

Addendum to committee report in support of an application by NHDC's Environmental Protection & Housing Team to review a Premises Licence- 3rd November 2017

Re: Khoi Khoi Bar and Vino, 31 Hitchin Street, Baldock, Herts, SG7 6AQ (licence reference LC/4849 or LICPR/14517/05)

This is an addendum to the committee report submitted in support of an application to review the above premises licence. The review hearing is due to take place on 15th November 2017.

The purpose of this addendum is to highlight the need to amend the recommendations included in the original report dated 15th September 2017 as a result of an exercise on 26th October 2017 by the Environmental Protection & Housing Team (EPHT) to assist Mr Nyathi, the DPS, in setting an appropriate noise limit on a noise limiting device that he voluntarily installed following receipt of the review application and supporting committee report by the EPHT.

During the noise limit setting exercise, it quickly became apparent that recorded music which is played using external equipment (i.e. a DJ with his/her own amplifier and speakers) would need to be played at a very low volume which matches that of the in-house equipment in order for the noise level to be appropriate for the EPHT. This is because most noise limiting devices, including the one currently installed, do not allow a differentiation between different types of equipment and/or recorded music and can only be set at one level. The result would be an uneven and unsatisfactory acoustic environment not in keeping with the volume expected from a performing DJ.

The in-house equipment that Mr Nyathi uses to play recorded music during the daytime and evening can be set to a suitable level for both him and the EPHT and this type of recorded music is therefore considered to be suitable to be played during the hours currently on the licence (Monday to Saturday between 11:00 and 23:00 and Sunday between 11:00 and 22:30).

The identified solution to this problem is to amend the recommendations of the previous report so that recorded music using external equipment can take place at an unrestricted level but is restricted in its frequency and duration in the same manner as amplified/non-acoustic live music. Recorded music using in-house equipment is not being recommended to be changed from what is stated in the original report.

Modified recommendations

It is still recommended that the days and hours permitted above for recorded music (indoors only) are retained but that a noise limiting device is installed in the premises so that all in-house equipment for recorded music is routed through this device (see recommended conditions below). Obviously this device is already installed and the conditions will formally require that it remains in place and is set at an appropriate level.

It is also still recommended that the days and hours permitted for live music (indoors only) are restricted to take place only on Friday and Saturday between 19:00 and 22:00 but with restrictions on their frequency depending on if it is a full live set or is acoustic only. It is not possible to distinguish between different types of recorded music on the permitted hours on a premises licence so the above issues surrounding external equipment for recorded music have been dealt with by modifications to the

original recommended conditions (see amended conditions below). The key change is that recorded music using external equipment, therefore not routed through the noise limiting device, is recommended to occur only in replacement of amplified/non-acoustic live music and not in addition to it. This will ensure that there is no increase in the potential for a public nuisance to occur in light of these recommended changes.

Modifications to the previously recommended conditions

1. Amplified/non-acoustic live music or recorded music using external equipment (both constituting regulated entertainment) shall only take place on one (1) day per calendar month.
2. Recorded music using external equipment (constituting regulated entertainment) shall only take place between 19:00 and 22:00.
3. Live music (constituting regulated entertainment) which is acoustic only shall only take place on one (1) day per calendar week.
4. Live music or recorded music using external equipment (both constituting regulated entertainment) shall not take place on consecutive days.
5. All windows and doors at the premises shall remain closed when live music or recorded music using external equipment (both constituting regulated entertainment) is taking place except for ingress, egress and in the case of an emergency.
6. A suitable environmental noise control device shall be installed in the premises, calibrated and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned Officer. No recorded music using in-house equipment (constituting regulated entertainment) shall take place until this device has been installed and set in accordance with this condition.
7. Once the environmental noise control device has been installed, calibrated and set to the satisfaction of the Council's Noise Control Officer it must not be removed, adjusted or replaced:
 - (a) without twenty-eight (28) days prior notification to the Council's Noise Control Officer and;
 - (b) without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from the Council's Noise Control Officer.
8. Following the receipt of the documentation stated in condition 6(b), all the requirements of the Council's Noise Control Officer must be carried out. Use of all in-house equipment for recorded music (constituting regulated entertainment) taking place is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted.
9. In the event of a malfunction of the environmental noise control device, the Council's Noise Control Officer shall be notified within two (2) working days of the problem and the remedial action proposed. No recorded music using in-house equipment (constituting regulated entertainment) shall take place until the environmental noise control device is properly functioning and, if appropriate, has been reset, calibrated and set to the satisfaction of the Council's Noise Control

Officer and/or the Council's Noise Control Officer has received and approved the necessary documentation confirming this.

10. The environmental noise control device shall be secured in a manner approved by the Council's Noise Control Officer so as to prevent unauthorised access to and tampering with the controls.

11. All in-house equipment used for recorded music constituting regulated entertainment taking place must be routed through the environmental noise control device and this device must be operational during such licensable activities.

Rory Cosgrove
Senior Environmental Health Officer
North Hertfordshire District Council
3rd November 2017