morgan.Sproates@thanet.gov.uk> >, "Morgan Sproates (Regulatory Services Manager)" <Morgan.Sproates@thanet.gov.uk>
Subject: Noise disturbance

Dear Richard and Jeremy,

Please turn down your music. We are registering 50Db in our flat, we are unable to sleep, watch TV or anything else.

We can hear every song lyric - right now you're playing Bob Marley - Could You Be Loved.

Please turn it down.

--
Georgina Wilson-Powell ||
+
[PORTFOLIO HERE](#)



**Check Out My Book
Out Now**



8

Beth Mortell

From: Beth Mortell
Sent: 9 February 2022 16:17
To: Beth Mortell
Subject: FW: Noise disturbance Faith In Strangers

==== Forwarded message =====

From: donna walker
To: "Beth Pritchard", "Amanda Berry" <amanda.berry@thanet.gov.uk>, "Morgan Sproates" <Morgan.Sproates@thanet.gov.uk>, "cllr-alancurrie" <cllr-alan.currie@thanet.gov.uk>
Cc: "Geordina Wilson-Powell" <gm>, "sam"
Date: Thu, 16 Dec 2021 06:11:33 +0000
Subject: Re: Noise disturbance Faith In Strangers
==== Forwarded message =====

I was just drafting this email as Beth's email below landed.

Dear Amanda,

Luckily we weren't at our flat last night, as the music was louder than ever, with measurements of 37dB taken in our flat past 11pm.

The noise used to be on a Friday and Saturday only, but now we are expected to suffer on a Wednesday (and likely Thursday night) too. The behaviour of Faith in Strangers is out of control - the music is being played at a higher volume than it used to be, far exceeding the levels set by EH. They seem to think they are untouchable, and your recent actions are the cause of this.

We are back home on Friday and are bracing ourselves for a terrible few nights of sleep.

I would remind you that as our Environmental Health officer you are duty bound to take formal action if a noise is deemed to be a statutory nuisance, which this clearly is, for multiple residents within the block. And yet you appear to be taking no action at all.

If more evidence is required to strengthen your case, then why aren't officers coming out to witness the noise? Why isn't sound recording equipment being installed in multiple flats? What is happening?

We are all feeling extremely let down by the people and systems which are meant to be there to protect us.

Kind regards,

Donna

Donna Walker
Architect / Director



----- On Thu, 16 Dec 2021 08:04:07 +0000 **Beth Pritchard**
<[redacted]@[redacted].[redacted]> wrote: -----

Hello

For reference I took a DB reading from flat [redacted] at 23.37 last night that was hovering around 37db (copying in Donna Walker, the resident of flat [redacted] who was away last night (Donna left keys with us)).

That is as loud as the measurement taken from our flat on the 3rd floor (I.e. two floors below) the night you left recording equipment and issued an abatement notice.

Needless to say in our own flat we were measuring well above 40db most of the night.

This is absolute madness. Please, please, please, please will you help us sort this mess out. We need support from you and for officers to come and witness what is going on across the affected flats.

Kind regards

Beth

Beth Pritchard - Written by thumb, sent from my phone (I'm justifying typos) -

On 15 Dec 2021, at 21:39, Georgina Wilson-Powell
<[redacted]@[redacted].[redacted]> wrote:

Dear Amanda,

I'm writing to inform you of noise disturbance from Faith In Strangers on the third Wednesday in a row. It is only 9.20pm and we can hear so much music we cannot watch the film we just bought, neither can we go to bed, have a bath or anything else normal on a Weds night at home.

On the last 2 Weds the noise has resulted in us leaving our flat to stay with relatives (I have had to spend the last 10 days with my elderly mother to get away from the noise at home). As you will recall, the first time we experienced noise from FIS on a Weds was 2 weeks ago after you told them you did not consider them a nuisance. This is despite 8 flats putting in complaints and us working with you for 8 months to record noise disturbance both in person and via equipment.

The nuisance has now increased to every Weds - in addition to the Thurs, Fri and Sat nights we have previously advised you of - meaning over 50% of our nights are now disturbed by the venue's music - thanks to being emboldened by EH's inaction and lack of duty of care towards the residents and families in this building.

Our neighbours have reported that the last 2 Saturdays have been the worst they have experienced in 2021 (to reiterate we have been staying with family because we've been driven out of our home). To be clear these are the same neighbours EH have declined to meet in a resident's association meeting, that have been blocked from accessing the noise app and who do not have witness support from EH.

It is unsustainable for our mental and physical health to remain in our home so we are having to rent another home at great cost from 1 Jan 2022 which we will be looking to TDC to cover.

I note that you did not respond to Beth to share your complaints procedure on 2 December and have declined to share further evidence of noise nuisance.

It feels entirely at odds with your dept's assessment (that FIS' noise is affecting our health) that no help is being offered from your dept to residents. More and more hurdles are being presented to us to get FIS to stop their noise nuisance.

Quite honestly I'm at a loss at how dealing with EH and TDC can be so stressful for the residents who are so clearly not at fault while the business making the noise can carry on week after week making a profit at our expense and health.

Because of the route EH has decided to take, I will be sharing our case with Thanet press and local MP Craig Mackinlay is taking a personal interest in this case.

Please share your complaints procedure with me ASAP.

Best
Georgina

--
Georgina Wilson-Powell ||
@georgina_w
PORTFOLIO HERE

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Agenda Item 3

Annex 4

Good evening,

Hope you are well, during December and previous months Faith in strangers have continuously played loud music throughout night times into early mornings, allowed customers to scream and shout in the toilets at all hours and have dismissed our attempts to resolve this matter. Loud volumes of music have caused my partner, 2 year old son and myself to lose much needed sleep. My son needs routine and due to having sleepless nights when faith in strangers are open this then has a knock on effect for the following week. On many occasions my son has been frightened as result of screaming and shouting from drunk customers. Also, whilst customers are leaving the establishment they are drunk and come onto the car park shouting. When confronting them and politely asking them to keep the noise down my partner and I have been faced with aggressive verbal abuse. As this cycle keeps repeating itself weekly, we have no other option but to move from our home.

I really hope that all of our experiences are listened to so that new tenants do not have to go through the same as us all.

kind regards

Charlene Bryant

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Christopher Rees-Gay

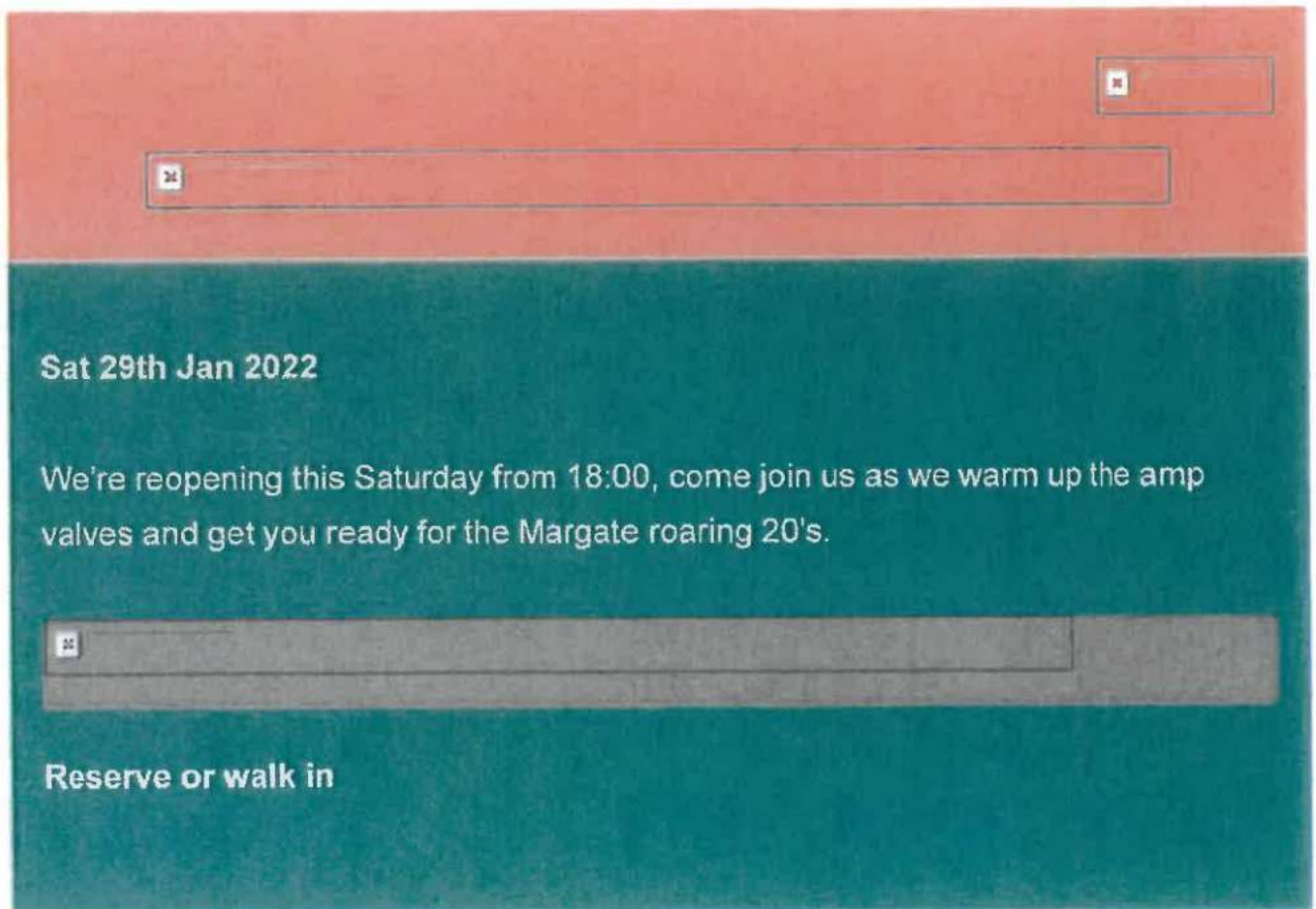
From: Georgina Wilson-Powell
Sent: 26 January 2022 18:22
To: Paddy Whur, Beth Pritchard
Subject: Fwd: We're reopening this Sat 29th Jan.

Hi Paddy

See below - FYI. DJs booked in 2 days a week every weekend through Feb and the video of everyone dancing/it being a nightclub! This is what's directly underneath our bed.

----- Forwarded message -----

From: Faith In Strangers <hello@faithinstrangers.co.uk>
Date: Wed, 26 Jan 2022 at 12:10
Subject: We're reopening this Sat 29th Jan.
To: *



The Faith In Strangers kitchen is coming soon, but until then, reserve for an evening aperitif before dinner then join us for a dance and a long evening of curated music by our resident and guest selectors. You can reserve your table [here](#) or just walk in.

RESERVE |



Winter Warmers // Feb 2022

We have a selection of our favourite local resident DJ's for your listening pleasure. These eclectic record collectors will spring any and everything from disco dancefloor stompers to synthy psychedelic dreamers.

2022 will see us continually shaping and developing our cocktail menu, such as introducing our Barrel-Aged Negroni.



What's On |

Upcoming events



Itchy Rich // Sat 29th Jan

Rich is a veteran of the UK and European festival scenes, regularly playing at Love International, Glastonbury, Houghton, Gottwood as well as being the co-creator of the infamous "Labyrinth" stage at The Secret Garden Party and a programmer for Wilderness.

[See what's on](#)



Jaw G // Fri 4th Feb

Jaw-g's sound spans eclectic electronica, jazz, space funk, deep house and techno. Her monthly shows on Margate Radio feature fresh sounds from dance music's underground, and she also puts on Femme Fiesta, a female (em)powered party, with Margate DJ Katya.

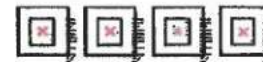
[See what's on](#)





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Georgina Wilson-Powell



Sign up to our weekly issue [HERE](#) for some [#EverydayActivism](#).
[Download](#) our new Sustainable Skincare ebook



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Agenda Item 3 Annex 4

Message from resident in Flat 1 to Clifton Court Residents' Association sent on 29 January 2022. This was in relation to the first night FIS was open since before Christmas.

yesterday

Rosie Flat

Sorry everyone about the late message but omg I'm fuming at the bloody music from under us!!

23:25

My boys bedroom is thumping and it's never been this bad! Can't deal with this, it's never been this loud and normally I can barely hear it but as soon as I walk into my hallway it's thumping through my flat! Im on the 4th floor as well, surely that's taking the piss now! Absolutely fuming

23:27

I don't know about any of you guys in this building but I've had enough.. My floor is vibrating, I wanna cry it's getting that bad and it's not fair on my boys considering we can't afford to move, I'm so upset tonight guys, so sorry again for the late messages

23:31



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Christopher Rees-Gay

From: Cliftonville Court RA <
Sent: 30 January 2022 11:46
To: Paddy Whur
Cc: Georgina Wilson-Powell; beth_pritchard@mac.com
Subject: Re: Faith in strangers

Hello Paddy

Please see below for more detail on Rosie's experience last night. The situation is heartbreaking.

Beth

On Sun, 30 Jan 2022 at 11:10, Rosie-Mae Deal < > wrote:

Flat , 4th floor
Faint In Strangers
Noice complaint

Hello, I'm emailing you due to the noise complaint that has been going on for a while now. I am on the 4th floor which the music isn't that bad normally as I'm pretty high up but last night was unbearable! It was that bad I sat crying in my own home knowing I can't do anything about this ridiculously loud music thumping through my flat waking my children up, upsetting my little boy which has autism so his very sensitive to sounds.

This isn't fair now.

I can't afford to move as I'm a single mother and I've worked very hard to get where I am, last night I sat crying my eyes out thinking I'm going to have to deal with this music for how long?

I struggle very bad with my mental health and my home is where I should be able to hide away, feel safe and be at peace.

Not sitting with my child at 1am-2am while his screaming holding his ears in absolute terror as he can't handle the music thumping through his bedroom (which is directly above the bar)

Yes I understand they're will be music but it's never been as bad as last night I was even more so tempted to call the police.

I tried calling the club many times, no answer. I have even emailed just to be reasonable and explain my child is upstairs has autism and he shouldn't have to deal with this so late at night it's not fair.

Surely there must be something that can be done as I have rights as well as Faith In Strangers, as it seems to be one way at the moment and leaving me and many others in this building.

Hope something gets sorted sooner,
Rosie-Mae deal

cliftonvile court Edgar Road
30/01/2022
Sent from my iPhone

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Re: FW: Faith in Strangers Reopening

Cliftonville Court RA <
To: Cliftonville Court RA

Wed 2 Feb, 05:21

Email from top floor resident

From: Jackie Davies
Sent: 30 January 2022 16:35
To: amanda.berry@thanet.gov.uk
Subject: Faith in Strangers Reopening

Dear Ms Berry

Last night from 10pm – to the early hours of the morning, the noise from Faith in Strangers was horrendous. It built up and up and up throughout the night. There was horrible thudding throughout my flat that made sleep impossible.

It was such a bad night that I overslept and missed Mass this morning which distressed me greatly.

I contemplated calling the police, however, on advice of my niece who works for the police, she advised that the only recourse was to contact Environmental Health. Accordingly I am pleading with you to please help us and prevent this continuing to happen regularly.

I live on the top floor, in the middle, I am in my 80s and this affecting my health. I have been avoiding staying in the flat, and had extended my Christmas with family in Wales because of the noise situation in December. It is shocking to find on my return, that the situation is worse and that we are being subjected to this nuisance.

For reference, I lived in the building when Franks nightclub was open, the noise last night outstripped anything I had previously experienced by a massive margin.

Yours sincerely

Jacqueline E.T. Davies

Sent from Mail for Windows

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Agenda Item 3 Annex 4

Message response from FIS to Ms Deal on 2 February 2022. The response was after Ms Deal complained on Saturday 29 January 2022 that her toddler was terrified due to the noise and pleaded with FIS to turn the music down.

TESCO

12:21 pm

4% 11



2 Messages



Re: Regarding the music.

Dear Ms Deal,

Thank you for your email.

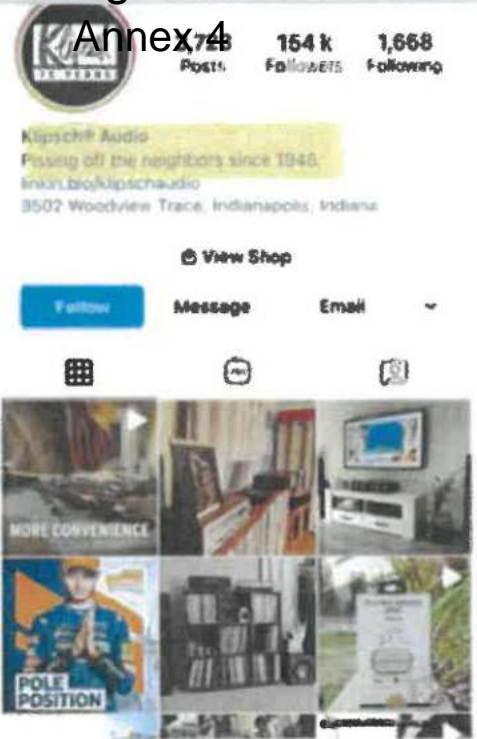
The issue that you refer to in your email is currently subject to legal proceedings, with the hearing date set for the 17th of February. Until these proceedings reach a conclusion, we are under counsel advise not to correspond directly with residents of your block.

Best wishes,

Faith In Strangers Ltd

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30th July Instagram marketing



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STATEMENT:

By Donna Walker, Flat Cliftonville Court

My husband and I, and our 4 year old daughter, live in Cliftonville Court, three storeys above Faith in Strangers.

Rather than focus on the impact on our lives, which is very similar to the others living here who you have heard (or will hear) speak today, there are two key issues which I would like to draw your attention to.

One is in relation to soundproofing and the historic use of the building, and the other is in relation to noise levels.

Faith in Strangers inhabits part of the old Franks Nightclub, which closed in the early 2000s. Four of the 12 flats within our building have been in the same ownership for more than 20 years, and so we know that the levels of noise we are all experiencing today are far greater than the levels of noise historically generated by Franks.

This is because the soundproofing measures which Franks nightclub had installed were all removed.

My husband and I (who are both architects) walked around Franks in 2016, and we have photographs from that day. At that time, the space was derelict and parts of the ceiling had collapsed due to water damage, and so we could see the historic fabric of the building laid bare.

Firstly, Franks nightclub had no windows at all. They chose to block up all of the original window openings, and enclose the roof terrace, with dense blockwork.

Nightclubs do not generally have windows as glass cannot stop the passage of sound in the same way that a solid wall can. By contrast, Faith in Strangers interior is light and bright, with large windows and sea views. Their speakers are located within the largest of these windows, directly underneath the front façade of our flat.

Furthermore, the ceilings and walls within Faith in Strangers have also been stripped of their historic soundproofing measures.

Franks had a suspended ceiling throughout, dropped by around half a metre from the floor slab above, with substantial amounts of sound insulation and dense plasterboarding. Similarly, the walls and columns were boarded out with sound insulation all around, meaning sound could not travel and vibrate up through the structure of the building. Today, this concrete structure is fully exposed, giving the interior its aesthetic character - with concrete columns and floor slabs clearly visible throughout.

I also want to touch briefly on noise levels. The World Health Organisation states that sleep disturbance occurs at noise levels above 30dB. The noise

within our flat, which is 3 storeys up from the venue, regularly reads well above this when measured on a noise app, and this has a detrimental impact on our ability to sleep.

Faith in Strangers did propose some soundproofing as part of their planning conditions sign-off which can be seen in Annex 1. The drawing here states that the soundproofing to their ceiling will reduce the noise by 120 – 140dB. This clearly has not worked as intended. If sound was successfully reduced by this amount, then the flats above would hear no noise at all.

As an architect who knows the basics of soundproofing, this is no surprise to me, as soundproofing just a part of a ceiling alone will never block the transfer of noise. For effective soundproofing, you have to create a sealed 'box within a box' where all of the internal linings are physically separated from the external structure of the building.

There have been no offers made by Faith in Strangers to try and improve the soundproofing of their premises.

Furthermore, it should also be noted that despite Environmental Health setting what they deemed to be acceptable levels for music some time ago, these levels have been consistently ignored, and in recent months the volume of music has got louder than it ever has been before.

I believe Faith in Strangers have two choices – one is to revert to their original business plan, as outlined in their planning submission, of being a co-working space by day, with quieter arts and cultural events in the evenings – something which all of the residents here would support. The other is to install extensive soundproofing, which would include blocking up their windows and removing their sea views, which would then enable them to be a late night music venue. As it currently stands, their nightclub usage at weekends is incompatible with the space that they occupy, and also incompatible with the residential block of flats directly above.

END

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Removal of Soundproofing

Frank's, top three photos of the venue when it was Frank's. Notice the bricked up windows, separated rooms and suspended ceilings:



Faith in Strangers modifications (taken from FIS' Instagram): notice the removal of the suspended ceiling, gaps added in the ceiling for air-con units and panoramic glass. The concrete ceiling in the 'now' photograph is where FIS and Cliftonville Court share a ceiling / floor:

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Annex 4



Agenda Item 3

Annex 4



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