

Gareth Jones, Senior Environmental Health Officer, Cheltenham Borough Council

Phil,

I understand that Soho Bar is currently subject to a licence review, as requested by the Police. Please accept this e-mail as updated comments from the Environmental Health Team in respect of noise nuisance from the premises.

On 1st June 2016 I received a complaint from nearby residents of noise nuisance from Soho Bar. The complainants alleged that noise was affecting them from a number of sources, including:

- Amplified music.
- Customers using outdoor drinking area, and arriving and leaving.
- Tables and chairs being moved / stacked after use.
- Air handling plant.
- Staff using upstairs store rooms to move heavy items after hours.

All these sources were alleged to occur throughout opening hours and beyond licensed opening hours (including “drinking up” time).

These issues were raised in a letter to the premises manager, dated 1st June 2016.

In the light of continued complaints I installed noise monitoring kit at the complainants property on 5th July. The equipment was set up in the complainants bedroom, as per normal practice when the complaint involves noise which is alleged to keep someone awake. I retrieved the equipment from the complainants’ property on 11th July.

On listening to the recordings made by the complainants I found that they had recorded a large number of incidents of noise that had affected them. Most of these were of noise from amplified music, but there were other recordings that included noise that sounded like a fan running for a prolonged period and some noise from voices of people in the street. The noise from the fan was at a very low level and in my opinion was unlikely to disturb sleep of a resident or otherwise affect their ability to use the property in a normal way. The noise from people outside was recorded on one occasion only and controlled to an acceptable level by the complainant shutting the window in the bedroom. If this issue occurred on a frequent basis it may constitute a statutory nuisance as it would prevent the resident from ventilating their property in a normal manner as they would reasonably want to do on a warm evening.

Of most concern was the noise from amplified music. On the recordings I found evidence of noise from amplified music which was likely to disturb the sleep of residents in the complainants’ property. This occurred at the following times and dates:

- Friday 8th July from 00:12 until at least 01:58.
- Saturday 9th July from 00:32 until at least 01:21 and 23:27 until Sunday 10th July 01:29.

All these recordings were characterised by prominent levels of low-frequency noise with the rest of the music inaudible. The bass beats were continuous and were sufficient to cause disruption to sleep of residents. This intrusion is a statutory nuisance and as a result I have served an abatement notice in respect of noise from amplified music on Mr Ansar Ali, the Licence holder of the

premises. In licensing terms, this level of intrusion into nearby residential property constitutes a Public Nuisance.

Licence breaches

In the recordings described above there were occasions when it appeared that Soho Bar were still playing amplified recorded music beyond the hours allowed by their premises licence, and that music was audible in neighbouring premises after 23:00. Noise from amplified music could be heard at the complainants' residential property at the following times:

- Thursday 7th July 00:27, 00:30
- Friday 8th July 00:04, 00:12, 00:30,00:39, 01:58
- Saturday 9th July 00:32, 01:16, 23:27,
- Sunday 10th July 00:04, 01:04, 01:18, 01:24

The evidence gathered during this monitoring operation demonstrates that operation of the premises is currently in breach of the premises licence conditions and causes a public nuisance. I would therefore recommend that should a premises licence continue to be granted for these premises a closing time of 23:00 is applied on all days.

If you have further queries, let me know.

Gareth