

## **AGENDA SUPPLEMENT**

### **Licensing/Gambling Hearing**

**To:** Councillors Galvin, Melly and Wells

**Date:** Monday, 31 October 2022 (postponed from Thursday 15 September 2022)

**Time:** 10.00 am

**Venue:** Remote via zoom

The Agenda for the above meeting was published on Wednesday 7 September 2022. The attached additional document is are now available for the following agenda item:

- 5. The Determination of an Application by Mr Mehmet Simsek for the variation of a premises licence (Section 35(3) (a) in respect of 5 Whip ma Whop ma Gate, York, YO1 8BL (CYC 061097)** (Pages 1 - 4)

This agenda supplement was published on 24 October 2022

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**Noise Management Plan for  
5 Whip Ma Whop Ma Gate, York, YO1 8BL (TRIO)**

Introduction to the Plan (the Plan itself follows on page 2)

As professional operators we acknowledge that we have a very important responsibility to ensure that our premises do not generate excessive noise disturbance. The purpose of this noise management plan is to detail the procedures that we have adopted to ensure that, as far as possible, local residents and other businesses are not adversely affected in any way by activities at 5 Whip Ma Whop Ma Gate. A balance of needs must be achieved by ensuring that social activity is not prevented whilst controlling potential adverse noise effects. Our aim is to adopt the best practical options to ensure that the conditions of all planning consents and the Premises Licence are met. This plan has been developed and designed to prevent public nuisance and meet all the licencing objectives under the Licencing Act 2003 and all planning conditions. The City of York Council Statement of Licencing Policy 2022–2027 has also been considered, as has the Cumulative Impact Assessment 2022–2025. These emphasise that we operate in a VERY sensitive area and that noise management is VITALLY important.

With the noise management plan we have the following in place:-

- Regular monitoring through the day for the first-floor terrace (including having at least one member of staff on the first-floor terrace area whenever there are any customers in that part of the premises).
- Regular monitoring through the day of the ground floor – including the ground floor outside area. This is done every few minutes.
- Training procedures for managers and other staff.
- An ongoing review process of all noise management policies and procedures.
- A detailed complaints monitoring system

Range of potential noise sources relating to the premises and its vicinity

Sources of noise include:

- Shouting, singing and loud talking from customers.
- External smoking/people hanging around outside the property.
- Music from the premises.
- Noise from the general running of a business (e.g. waste collection).

Noise Management Plan Itself

1. General steps taken (or to be taken) to manage noise pollution

- A second door has been installed at the ground floor entrance, which greatly reduces the risk of any noise escaping from the inside of the building.
- Customers are made aware of the consequences of noise nuisance. We are proactive in dealing with the problem – e.g. staff inform customers that shouting, singing and raised voices will not be tolerated [in the outside areas in particular] and that, if necessary, they will be asked to leave if found not to comply with the rules. If need be, the police or other applicable authorities are involved.
- All customers are seated and there is table service only (as per the Premises Licence).
- The outside areas close before the inside part of the property.
- Taxis are called in advance for customers to prevent people hanging around.
- Notices situated around the site ask customers to leave quietly and respect our neighbours.
- Music is at low levels – as appropriate – see below.
- Delivery times ensure that they do not adversely affect neighbouring properties.
- We ensure that smokers do not adversely affect neighbours or other customers by strict monitoring. Customers can smoke at external tables. People are not permitted to just hang around outside the property. The smoking area is the outside area between number 3 and number 5, which are at right angles to each other.
- There is an annual review of all noise mitigation steps and the noise management plan.

2. Managing operations on site

- A nominated manager is responsible for all licenced activities taking place and communication with the Premises Licence holder and DPS is always possible.
- A contact phone number is supplied to all nearby residents.
- All managers are fully aware of and conversant with the noise management plan (as are other members of staff, as applicable).
- Music is wound down in a professional manner in the last 30 minutes of trading with a reduction in sound and style to reflect a calmer end to the evening.
- The DPS is the person nominated by the Premises Licence holder as being the person in day-to-day control of the licenced areas within the premises and he is on site, visible and accessible on a very regular basis. This is a family run business where everyone takes pride in the personal relationship with customers and this is built up by always being there to greet customers and ensure that the business is run properly.
- At the end of every service the staff make sure dispersal takes place in an orderly and proper manner. Customers are actively encouraged not to assemble outside the property and are directed to the nearest taxi ranks or other transportation away from the area.

3. Specific steps taken in relation to noise with particular reference to music

- There is a strict level management of the sound system to maintain the volume at or below a level which we are happy to formally agree with the environmental health department. We consider that a maximum of 90 dBA is a sensible limit for the inside premises but the level will always be very substantially lower than this for the outside areas. There is a sound processor in use to physically limit the amplified noise output. It is a Eurorack Pro RX1202FX. This is locked away to ensure that no-one is able to exceed this level.
- When music is being played inside the property, the windows and doors to the outside are closed at all times (except of course for ingress and egress).
- Regular noise checks take place around the exterior of the property to ensure that no amplified noise can cause nuisance to the closest residential properties. There is just a single flat at the rear of Shambles that is nearby and this is checked every evening.
- There is a proper log in place and a record of all incidents/complaints is maintained within that log. It is always available for inspection.
- There are several positions within the premises for managers to check sound pressure levels. Where there are noise levels above the expected, the managers will take steps to correct them. It is acknowledged that this is not a fail-safe way of keeping an accurate check on all noise issues but it is part of the overall plan for ensuring that there are no problems.

4. Complaints procedure

- If a complaint is received, management acknowledges the complaint, investigates it immediately, reviews the noise management policies and procedures and informs the DPS of the findings.
- The DPS will then advise management of actions to be taken.
- Not later than the following day, the DPS reviews the report and communicates with the complainant, where possible. Should a response be required immediately, then this is done by the manager in charge on that day if the DPS is not available.
- If applicable, noise levels are then considered as are methods of reducing and stopping noise from being a problem.
- All matters listed above are recorded on a Complaints Form (copy attached) and full written information in relation to complaints is retained for inspection.

Mehmet Simsek  
and Taylan Ozer  
(20/10/2022)

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