

## Appendix 6 – Email communication between the applicant and Environmental Health

Dear Jason,

Please see below the update from Imogen at Popp Allen with information from the applicant on how they aim to mitigate noise from the music associated with the SEV.

I've sent back my comments as per the below trail.

If this can be included as part of the committee report I would be grateful.

Thanks,

Lou

**From:** Louise Boyle

**Sent:** 06 January 2023 13:21

**To:** 'Imogen Moss'

**Subject:** RE: Under the Prom, Cheltenham - SEV application PCX:000027000000162

Dear Imogen,

Thank you for your email with the updates from the applicant.

I wonder if I might just address a couple of points in the additional information please.

From the updates, I note the applicant states the booths will be constructed inside the temporary structure with sound deadening materials on all sides, but the speakers are outside of the booths on a line of small satellite speakers, so the booths themselves won't have speakers inside them?

I note that the internal lining of the temporary structure will also have sound deadening material on, however, my comment would be that by the nature of the structure being a temporary one/a

marquee type, even having some sound deadening material will not greatly assist in containing noise. There is a high likelihood of sound escape from the structure, specifically also when any doors are opened to allow the access and egress of dancers and customers, which will be frequent and will be especially noticeable towards the end of the operating hours.

The accommodation directly next adjoined to the venue, although not residential in nature as a house would be, it is a hotel and therefore, can have people sleeping at rooms towards the rear who could be disturbed, especially given that this external area will potentially be operating until 0500.

I would ask that the applicant is particularly mindful of the comments in the final 3 paragraphs of my initial email at the end of this trail and for them to be aware that officers will be carrying out regular and routine inspections/monitoring of noise throughout Cheltenham during race week.

Should we receive any complaints regarding noise from this area during the race meeting we will of course be in touch with him directly.

Kind regards,

Louise

*Louise Boyle*

*Environmental Health Officer*

*Cheltenham Borough Council*

**From:** Imogen Moss

**Sent:** 06 January 2023 09:35

**To:** Louise Boyle

**Subject:** RE: Under the Prom, Cheltenham - SEV application PCX:000027000000162

Good morning, Louise.

Thank you for your below email. Our client has provided the following information in response to your queries;

1. Recorded music will only be playing when there is dancing , but we expect dancing to be continued throughout the night.

2. If there are no customers towards the end of the night within the temporary structure SEV area then this area will close.
3. The music within the temporary will be played through a line of small satellite speakers.
4. Management of noise levels will include:
  - The booths to be constructed inside the temporary structure so it will be a box.
  - The booths to be constructed of sound deadening material on all sides
  - The temporary floor is to be laid made from wood and dense carpet to help with noise and temperature
  - The temporary structure will be lined with sound deadening material
  - There are martials that will be monitoring the external booths and they will be situated in this area throughout the evening only entering the main club on occasion.
  - The volume of the speakers within the temporary structure will be controlled independently of the rest of the venue.

If you require any further details, please let me know.

Best regards

**From:** Louise Boyle

**Sent:** 04 January 2023 15:54

**To:** Imogen Moss

**Subject:** Under the Prom, Cheltenham - SEV application

Dear Imogen,

Thank you for your time on the telephone this afternoon, in relation to application reference 22/01909/SEXA (this is the councils reference for the application).

I completely understand from the following guidance, (available here: [https://www.cheltenham.gov.uk/downloads/file/2231/home\\_office\\_guidance\\_on\\_sexual\\_entertainment\\_venues](https://www.cheltenham.gov.uk/downloads/file/2231/home_office_guidance_on_sexual_entertainment_venues)), that the venue does not require the area in which the entertainment is taking place to be licensed or to have an active TEN in place for the recorded entertainment as it is integral to the performance of the SEV. However, from an Environmental Health perspective I would ask the applicant to provide information on the following:

- Will recorded music be playing at all times during which the application is for and will the applicant have music on even if there are no dancers actively entertaining customers?
- If at any time nearing the end of the night there have been no customers, will the venue remain open until the end of the applied hours or will a decision be made to close the external SEV sooner?
- How will the recorded music be played? i.e. individual speakers in the booths or a sound system or other?
- How does the applicant intend to manage the noise level of the music? They need to be acutely aware that any member of staff who has been e.g. inside where there is louder volume music being played, will have for a temporary period of time altered sense of hearing to undertake any monitoring)

A temporary structure such as the one proposed for the external SEV at this location will offer almost no noise attenuation by nature of the material of the structure, therefore, noise will have to be carefully managed in this area. As a team we appreciate that race week is a very different week for Cheltenham with a huge increase in the number of people in the town, premises opening for longer hours and an increase in types of entertainment, but management of especially very late night entertainment does need to be managed appropriately.

The area in which the proposed external SEV is applied to take place, is a small and narrow street, not one which is used routinely for entertainment, this could result in a funnelling effect of the amplified music. As described above, we are aware that race week is an unusual week for the town, but there is accommodation directly attached to this venue and this adds an extra layer of requirement for management.

Complaints have been received regarding noise from this venue (within the last 3 months), which were promptly responded to by the applicant. During this discussion, I explained that from an Environmental Protection team perspective, even if a matter is a licensable activity, the Environmental Protection Act 1990 will always stand. This is a separate power to licensing and gives councils the option to issue an abatement notice in relation to noise. A power which we do not use lightly, but one which is available to us and can be used in circumstances where we believe there is the "likely occurrence of a statutory nuisance". Notices are carefully monitored for compliance and can carry an unlimited fine in the courts if witnessed to be breached. Environmental Health can also be a party who can call for a review of a license, again not something we do lightly.

Kind regards,

Louise

*Louise Boyle*

*Environmental Health Officer*