

**Pollution Control Team Representation**

The Pollution Control Team are submitting a representation for the extension of the licence on the grounds for preventing a public nuisance.

The basis for this objection is that there is insufficient control of music noise, and disturbance associated with access and egress to the premises, to permit the restaurant to be open after 24.00.

A residential premise adjoins the licensed premise, and the bedroom to this home is situated above the access point to the premises and adjacent to the proposed first floor use.

This department received a complaint about music noise and noise from activities inside and outside the restaurant on 29/4/2010 and there is ongoing investigation. The management of the restaurant have been made aware of the complaints that have been made. During the investigation recordings have been made within the complainant's home. To assess the noise levels, the time, duration, and frequency of events are considered, as well as the locality in which the events occur.

The recordings, made within the complainant's property, demonstrate audible noise from people talking in the restaurant and music being played. The recorded noise levels, made on 17/7/2010 and 12/11/2010 are currently judged to be unacceptable but might be considered to be acceptable if properly controlled before 23.00.

However any audible noise would be unacceptable after 23.00 and would be considered as a statutory nuisance.

Guidance issued by the Institute of Acoustics, Good Practice Guide on the Control of Noise from Pubs and Clubs, March 2003 advised that "music and associated sources should not be audible inside noise sensitive property between 23:00 and 07:00 hours.

Suggestions for conditions have been made which should be implemented by the restaurant if the licence for 1<sup>st</sup> floor area to be given in Appendix A.

Complaints have been made to the Pollution Control Team of Peterborough City Council that the restaurant has been open after 24:00 on numerous occasions. It has also been alleged that there have also been events going on, on the first floor of the restaurant. A record of those events has been submitted to Pollution Control Team as noise nuisance log sheets from the complainants.

From the observations that have been made to date, it is concluded that noise before 23:00 could be seen as an annoyance, but these levels would represent a substantial interference to reasonable comfort if continued after this time.

The evidence to date has identified that an extension to opening hours and the use of the first floor after 23:00 will result in unacceptable disturbances and a statutory nuisance occurring. The present circumstances are such that the use of conditions cannot adequately control noise to prevent such circumstances arising.

An objection to the proposed extended hours for restaurant is therefore made.

An objection to the proposed extension of the licence to include the first floor until 23:00 unless the attached conditions are implemented.

An objection is also made to the use of the first floor for licensed activities after 23:00.

In the event that the licensing committee do not uphold the objection to the extended hours the following conditions are recommended.

In the event that the licensing committee do not uphold the objection to the use of the first floor for licensed activities after 23:00 the following conditions are also recommended.

### **Suggested licence conditions for Kaimas 11<sup>th</sup> November 2010**

#### **1. Noise Control Measures**

The licensee shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.

#### **2. Noise Control Measures**

Prominent, clear notices shall be displayed at all exits and outside trading area's, requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.

#### **3. Noise Control Measures**

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place

#### **4. Noise Control Measures**

The premises License holder shall take all necessary steps to ensure that noise or vibration is not noticeable inside or at the façade of any noise sensitive premises.

#### **5. Noise Control Measures**

The holder of the premises licence or responsible person shall ensure that no noise shall emanate from the Licensed Premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance or unreasonable disturbance to the occupiers of premises in the vicinity of the Licensed Premises.

#### **6. Noise Control Measures**

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with.

## **7. Noise Control Measures**

The placing of bottles into receptacles outside the premise shall take place at times that will minimise disturbance to nearby properties.

## **8. Odour Control Measures**

All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties.

## **9. Noise Control Measures**

Live music shall be played only at ground floor restaurant with the stage positioned away from noise sensitive properties.

## **10. Noise Control Measures**

Appropriate notice of upcoming live music event and special events shall be given to local residents.

## **11. Noise Control Measures**

Recorded music shall be played within opening hours of the restaurant at ground and first floor with decreased volume after 23:00 hours.

## **12. Noise Control Measures**

Speakers should be located away from the noise sensitive premises, avoiding locations close to the joining wall.

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