

From Jane Williams, Environmental Health and David Ramsay, applicants agent

From: Jane Williams

Sent: 01 December 2021 16:08

To: david Ramsay

Cc: Kathryn Miller; Kirsty Gatehouse

Subject: Amendments for agreement - Premises Licence: Caffeine

Hi Dave

I enclose my comments as a responsible authority for you to pass through to your clients. Thank both of them for their time today.

So these were my discussion points for them to consider:

- Change the waste removal condition on the application for premises licence to no later than 20.00hrs.
- Change the delivery condition on the application for premises licence to no later than 20.00hrs
- Change the hours of operation for regulated entertainment to be no later than:
 - Sunday to Thursday to finish at 23.59 hrs
 - Fri/Sat to finish at 02.00hrs
 - Sat/Sun to finish at 02.00hrs
 - Sun/BH Monday, when it arises to finish at 02.00hrs

You may wish to consider specifying Christmas Eve/Christmas Day/Boxing Day, Thurs/Easter BH Friday, and NYE as similar hours. Of course you don't have to use the periods up to their limits.

The sale of alcohol and opening hours will need to reflect the above (Kirsty will probably send you guidance)

- At least 2 SIA staff will be available from 21.30hrs, again further guidance may be forthcoming from the police and there may be a risk assessment based condition to ensure that you consider numbers of SIA when specific events are held.

Proposed Noise conditions for their agreement:

- All openable doors and windows shall remain closed during periods of regulated entertainment except for access/egress..
- Any outside place shall be closed from 23.00hrs for the consumption of food or drink.
- A Noise Management Plan shall be submitted in writing 1 month after the provision of any premises licence. It shall include the following matters:
 - Use of a cooling down period and the timings associated with it.
 - No entry policy and how this is to be managed.
 - Monitoring of any regulated entertainment, by whom, and when.
 - Noise control measures in place at the premises both physical barriers, speaker alignment etc. and any management controls.

A new/updated NMP shall be produced if any changes are made that are likely to see an increase in the volume/style of regulated entertainment. The written report shall be submitted to the Local Authority Licensing Section for agreement and as such will form part of the premises licence.

- Monitoring of regulated entertainment shall occur after 21.00hrs, and in each and every hour, thereafter whilst regulated entertainment is being played. Any monitoring and comments shall be recorded and listed with any actions taken, and by whom. All records shall be kept a minimum of 1 month and shall be accessible on request to an authorised officer of the Council or the Police. Monitoring shall take place at the rear of the premises and at the front of the premises on the opposite side of the street. *(the person undertaking the monitoring would do well to note down other music being observed against the levels heard from their own as a means of mitigation and due diligence). You are strongly advised that the person undertaking the monitoring is not themselves influenced by temporary threshold shift from the exposure to loud music in the room where regulated entertainment is taking place. You may choose to use a noise app or sound level meter however this often doesn't explicitly show frequency issues such as excessive bass, any mechanical device used will need to be calibrated frequently by an appropriate and accredited laboratory and care should be taken with regard to the use of appropriate receiving microphone.*

Noise management plan guidance:

Licensed premises and sites have to live in harmony with their neighbours and, by their very nature, can often cause some disturbance to people living and working nearby. The aim of the Noise Management Plan should be to put in place reasonable measures to reduce the noise impact of sources associated with the premises/site. People are generally less tolerant of 'avoidable' noise, so particular attention must be paid to reducing or eliminating this. The following identifies some of the issues which may have to be considered when preparing a Noise Management Plan (NMP) - although it should be recognised that each plan will be premises/site/event specific and the examples are not exhaustive. Not all issues will apply to all premises and the practicality of implementing some measures will depend on individual circumstances. Although the preparation and compliance with a NMP may be a requirement of a premises licence it is also expected to be applicable to events permitted under Temporary Events Notices or deregulated entertainment activity

Key objectives/outcomes of a Noise Management Plan (NMP) may include

- *Minimising impact on local residents and neighbouring properties*
- *Satisfying the Licensing Authority / Environmental Protection following a licence agreement (and any hearing)*
- *The identification of the range of potential noise sources relating to the premises and the acceptable levels of noise arising from all specified events and activities*
- *A detailed list of steps taken (and matters that will be restricted or prohibited from taking place) to manage noise pollution*
- *A defined programme of noise measurement to check that compliance has been achieved through monitoring and testing*
- *A complaints procedure including recording of actions/outcomes and review*

Steps to manage noise pollution

Generally, the overriding requirement is for control of noise at source by considering:

- *The site and any building or temporary structure's location, orientation and design*
- *The specification, selection, and operation of equipment that emit low levels of noise such as refrigeration, extraction etc.*

- *The specification, selection and operation of music/sound equipment*
- *Managing operations on the site*
- *Barriers or screening to control or reduce noise (insulation or acoustic baffles for example) where required*
- *Making customers, hirers and contractors aware of the consequences of late night noise and to be proactive in dealing with the problem via internal and external signage, advertising and communications (web sites etc)*
- *Nominated individuals being responsible, authorised and readily contactable*

Further notes to consider

1. Indoor Music Noise

Often the bass elements are noticeable outside, close to the premises and inside nearby premises especially if they are attached. Good management control to keep doors and windows closed and control hours and volumes with a cooling down period (reduced volume) for the last period of activity is achievable by the supervisor. Consideration should be had to location of loudspeakers/PA and limiting juke – boxes, karaoke and open - mic activities. Structural works may require someone with specialist experience bearing in mind that installations may have limited effecting reducing bass. Live music may be difficult to manage, since many musicians bring their own equipment and it cannot be effectively controlled by the supervisor unless there is a good working relationship and clear instruction. It may be prudent to look towards favouring events which minimise impact and it may be useful to warn neighbours in advance of special events which may have a greater impact. Regular checking at the boundary of the nearest noise sensitive properties is important but if you have been in the noise for an hour or so your hearing will not be as good and the effects can be easily underestimated when you go outside to assess. This is known as temporary threshold shift.

2. Deliveries, storage and waste disposal

Deliveries by their very nature are noisy e.g. the refrigeration units on delivery vehicles and the clanging of barrels and bottles. The most effective way is to ensure that they take place at reasonable hours of the day, and the same with removal of waste. Consider siting of stores and use of purpose built acoustic stores.

3. Gardens , smoking and open/play areas

Gardens, open/smoking areas and children's activity areas are important features of many premises/sites and their use can be difficult to control but sensible precautions like location, signage and restricting the hours of use for such areas may help. Often, unsupervised children in play areas or congregations of drinkers or smokers can cause problems.

4. Customers/dispersal

Customer noise is a difficult matter, people leaving a noisy venue often carry on talking outside at the same volume, and this can be disturbing to the local community. Particularly disruptive customers should be warned and an exclusion policy introduced. Signs which emphasise the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour should be considered. A good relationship should be fostered with responsible licensed

Taxi /private hire operators with customers encouraged to contact these operators whilst within the premises and encouraging drivers to come to the door /reception to collect passengers.

6.Complaints

The importance of a sympathetic and polite response to complaints cannot be over - emphasised. Many problems can be defused by the right attitude and response. Letting neighbours know that you are willing to meet with them to discuss issues , or can contact you directly during an event, can help maintain relations and assist with neighbour tolerance.

7. Collating your NMP

Clear, logical and consistent organisation of your NMP may assist as a template for you to follow for future events. It should also form part of any wider Event Management Plan (EMP) documentation. Whilst it is down to the operator/consultant an NMP could be ordered into sections such as:

A. Statement of intent - this should explain the purpose of the NMP.

B. Introduction - this should detail what is proposed and what noise criteria are to be achieved.

C. Potential noise sources and proposed controls

D. Noise monitoring of the event - this section should explain in detail how all noise sources will be monitored and controlled, including a chain of command (i.e. who has the authority to reduce noise levels throughout the hours the entertainment will be taking place). A note of all monitoring details should be made using a log sheet

E. Review - It is also advisable that the Noise Management Plan is regularly reviewed and updated as necessary – for example on existing un-assessed noise sources, following a complaint or when monitoring procedures identify that controls are inadequate. This doesn't necessarily mean that the local authority need to be informed however if there are significant changes please do so.

I hope they find the green listed helpful in drawing up a NMP however if you or they have any queries please do contact me.

Kind regards
Jane

From David Ramsay to Jane Williams

From: DAVID RAMSAY

Sent: 02 December 2021 19:05

To: Jane Williams

Cc: Kathryn Miller Kirsty Gatehouse

Subject: Re: Amendments for agreement - Premises Licence: Caffeine

Good evening Jane,

Thanks for your quick response.

I have spoken to my client and they found the meeting extremely useful.

My client has considered your suggested alterations and extra conditions and would like to offer the following in addition to those on the operating schedule:

- Change the waste removal condition on the application for premises licence to no later than 20.00hrs.
- Change the delivery condition on the application for premises licence to no later than 20.00hrs
- Change the hours of operation for regulated entertainment to be no later than:
 - Sunday to Wednesday to finish at 23.59 hrs
 - **Thu/Fri to finish at 0200hrs**
 - Fri/Sat to finish at 02.00hrs
 - Sat/Sun to finish at 02.00hrs
 - Sun/BH Monday, when it arises to finish at 02.00hrs
 - Christmas Eve/Christmas Day/ Boxing Day finish at 0200hrs
 - Thurs/ Easter BH Friday finish at 0200hrs

At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January, a continuous period.

At least 1 SIA staff will be available from 2200hrs on each floor when licensable activities are taking place on that floor.

A written risk assessment will be carried out in relation to the requirement for door supervisors especially in relation to special events at the premises. This risk assessment will be regularly reassessed by the management.

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Regards

Dave

Jane Willams to David Ramsay

Morning Dave,

I am agreeable to those changes and note the request to extend to 2 on certain days (highlighted for the ease of others), and the NYE/NYD 'permitted hours'. This will of course need to get the Police's 'agreement' as well.

Kind regards

Jane