

NHDC Environmental Protection

Further to below clarification from the applicant, my comment for this application is as follows.

We object to the use of the Terrace beyond 9pm . We oppose the proposed time of 10pm finish with the undertaking of turning the music down at 9.30pm. The condition we will apply would be that the use of the Terrace to end at the latest 9pm . This is not acceptable to us for the following reasons.

1. Given the location of the venue and projected noise from such events, we believe this will result in disturbance to the nearby residential homes.
2. The same condition is applied to all similar establishments that use the outside area in that location
3. Given the reduction of background noise at night and as the day draws out projected noise of such events will be much more audible and therefore could result in noise nuisance.

I hope this is helpful. Please do not hesitate to contact me if you require any further information

Amir

From: Amanda Ashley

Sent: 29 March 2021 15:52

To: Morteza Salarkia

Subject: Re: 12089 revised application form and plan - Creative Minds

Afternoon

I'm a bit confused by your comments as you appear to say you are satisfied from a noise point of view , but I will try give you further information.

1. The Terrace will be used on Friday, Saturday and Sunday during the spring summer months April to September. This will not be every weekend and not all 3 days only as and when hired for private events which are all limited to 60 people. Baby Showers, Brunches, Family Gatherings, Pop Up Restaurants, Private parties. No 18ths or 21st Hirers are limited to background music or acoustic live music. Hire of roof terrace end must be 10pm . This is laid our fully in our booking form for hirers and fully explained to them prior to booking.
2. Hirers must turn off music by 9.30pm and leave the roof terrace by 10pm. Other establishments including the Sun Hotel, The Market Theatre have outside licenses until 11.30pm. Chic Bars Music starts as we are leaving our premises 10.30pmish and can be heard very clearly we have not asked for 11.30pm as we steer all our hirers to daytime early evening bookings. The point of our terrace is to have a party in the Sun. This is how we operated last summer 2020 on tens licenses I believe there were no complaints sound or otherwise from neighbours.
3. The Fire Officer came for a advisory visit before we opened the terrace last year, I cant remember his name but I believe I have a copy of a letter from him on site. We did not expect him to say as many people as he did and we had already priced our provision for less than 60 people so we stuck to the 60 capacity. We used this number last summer most events were actually under 60 and again no as far as I'm aware no complaints of sound or anti-social behaviour.

4. We have amended to 24.00pm for Friday and Saturdays for inside the premises only. Any bookings for the roof terrace will always shut at 10pm and these are only possible on Fridays, Saturdays and Sundays. Midnight inside the premises is in line with all other licenses establishments in the area some are 3am. Again we have had tens for the past 18months some till 2am and we have had no complaints that I have been made aware of.

5. We have a Covid safe plan , Fire plans and a Health and Safety Plan

6. We are a registered training provider with the Department of Education we have a UPIN Number for our registration we have however agreed with licensing our application will not be for a educational provision we will be licensed in the company name.

7. I would like to remind you that we operated the premises on tens licenses for the past 18months as we knew the previous license to the premises had been revoked, while this should in no way impact our application ,we wanted to prove that we could run the premises safe fully with no complaints prior to applying for a full license. I believe we have done there have been no complaints sound or otherwise and we have decided on the types of events we will and wont book on the premises in a attempt to be good neighbours, I believe we have achieved this . As a community interest company that raises funds from our premises to fund our work with young people in the community we have considered our application carefully based on 18months experience of the premises including during lockdowns when we have been unable to raise additional funds for our work.

I am a experienced personal license holder and have had no complaints or hearings against my personal license.

Regards

Amanda Ashley
Creative Minds CIC

On Monday, 29 March 2021, 09:00:38 BST, Morteza Salarkia wrote:

Dear Ms Ashley

I believe I spoke to you on the phone yesterday regarding the above application.

I have reviewed your revised application from the Environmental Health Noise aspect specifically and I have the following comment .

1. In my view the use of the Terrace has not been defined properly to enable us assess any potential issues. it has been left as an open proposal without any details of events you may hold and frequency of such events . You need to provide us with more details .
2. In our view, considering the location and taking into account conditions applied to other establishments licences in the area , you need to revise the proposed finishing time of 9.30pm in relation to the use of the Terrace. This will not be acceptable to us.
3. In the application you refer to the fact the Fire Service has agreed that the Terrance can accommodate up to 100, do you have this confirmation in writing, although I noted that you have stated you will not go over more 60 people. In our view that may even be too many. This an observation and for you to ensure a proper risk assessment is carried out and available for the Council to refer to if required.

4. Under section L there appears to be some inconsistency / error on the hours of business or opening and finishing times. Under section L you put 10 am – 24.00pm Monday to Saturday and 10am – 23.00pm on Sundays. In our view you need to review these as these will not be acceptable . In general , on week days this must not go beyond 23.00pm and Sundays not beyond 22.00pm
5. Although overall, I am satisfied with the Noise Control statement within the application , this remain to be seen in practice.
6. Please note that whilst the Covid regulation in place , you must have a full Covid19 Risk Assessment in place and the premises and it use must be Covid compliance. Please note that all these may require a review once the Covid regulation comes to an end
7. Finally, it would be helpful if you could clarify your Educational Establishment status, ie under which educational regulatory system or body your organisation is credited or certified be considers as a Educational Establishment.

I hope this helpful

Amir Salarkia
Interim Environmental Protection & Housing Manager
North Hertfordshire District Council