

Environmental Protection Comment

Thank you for the email to Environmental Health advising us that a review application for Rockys Bar, Gillingham SP8 4DZ has been submitted.

This is not a formal representation. It is an informal statement of fact detailing Environmental Healths involvement in this case, which we feel may be helpful for the committee.

There has been significant involvement of Environmental Health in this case, but we have **not** gathered, or been provided with, significant evidence to **demonstrate a statutory noise nuisance**.

Since August 2021 the following investigations have occurred

Our reference	Date	Comp	Compliant	Investigation
34057	13/8/21	A	Questions why premise is open until 2am. Noise from groups of people in Garden	Emailed comp. They wanted to give the premises an opportunity to resolve this after speaking to them directly
39675	27/3/22	B	Loud music from premises. Noise from people in garden	Standard email sent to complainant – NO REPLY
39660	28/3/22	B	Loud music from premises. Noise from people in garden	Called complainant. Discussed. Advice given. Sent logsheets. No logsheets returned – closed
39715	28/3/22	C	The music was going on until past 2am and he couldn't sleep. Doors open, and people were outside smoking and shouting and swearing till the early hours. It is generally noisy to live near but as they usually close at 11pm it isn't so bad, it is just every few weeks when they have these late licenses that it becomes an issue.	Phoned and discussed – advice given. Advised to complete and return logsheets. Also concerned no security. No logsheets returned – CLOSED
41500	21/5/22	C	Noise and loud music. Foul language and shouting emanates from the garden and the street. Play facilities have been installed in the bar garden.	Telephone Call to comp Letter to Source sent Letter to comp sent with logsheets Discussed with licensing No logsheets returned
41501	22/5/22	A	Noise from people in Garden and music noise when they have bands on	110 meters from Complainants house to Rockys. Phoned and discussed with comp

Appendix 4

				<p>Wrote to complainant with logsheets No logsheets returned</p>
43081	14/7/22	D		<p>Logsheets sent in from new complainant. In 6 week period there were no incidents of music past 23:00h although it did disturb them in the garden at times.</p> <p>During this time period there were 7 incidents recorded on the same logsheets of noise in the street from people shouting and behaving in a disorderly fashion.</p> <p>Case reviewed – conditions looked at and no relevant noise conditions to enforce against – no stat nuisance from music.</p> <p>Volunteered to not use garden after 23:00h. Doors and windows must be closed after 23:00h</p>
44247	17/8/22	E		<p>Logsheets sent in from new complainant.</p> <p>Complaint of people noise in garden until 23:00h; also noise spill when pub door open and closed.</p> <p>Impacts them in their garden.</p> <p>Wedding in pub garden (under a TEN) - wanted to be warned about this. Video of marquee wedding party sent in with logsheets.</p> <p>End of summer / outside people noise until 23:00h – no further comms or complaint - CLOSED</p>
48312	17/2/23	Internal	Freedom of Information request regarding number of complaints in 2022	
49389	4/4/23	F	Noise from Rockys Bar	<p>Logsheets sent and returned. ASB team involved</p>

Appendix 4

				Installed Noise recording equipment for + 2 weeks. Only 2 short incidents of noise recorded – No stat nuisance. Complaint taken on by ASB team – CCTV installed
50948	5/6/23	B	Noise at weekends disturbing sleep and ASB No door staff	Discussed with comp Phoned and discussed with Scott Rock (Rockys) who said he closes garden at 23:00 and monitor noise levels from across the road when bands and DJs on. Several email exchanges with comp and offered to put noise recording equipment in once logsheets returned – but no logsheets returned.
52953	26/7/23	G	Email complaint received - Constant rubbish being left from the business along the street. Shouting and car horns beeping. Sitting on the street shouting and causing trouble. This occurs most Friday and Saturday nights or when there is a late event on that evening. Lack of sleep. Always having rubbish in our front garden. Have had car damaged multiple times.	Email and logsheets sent – no reply
52672	29/7/23	G	Email complaint received via ASB -	Forwarded to ASB team Sent bespoke reply to comp – but no reply received.
52870	6/8/23	A	Email regarding constant noise from large numbers of people in the pub garden and incredibly loud live bands.	ASB and Noise logsheets sent – not returned Advice given on how to review licence.
54142	18/9/23	H	Lack of security Customers congregating out the front Litter	Phoned and discussed – advised in writing that we had insufficient evidence of a noise nuisance and best course of action is for residents to review licence.
57094	29/1/24	A	Bar blaring music until 3am in residential area and filling in forms does not help	Email sent to comp explaining our investigation procedures

- 8 Complainants over 32 months
- 15 complaints over 32 months
- Investigation procedure explained and logsheets sent to all
- 3 sets of logsheets returned; none of which indicated a statutory nuisance from noise emanating from the premises
- Noise recording equipment installed in xxxxx house. Only 2 short incidents of noise recorded – not a stat nuisance.
- Scott Rock (DPS) spoken to on a number of occasions and closed the garden at 23:00h, and monitored the noise when bands and DJs on as advised.
- ASB from customers allegedly leaving the premises became more of an issue and as a result the ASB team at DC were involved.
- CCTV was installed by the council ASB team in the area.

The Environmental protection team at Dorset Council have had 15 complaints about Rockys bar over 32 months. These 15 complaints have been from 8 different people / addresses. 3 sets of logsheets were returned but they did not demonstrate a statutory noise nuisance. Despite only a small amount of evidence, the Noise Recording equipment was installed at a property opposite Rockys bar. No significant noise was recorded during the +2 weeks over which it was installed.

Many of the complaints were about noise and ASB from customers allegedly coming and going from the bar in the early hours of the morning. This information was passed to the councils ASB team and they investigated. Noise in the street cannot be considered by EH as we cannot hold the pub responsible when the customers are off the premises.

I believe the main trade for Rockys bar is at weekends and late at night. Customers are attracted by bands, DJs, Karaoke and live sporting events on TV. In my experience having a licensed premise of this type, open until the early hours of the morning, in a residential area will result in complaints of noise and ASB. The noise from the premises and customers on the premises can be managed; but the behaviour of this type of customer in the early hours of the morning in a residential area is undoubtedly causing local residents disturbance and worry.