



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS HEARINGS
SUB COMMITTEE** will be held at the Civic Offices, Shute
End, Wokingham Civic Offices, Shute End, Wokingham
RG40 1BN on
FRIDAY 5 FEBRUARY 2016 AT 1.00 PM

A handwritten signature in black ink, appearing to read 'Andy Couldrick'.

Andy Couldrick
Chief Executive
Published on 28 January 2016

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE LICENSING AND APPEALS HEARINGS SUB COMMITTEE

Councillors

Chris Bowring

Malcolm Richards

Barrie Patman

ITEM NO.	WARD	SUBJECT	PAGE NO.
4.		ELECTION OF CHAIRMAN To elect a Chairman for the meeting.	
5.		DECLARATION OF INTEREST To receive any declarations of interest.	
6.		PROCEDURE The application will be determined in line with the agreed procedure.	5 - 6
7.	Wescott	APPLICATION FOR THE REVIEW OF A PREMISES LICENSE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003 - SPIN BAR & NIGHTCLUB, ALEXANDRA COURT, DENMARK STREET, WOKINGHAM RG40 2SL To provide relevant information for the Sub-Committee to consider and determine the application by Mr Alexander Pershin to review the premises license at the Spin Bar & Nightclub, Alexandra Court, Denmark Street, Wokingham, RG40 2SL.	7 - 10
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CONTACT OFFICER

Luciane Bowker
Tel
Email
Postal Address

Democratic Services Officer
0118 974 6091
luciane.bowker@wokingham.gov.uk
Civic Offices, Shute End, Wokingham, RG40 1BN

HEARING PROCEDURE – APPLICATION FOR REVIEW OF A PREMISES LICENCE

1. Sub-Committee to elect a Chairman for this Hearing only.
2. Chairman to welcome all Parties and introduce the Members of the Sub-Committee.
3. Chairman to ask Sub-Committee if they have any interests to declare.
4. Chairman of Sub-Committee to outline procedure and reaffirm that only information relevant to representations can be considered and that such information must be relevant to the Licensing objectives. Chairman to confirm that all parties understand this. The four Licensing Objectives are:-
 - The Prevention of Crime and Disorder;
 - Public Safety;
 - The Prevention of Public Nuisance; and
 - The Protection of Children from Harm.
5. The Licensing Officer will introduce the Hearing report and update the Sub-Committee on any developments following publication of the report whenever required.
6. Applicant to present application, including any witnesses. This can last no longer than 7 minutes.
7. The Licence Holder and any other parties that have made representations may, with the permission of the Sub-Committee, question the Applicant and witnesses.
8. Each Responsible Authority that has made representations to present their representations including any witnesses. Each Responsible Authority has 7 minutes to present their representation.
9. The Applicant and the Licence Holder may ask questions of each Responsible Authority if permitted to do so by the Sub-Committee, but will, in any event, be given the opportunity to respond to comments made by other parties at the end of the Hearing.
10. Each Interested Party that has made representations to present their representations including any witnesses. Each Interested Party has 7 minutes to present their representation.
11. The Licence Holder and the Applicant may ask questions of each Interested Party if permitted to do so by the Sub-Committee.
12. In order to facilitate effective Hearings, interested parties making similar representations will be asked to nominate a spokesman to present their representations. At the conclusion of a spokesman's representation, the Chairman will ask the other Interested Parties if they have any other points to raise.
13. Questions by the Sub-Committee and, when permitted, by the Applicant and the Licence Holder, will be directed to the nominated spokesman in the first instance.
14. The Licence Holder to make their case including any witnesses. This can last no longer than 7 minutes.
15. The Applicant may ask questions of the Licence Holder if permitted to do so by the Sub-Committee.
16. After hearing the application and all representations, the Sub-Committee will ask any further questions of any party that it may have.
17. The Chairman will ask all parties if they have any further relevant points that have not been covered in the Hearing and to give a brief summary of their evidence and information.

18. All parties other than the Sub-Committee and support staff from Wokingham Borough Council's Legal and Democratic Services team to leave the Hearing.

19. The Sub-Committee shall determine the application. The decision will be notified in writing to all parties after the Sub-Committee has reached its decision.

Agenda Item 7.

TITLE	Spin Bar and Nightclub, Alexandra Court, Denmark Street, Wokingham RG40 2SL Application for Review of the Premises License
FOR CONSIDERATION BY	Sub Committee of the Licensing and Appeals Committee on 5 February 2016
WARD	Wescott
STRATEGIC DIRECTOR	Paul Anstey, Joint Service Delivery Manager for Environmental Health & Licensing

OUTCOME / BENEFITS TO THE COMMUNITY

In accordance with S51 of the Licensing Act 2003 and the Wokingham Borough Council Licensing Policy, the application is referred to the Licensing and Appeals Sub Committee for determination as an application for a review has been received.

RECOMMENDATION

The Sub Committee to determine the application to grant or refuse the application, with conditions and/or amendments as appropriate.

SUMMARY OF REPORT

To provide relevant information for the Sub Committee to consider and determine the application from Mr Alexander Pershin and Ms Yulia Syrovoiskaia of 11 Elms Road, Wokingham to review the premises licence PR0294 for Spin Bar and Nightclub.

Background

Section 51 of the Licensing Act 2003 provides for any other person (such as a local resident) to apply to the licensing authority for a review of a premises licence where problems associated with the licensing objectives are occurring.

The representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.

Before determining the application, the authority must hold a hearing to consider it and any relevant representations, and take steps as it considers necessary for the promotion of the licensing objectives. The options open to the Sub Committee are:

- Modify the conditions of the licence (The conditions of the licence are modified if any of them is altered or omitted or any new condition is added) (for a period not exceeding three months or permanently)
- Exclude a licensable activity from the scope of the licence (for a period not exceeding three months or permanently)
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months

- Revoke the licence
- Issue formal warnings to the designated premises supervisor and/or premises licence holder
- Take no action

In determining the application, the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

For the purposes of the Licensing Act 2003, a child is an individual aged under 18.

The Licensing Authority must also have regard to the representations received, the Licensing Authority's statement of licensing policy and the statutory guidance issued under Section 182 of the Licensing Act 2003.

The application for review of the premises licence was received from Mr Alexander Pershin and Ms Yulia Syrovoiskaia of 11 Elms Road, Wokingham RG40 2AA on 11 December 2015.

The grounds given for review are:

- that the premises' operational hours are causing disturbance to local residents and relate to two licensing objectives – prevention of crime and disorder and prevention of public nuisance

Upon receipt the application was checked and confirmed to be correctly made. In accordance with section 11.11 of the statutory guidance (March 2015), it was not considered to be frivolous, vexatious or repetitious.

The 28 day consultation period ran from 12 December 2015 to 8 January 2016. The licence holder (Mr Murat Samut), responsible authorities, ward members, town council and licensing authority were advised of the application by email on 11 December 2015.

The application has been advertised correctly, with site notices displayed at Wokingham Borough Council offices and at the premises (these were put up at the premises on Friday 11 December 2015 by Karen Court and Murat Samut and checked by Karen Court during the consultation period)

During the statutory consultation period of 28 days, the following responses were received:

- Trading Standards – do not wish to make any observations on this matter
- Health & Safety – no response
- Environmental Health – representation (Appendix B)
- Children and Young People's Services – no response
- Planning - no objections
- Thames Valley Police – representation in support of the review application (Appendix C)
- Fire authority – no response

- Public Health – supportive of police representation (Appendix D)
- Silver Fox Consultants – representation on behalf of Spin Bar and Nightclub (Appendix E)
- Sebastian Atari – representation in support of Spin Bar (Appendix F)
- Rebecca Turner (designated premises supervisor for the Gig House) – representation in support of Spin Bar (Appendix G)

In the grounds for review section of the application, the applicant states that “it shouldn’t cause any disturbance to the local residents”. For clarification, this refers to the 2010 hearing and is not a condition on the licence.

The video clips mentioned on the same page of the application can be viewed online and if required can be made available at the hearing.

The statement that the Gig House operates until 1.30am although licensed until 2am has been confirmed with the Gig House’s designated premises supervisor as correct for Friday and Saturday evenings.

The Environmental Health representation was submitted on 8 January 2016 by Mike Heslehurst. His report and attachments are included as Appendix B. An abatement notice was served on Spin Bar and Nightclub in February 2015. In October 2015 Mr Pershin was advised by letter that the noise was no longer creating a statutory nuisance. Further monitoring was done during the early hours of Sunday 27 January 2016 (between 0100 and 0200 hours) and an Environmental Health representative will attend the hearing to provide an update and answer any questions.

The Thames Valley Police representation was received from Andy Dean, licensing officer, on 6 January 2016 and is attached as Appendix C. A representative from the police will attend the hearing to support their representation and answer any questions. Detailed statistics have been included in their response.

Their summary paragraph states: “In view of the above Thames Valley Police would support the application and agree that to prevent the majority of crimes occurring (after 02.30 hrs) then a finish time of serving alcohol should be 02.00 hrs with the Club closing it’s doors at 02.30 hrs. Also we would recommend that half the Door staff should be present outside the venue at close to disperse the customers quietly and quickly. Thames Valley Police also suggest that at 01.30 hours the music within the venue should be changed to something more calming to ‘bring down’ the heightened attitudes of customers.”

Public Health stated that they agree with the perspective raised by Thames Valley Police as they agree with the licensing objectives. Additionally as the Public Health Authority for the borough, they consider that this would impact on improving the health of residents in this location. Their response is attached as Appendix D.

Mr Bill Donne of Silver Fox Consultants made representation on behalf of his client Spin Bar and Nightclub on 8 January 2016. His report and supporting documentation are included as Appendix E. In summary they request that the committee reject the application in its entirety.

The representation from Sebastian Atari of Flat 9 Regents Court, 19-21 Denmark Street, Wokingham objects to the proposed changes, his email is included as Appendix F.

The representation from Rebecca Turner Smith (who is the designated premises supervisor for the Gig House) objects to any change of licensing hours, her email is included as Appendix G.

The following documentation is attached – copy of the review application (Appendix A), Environmental Health representation (Appendix B), Thames Valley Police representation (Appendix C), Public Health response (Appendix D), Silver Fox Consultants representation (Appendix E), Sebastian Atari representation (Appendix F), Rebecca Turner representation (Appendix G) and copy of the current premises licence (Appendix H)

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Not applicable		
Next Financial Year (Year 2)	Not applicable		
Following Financial Year (Year 3)	Not applicable		

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications (how does this decision impact on other Council services and priorities?)

Not applicable

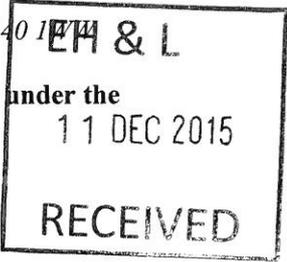
List of Background Papers

Application, location plans, representations

Contact	Karen Court	Service	Licensing Service
Telephone No	01635 519791	Email	Karen.court@westberks.gov.uk
Date	21 January 2016	Version No.	1

APPENDIX A

Licensing Service, Wokingham Borough Council, Shute End, Wokingham, RG40 1W



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Alexander Pershin

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Spin Bar & Nightclub Alexandra Court, Denmark Street	
Post town WOKINGHAM	Post code (if known) RG40 2SL

Name of premises licence holder or club holding club premises certificate (if known) Murat Samut
--

Number of premises licence or club premises certificate (if known) PR0294

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Pershin

First names

Alexander

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

11 Elms Road

Post town

Wokingham

Post Code

RG40 2AA

Daytime contact telephone number

07934072600

E-mail address (optional)

alexpershin@live.co.uk

(B) DETAILS OF OTHER APPLICANT

Name and address Yulia Syrovoiskaia
Telephone number (if any) 07445362050
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

During the decision making process to extend SPIN's operational hours back in 2010 it was noted that it "*shouldn't cause any disturbance to the local residents*", I would like to state that this condition has not been met and it is disturbing local residents.

This issue has already been raised back in 2010 by our neighbour and several signatures from taxi drivers have been collected against proposed hours due to violent behaviour.

Current operational hours (until 3:30 on Fri/Sat/Sun) provoke anti-social behaviour (drinking, screaming, shouting and fighting), and also cause a nuisance to local residents:

- Please refer to abatement notice (ref EPA/000412/MZH/1) served on 25/02/2015.
- Environmental Health has gathered evidence (recordings using the Trojan device) on two occasions: Feb 2015 and May 2015.
- On October 4th at 3:32am I have recorded evidence showing SPIN staff putting glass bottles into refuse bins (see links below) which is a breach of their license (Annex 2, "Prevention of Public Nuisance"). Note: This is not the first time I have heard loud noise from glass bottles being placed in refuse bins after the club is closed (~3:30am).
<http://1drv.ms/1Pd0hi>
<http://1drv.ms/1PdpaVX>

I propose reducing SPIN nightclub's operational hours to match that of Gig House (located opposite – which operates until 1:30 am, even though they have license to be open until 2am).

I believe that Spin's operational hours should be reduced to 1.30am, for the following reasons:

- It will improve the quality of life of Elms Road residents (noise on the streets until 1.30am only).
- It will improve the environmental health of the area (as after drinking until 3am intoxicated patrons leave kebab boxes, vomit, cigarettes, etc. at Alexandra court, and sadly also at Elms Field where children regularly play).
- It will not have any adverse effects on new residential properties in the area (proposed under the regeneration plan).
- It will reduce the burden on the local police who currently have to be at Alexandra Court every weekend night until 3:00am (there are just 6 officers to cover the whole Wokingham Borough).

Note: After consultation with local Neighbourhood Policing Inspector, he has expressed that he is also prepared to support my proposal on the grounds of Crime Prevention.

Please provide as much information as possible to support the application (please read guidance note 3)

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day		Month		Year			
┆	┆	┆	┆	┆	┆	┆	┆

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 10/12/2015

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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APPENDIX B

Karen Court

From: Michael Heslehurst (West Berks)
Sent: 08 January 2016 15:16
To: Licensing
Subject: RE: PR0294 SPIN BAR & NIGHTCLUB - APPLICATION FOR REVIEW OF PREMISES LICENCE ~[UNCLASSIFIED]~
Attachments: Spin Bar Review.doc

Dear Sir/Madam

I wish to make representation on the above named application.

As the case officer investigating a noise complaint from the occupiers of 11 Elms Road, Wokingham, in relation to music from the Spin Bar I enclose a report detailing my involvement and findings throughout my investigation up till 7th January 2016.

Regards

Michael Heslehurst
Environmental Health Officer
Environmental Quality Team

West Berkshire and Wokingham Environmental Health and Licensing Service

From: Karen Court
Sent: 11 December 2015 15:16
To: licensing@thamesvalley.pnn.police.uk; maidenheadfiresafety@rbfrs.co.uk; Environmental Health; Development Control; Trading Standards; Environmental Health; Louise Connelly; Patricia Knight
Cc: 'andy.dean@thamesvalley.pnn.police.uk'; Marcia Head; Julian McGhee-Sumner; 'r.wyatt325@btinternet.com'; townclerk@wokingham-tc.gov.uk; 'Brian Leahy'; Joe Dray (West Berks); Michael Heslehurst (West Berks); 'Karen Court' (KCourt@westberks.gov.uk)
Subject: PR0294 SPIN BAR & NIGHTCLUB - APPLICATION FOR REVIEW OF PREMISES LICENCE ~[OFFICIAL]~

LICENSING ACT 2003 NOTIFICATION OF APPLICATION FOR REVIEW OF PREMISES LICENCE

PREMISES: SPIN BAR & NIGHTCLUB, ALEXANDRA COURT, DENMARK STREET, WOKINGHAM RG40 2SL
LICENCE NO: PR0294

The Licensing Team received this application today, from Mr Alex Pershin of 11 Elms Road, Wokingham.

A scanned copy of the application is attached to this email.

As required by the legislation, the applicant has served copies on the responsible authorities and the licence holder.

You have until the following period of time to make any representations: **from 12 December 2015 to 8 January 2016.**

If you do not have any comments to make, we would appreciate a "no comments" response from you.

If you have any queries, please let me know.

Regards

Karen Court
Licensing Officer
Licensing Service

West Berkshire and Wokingham Environmental Health & Licensing Service

kcourt@westberks.gov.uk

☎ 01635 519791 📠 (0118) 900 7479

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On the 13 December 2014 Environmental Health received a complaint via email from a Mr Alex Pershin alleging that music being played internally at the Spin Bar was causing them a nuisance.

Following a personal visit and the installation of a Trojan noise record within the main bedroom of 11 Elms Road, Wokingham, on 30 January 2015 the case officer was satisfied of the existence of a statutory nuisance. On the 21 February a further visit was made to the external area around the Spin Bar and again the officer was satisfied that the music being played internally at the Spin Bar was creating a nuisance to Mr Pershin and his wife.

On the 25 February 2015 Abatement Notice EPA/000412/MZH/1 **(1)** was served on Spin Night Club Limited giving four weeks to abate the nuisance.

On the 28 March 2015 a compliance visit was made and it was found that the nuisance had not been abated. Following discussions with Mr Murat Samut, the owner of the Spin Bar, an extension to the notice in order to allow more time for compliance was granted with a new compliance date of the 29 April 2015.

Following the granting of an extension to the original notice, Murat Samut employed the services of an acoustic consultant who carried out noise level recordings and made several recommendations on how to reduce the noise to an acceptable level, all listed in their report dated 15th April 2015 **(2)**. The work recommended was split into 2 phases. Phase 1 to be implemented immediately, with phase 2 only being required if phase 1 does not abate the nuisances.

On the 22 May 2015 a Trojan noise recorder was installed in the main bedroom of 11 Elms Road, Wokingham. With the implementation of Phase 1 of the recommendations made by the acoustic consultants, the recordings showed an improvement in the noise levels coming from the Spin Bar compared to those recorded in January/February 2015. Mr Pershin confirmed that the noise level had been reduced to a level that no longer was causing them a nuisance.

Towards the end of August 2015 Mr Pershin confirmed that the noise level had steadily rose over the weeks and was back to where he felt it was originally. Following discussions with Murat Samut, he confirmed that he had altered the limiter fitted to the speaker system from 83dB to 85dB. Murat Samut agreed to return the limiter back to and leave it permanently set at a maximum level of 83dB. Murat Samut also agreed that further internal work as recommended by the acoustic consultants would be carried out to further help reduce the noise level.

Following the completion of internal works at the Spin Bar, a compliance visit was made on 11 October 2015 in the main bedroom of 11 Elms Road, Wokingham. During that visit, in the officer's opinion, the noise level had been reduced to an acceptable level by Murat Samut and was no longer creating a statutory noise nuisance. A letter confirming the officer finding was sent to Mr Pershin on 22 October 2015 **(3)**.

The officer did however make a further recommendation to Murat Samut as noise breakout from music within the nightclub was occurring when a link door was being used from the nightclub into the Snack Shack.

Murat Samut has since confirmed that the use of that door has now ceased whilst music is being played within the Spin Bar and their noise management document has been updated.

On the 5th November 2015, the license holder, Murat Samut, applied for a minor variation to the premises license of the Spin Bar. The Environmental Quality Team revised and improved the condition's in paragraph D) Prevention of Public Nuisance of the license, in consultation and agreement with the license holder and the amended conditions can be found on page 6 of the current version of the license.

1

Wokingham Borough Council

West Berkshire and Wokingham Environmental Health & Licensing Service, PO Box 155, Shute End, Wokingham, Berkshire RG40 1WW Tel: (0118) 9746000 Fax: (0118) 9007479

Ref: EPA/000412/MZH/1

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

To: Spin Night Club Limited Exa House Alexandra Court Denmark Street Wokingham Berkshire RG40 2SL

Take notice that under the provisions of the Environmental Protection Act 1990 the Wokingham Borough Council being satisfied of the likely recurrence of a statutory nuisance under Section 79(1) (g) of that Act at premises known as:

Spin Bar & Night Club, Exa House, Alexandra House, Denmark Street, Wokingham, Berkshire, RG40 2SL

(within the district of the said Council) arising from:

amplified recorded music

hereby require you as the occupier of the premises from which the noise is or would be emitted within 4 weeks from the service of this Notice to abate the same and hereby prohibit the recurrence of the same and for that purpose require you to:

abate the nuisance

If without reasonable excuse you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5000, subject to alteration by order) together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of nuisance.

You may appeal against this Notice to a Magistrate's Court within twenty-one days beginning with the date of service of the Notice. Further details about appeals can be found on the attached notes.

Date: 25th February 2015

Signed: 
Authorised Officer

This Notice was served by Michael Heslehurst who is available at West Berkshire and Wokingham Environmental Health & Licensing Service, Council Offices, PO Box 155 Shute End, Wokingham, Berkshire, RG40 1WW (Tel 01635 519673)

NOTES

The Statutory Nuisance (Appeals) Regulations 1995 (as amended) provide as follows:-

APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act") as amended by NOISE AND STATUTORY NUISANCE ACT 1993

- 2
- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an Abatement Notice served upon him by a local authority.
 - (2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case.
 - (a) that the Abatement Notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, any copy of the Abatement Notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the Abatement Notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the Abatement Notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within Section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within Section 79 (1) (b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under Section 79 (1) (g) or (ga) of the 1990 Act, (noise emitted from premises) the requirements imposed by the Abatement Notice by virtue of Section 80 (1) (a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under Section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under Section 61 or 65 of the 1974 Act, (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under Section 67 of the 1974 Act; (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79 (1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the Abatement Notice by virtue of section 80

- (1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the nuisance relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
- (h) that the Abatement Notice might lawfully have been served on some person instead of the appellant being:
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or;
 - (iii) in the case of nuisance arising from any defect or structural character, the owner of the premises, or;
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the Abatement Notice might lawfully have been served on some person instead of the appellant, being:
- i) in the case where the appellant is the owner of the premises, the occupier of the premises;
 - ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
- and that it would have been equitable for it to have been so served;
- (j) that the Abatement Notice might lawfully have been served on some person in addition to the appellant, being:
- (i) a person also responsible for the nuisance; or
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises,
 - (iv) a person who is also responsible for the vehicle, machinery or equipment,
- and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the Abatement Notice, or in court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(h) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of this notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may:
- (a) quash the Abatement Notice to which the appeal relates, or
 - (b) vary the Abatement Notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an Abatement Notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court:
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the Notice of Appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

- 3 (1) Where:
 - (a) an appeal is brought against an Abatement Notice served under Section 80 or section 80A of the 1990 Act, and
 - (b) either:
 - (i) compliance with the Abatement Notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under Section 79 (1)(g) or (ga) of the 1990 Act, the noise to which the Abatement Notice relates is noise caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the Abatement Notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where:
 - (a) the nuisance to which the Abatement Notice relates:
 - (i) is injurious to health, or
 - (ii) is likely to be of limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the Abatement Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the Abatement Notice:
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrate's court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

I hereby certify that on the 25th February 2015, I Michael Heslehurst being an officer of Wokingham Borough Council did personally serve with the documents, true copies of which are attached hereto, in the manner indicated at 'a' below.

- a) By handing the same to him/her personally. *- Jana Matustikova manager.*
- b) By leaving the same for him/her with a person at the address shown on the document being his/her last known place of abode.
- c) By posting the same through the letterbox and affixing a copy to the front door at the address shown on the document being his/her last known place of abode.
- d) By sending the same by First Class Post to the address on the document being his/her last known place of abode.
- e) By sending the same by Recorded Delivery Service to the address on the document being his/her last known place of above.

Signed 

Date *25th February 2015*

Name and address on document:

Spin Night Club Limited
Exa House
Alexandra Court
Denmark Street
Wokingham
Berkshire
RG40 2SL

2

Report for

Murat Samut

The Spin Nightclub, Wokingham

Entertainment Noise Impact Assessment

Status: Final

Date: 15.04.2015



The Spin Nightclub, Wokingham
Entertainment Noise Impact Assessment

Author	David Yates
Contributors	-
Approved By	 Graham Parry Managing Director
Report For	Murat Samut The Spin Nightclub Exa House Alexandra Court Wokingham Berkshire RG40 2SL
Date	15.04.2015
Version Number	A2469/N/001
Status	Final

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1. INTRODUCTION

ACCON UK Limited (ACCON) has been instructed by Mr Samut (owner of The Spin Nightclub) to carry out a noise impact assessment for The Spin Nightclub in Wokingham.

Wokingham Borough Council (WBC) have issued a noise abatement notice (reference EPA/000412MZH/1) to The Spin Nightclub dated 24th February 2015 following investigations by Michael Heslehurst (Environmental Health Officer) of a noise complaint. The nearest noise sensitive receptor is located above the Virgin Active Health Club located in close proximity to The Spin Nightclub. The noise complaint specifically refers to amplified recorded music from the nightclub. Remedial works have previously been carried out by The Spin Nightclub in the form of an additional layer of plasterboard to the exterior lobby walls and the installation of absorptive material within the lobby, however this has not been considered sufficient to abate the nuisance by WBC. The notice expired on 25th March 2015, however, following discussions with The Spin Nightclub, WBC have agreed to extend the compliance date of the notice until 29th April 2015.

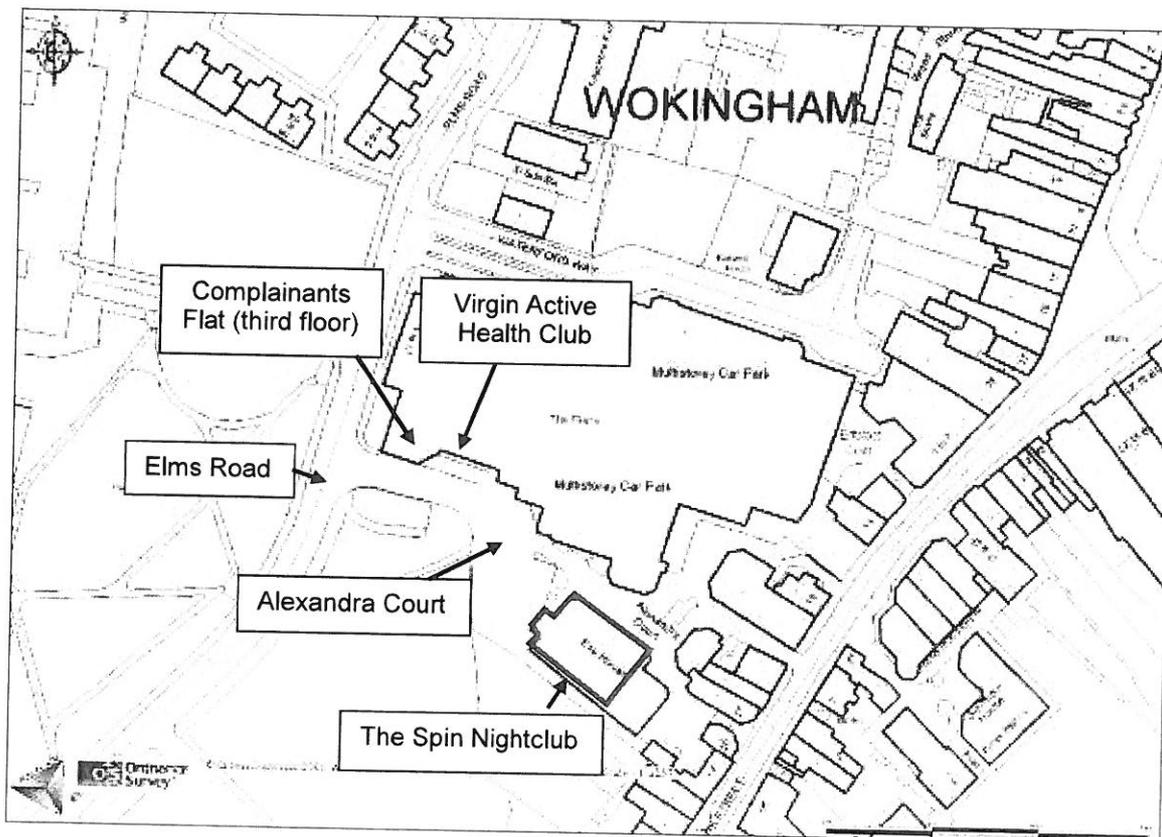
Mr Samut has commissioned ACCON to undertake the following tasks, which this report details:

- Carry out noise measurements in the vicinity of the sensitive receptor location when the club is operational on a Friday;
- Determine acceptability of noise emitted from the club against a number of guidance documents/criteria; and
- Provide a Noise Assessment Report for submission to Wokingham Borough Council identifying noise mitigation measures where appropriate.

Accordingly, this report addresses the noise affects which arise from the use of the building for the purposes of a nightclub and determines the acceptability of the noise levels which would be received at the complainant's property when the recommended mitigation has been installed.

The site is located on Alexandra Court, as shown in **Figure 1.1** below.

Figure 1.1: Site Location



2. THE NATURE, MEASUREMENT AND EFFECT OF NOISE

Noise is often defined as sound that is undesired by the recipient. Whilst it is impossible to measure nuisance caused by noise directly, it is possible to characterise the loudness of that noise. 'Loudness' is related to both sound pressure and frequency, both of which can be measured. The human ear is sensitive to a wide range of sound levels. The sound pressure level of the threshold of pain is over a million times that of the quietest audible sound. In order to reduce the relative magnitudes of the numbers involved, a logarithmic scale of decibels (dB) is normally used, based on a reference level of the lowest audible sound.

The response of the human ear is not constant over all frequencies. It is therefore usual to weight the measured frequencies to approximate the human response. The resulting 'A' weighted decibel, dB(A), has been shown to correlate closely to the subjective human response.

When related to changes in noise, a change of ten decibels from say 60 dB (A) to 70 dB (A) would represent a doubling in 'loudness'. Similarly, a decrease in noise from 70 dB (A) to 60 dB(A) would represent a halving in 'loudness'. A change of 3 dB (A) is generally considered to be just perceptible. A short glossary of acoustic terms is provided in **Appendix 1**.

Table 2.1 provides examples of typical noise levels.

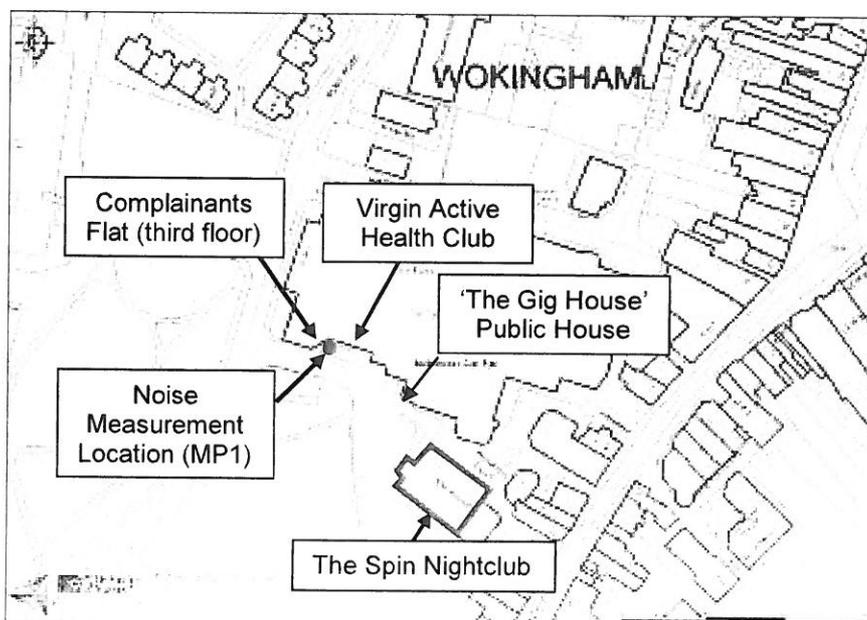
Table 2.1: Typical Noise Levels

Approximate Noise Level (dB(A))	Example
0	Limit of hearing
30	Rural area at night
40	Library
50	Quiet office
60	Normal conversation at 1 m
70	In car noise without radio
80	Household vacuum cleaner at 1 m
90	Music noise in a bar
100-110	Music noise in a typical nightclub

3. NOISE MEASUREMENT SURVEYS

Noise measurement surveys were carried out during the operation of The Spin Nightclub on the night of Friday 10th April 2015, with the purpose of determining the impact of music noise emanating from the club. The noise measurements were carried out at 1m from the entrance of the Virgin Active Health Club at a height of approximately 2.5m. The closest window of the nearest noise sensitive receptor is at a height of approximately 7.5m and is set back, in relation to the nightclub, approximately 3m from the entrance to the Health Club. The location of the noise measurement location and noise sensitive receptor is shown in **Figure 3.1** below.

Figure 3.1: Site Location



At noise monitoring position MP1, a Rion NL-52 Type 1 Precision Sound Level Meter, which holds a current certificate of calibration, was utilised to carry out the noise measurements. Before and after the measurement period the equipment was calibrated in order to ensure that the equipment had remained within reasonable calibration limits (± 0.5 dB).

Additional noise measurements were also obtained inside The Spin Nightclub utilising the same Sound Level Meter as utilised at MP1 in order to ensure that music was played at those levels typical of similar venues.

The temperature during the hours of operation of the premises during the noise monitoring periods was approximately 10°C.

The main sources of noise outside the nearest noise sensitive receptor was from patrons outside 'The Gig House', which is a Public House opposite The Spin Nightclub and from occasional idling cars in close proximity to the flat. Patrons associated with The Spin Nightclub were also audible, however they did not stay outside for as long as the patrons associated with The Gig House, which has a smoking area on Alexandra Court. Low frequency (bass) music noise from The Spin Nightclub was audible at MP1.

15.04.2015

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Email: enquiry@accon-uk.com • www.accon-uk.com
Unit B, Fronds Park, Fronds Lane, Aldermaston, Reading, RG7 4LH

Reading Office Tel: 0118 971 0000 Fax: 0118 971 2272
Brighton Office Tel: 01273 573 814

The results of the noise measurement survey at MP1 and internally within The Spin Nightclub are summarised in Tables 3.1 and 3.2 below in overall noise levels and octave bands respectively.

Table 3.1: Summary of Noise Level Measurements

Measurement Location	Time Period	L _{Aeq,T}	L _{Amax}	L _{A90}
MP1	0058-0103	57.6	67.7	52.9
MP1	0103-0108	57.4	74.0	52.1
MP1	0108-0113	55.5	66.7	51.9
MP1	0113-0116	57.0	70.7	52.2
Inside the nightclub (adjacent to northern façade windows)	0122-0123	97.8	104.0	94.0
Inside the nightclub (adjacent to lobby doors)	0123-0124	99.2	106.4	96.3

Table 3.2: Summary of Measured Noise Levels in Octave Bands at MP1

Location	Time Period	Frequency (Hz)							Total 'A' Weighted
		31.5	63	125	250	500	1000	2000	
Externally	0058-0116	66.5	64.5	58.1	53.0	54.1	53.1	48.7	57.0
Internally	0122-0124	84.8	96.6	101.1	96.3	94.8	92.4	90.2	98.6

4. SOUND INSULATION

4.1. Existing Sound Insulation

A sound insulation transmission survey has been carried out in order to determine the current level of sound insulation from the existing structure of the building envelope of The Spin Nightclub.

A Norsonic 118 Sound Level Meter Type 1 Precision Sound Level Meter, with a current certificate of calibration, was utilised to carry out the noise measurements. Before and after the measurement periods the equipment was calibrated in order to ensure that the equipment had remained within reasonable calibration limits (+/- 0.5 dB). Noise was generated internally within The Spin Nightclub utilising a minirator pink noise generator and amplifier through a dodecahedron speaker. Measurements were carried out between 1000 hrs and 1030 hrs on Friday 10th April 2015.

Noise measurements were obtained in third octave frequency bands between 25 Hz and 2500 Hz. The dodecahedron speaker was located within the main room at The Spin Nightclub and spatially averaged internal noise measurements were made. External noise levels were measured in positions adjacent to the individual elements of the northern façade of the main room and lobby area. **Table 4.1** below provides a summary in octave bands of the noise reduction offered by each element of the north façade of the nightclub, as obtained by measurement. **Figure 4.1** identifies the various façade elements, and **Figure 4.2** identifies the internal and external lobby doors.

Figure 4.1: North Façade - Elements

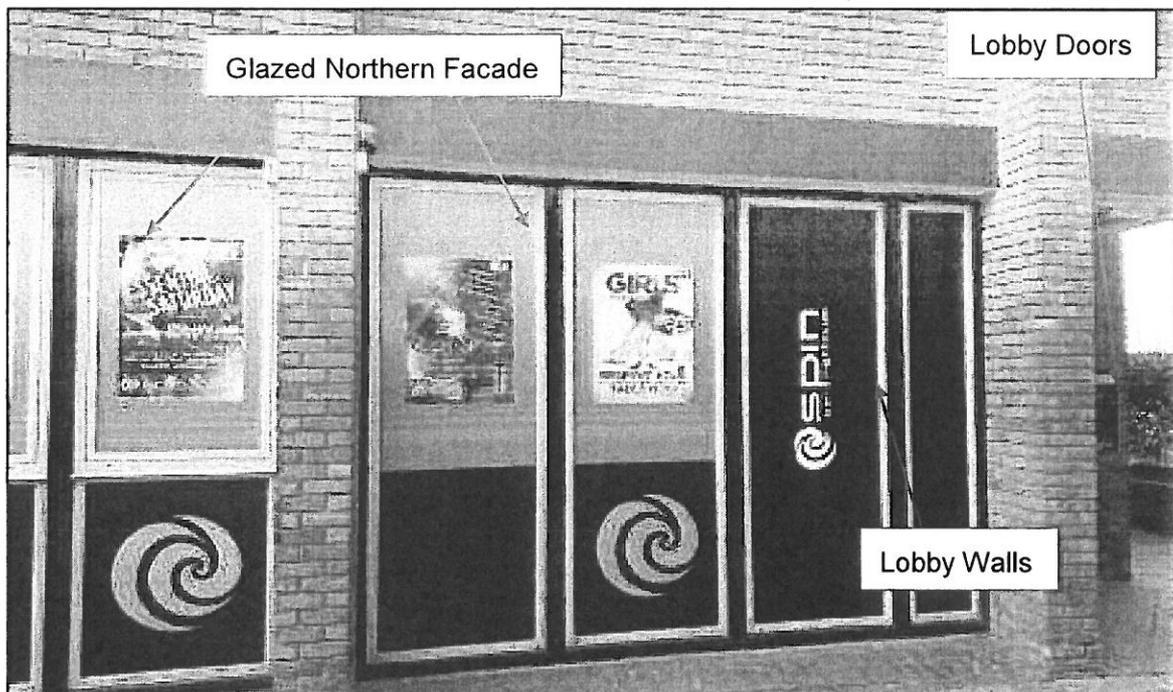


Figure 4.2: Lobby Doors

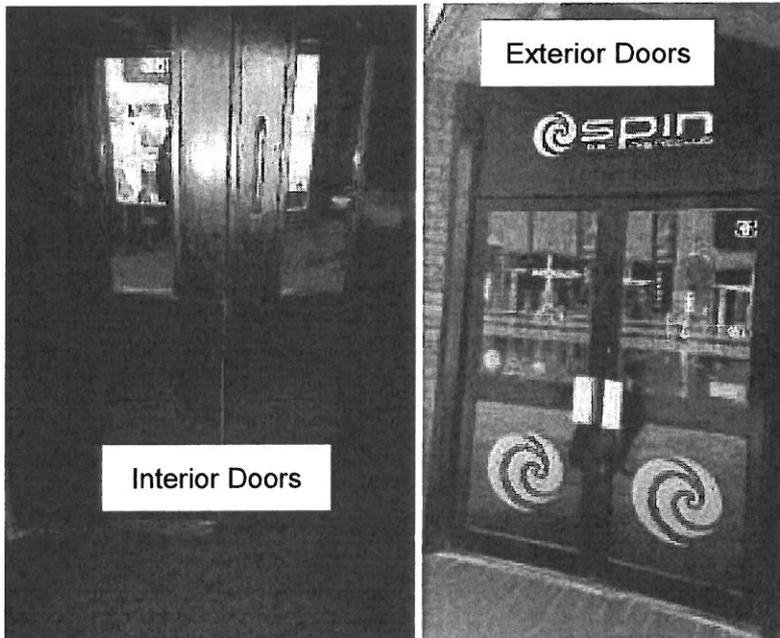


Table 4.1: Measured noise level difference of each element of the north façade

Façade Element	Measured Level	Frequency (Hz)							Total 'A' Weighted
		31.5	63	125	250	500	1000	2000	
Glazed Northern Façade	Internal Noise Level – Main Room	67.5	76.7	91.3	93.5	87.2	83.9	85.1	91.2
	External Noise Level	65.9	62.8	68.4	66.7	60.3	56.8	54.8	53.6
	Level Difference	1.5	14.0	22.9	26.9	26.9	27.2	30.2	27.6
Internal Lobby Door	Internal Noise Level – Main Room	71.9	79.6	94.1	91.9	89.8	86.7	86.2	93.0
	Internal Noise Level – Lobby Area	54.8	67.7	79.3	78.3	71.5	67.7	67.4	75.2
	Level Difference	17.1	11.9	14.8	13.6	18.4	19.0	18.8	17.8
External Lobby Door	Internal Noise Level – Lobby Area	54.8	67.7	79.3	78.3	71.5	67.7	67.4	75.2
	External Noise Level	65.0	67.3	64.1	58.3	53.8	49.5	48.8	56.8
	Level Difference	-10.1¹	0.4	15.2	20.0	17.7	18.2	18.6	18.4

Notes: (1) A negative sound reduction, as shown for the external lobby door at 31.5 Hz, is physically impossible. A negative value is shown because the external noise level measurement happened to be slightly higher than the measured internal noise level at this location in the particular frequency band due to extraneous noise sources.

It can be seen, by reference to **Table 4.1**, that the glazing on the northern façade reduces noise levels by approximately 28 dBA, which is the level of reduction that would be expected by standard double glazing. Whilst the noise measurements indicate that very little attenuation occurs at low frequencies (31.5 Hz and 63 Hz), this is likely to be because the external noise measurements were measuring noise in these frequencies from extraneous noise sources. It should be noted, however, that during both the pink noise testing and also during the operational noise measurements, that noise break-out was clearly audible through the glazed façade and that improvements to the sound insulation need to be achieved beyond what is offered by the existing standard double glazing.

It can also be seen, by reference to **Table 4.1**, that the internal lobby doors reduce noise levels by approximately 18 dBA, and the external lobby doors reduce noise levels by a further 18 dBA. Whilst the noise measurements indicate that very little attenuation occurs due to the exterior lobby door at low frequencies (31.5 Hz and 63 Hz), this is likely to be because the external noise measurements were measuring noise in these frequencies from extraneous noise sources. It should be noted, however, that the sealing around both doors was in very poor condition, with large gaps between the door and the frame and that improving the sealing would substantially improve the sound insulation. The current layout of the lobby area means that, occasionally throughout the opening times, both the interior and exterior doors will inevitably be open at the same time, which results in a relatively high level of noise to be temporarily emitted into Alexandra Court.

4.2. Proposed Mitigation Measures

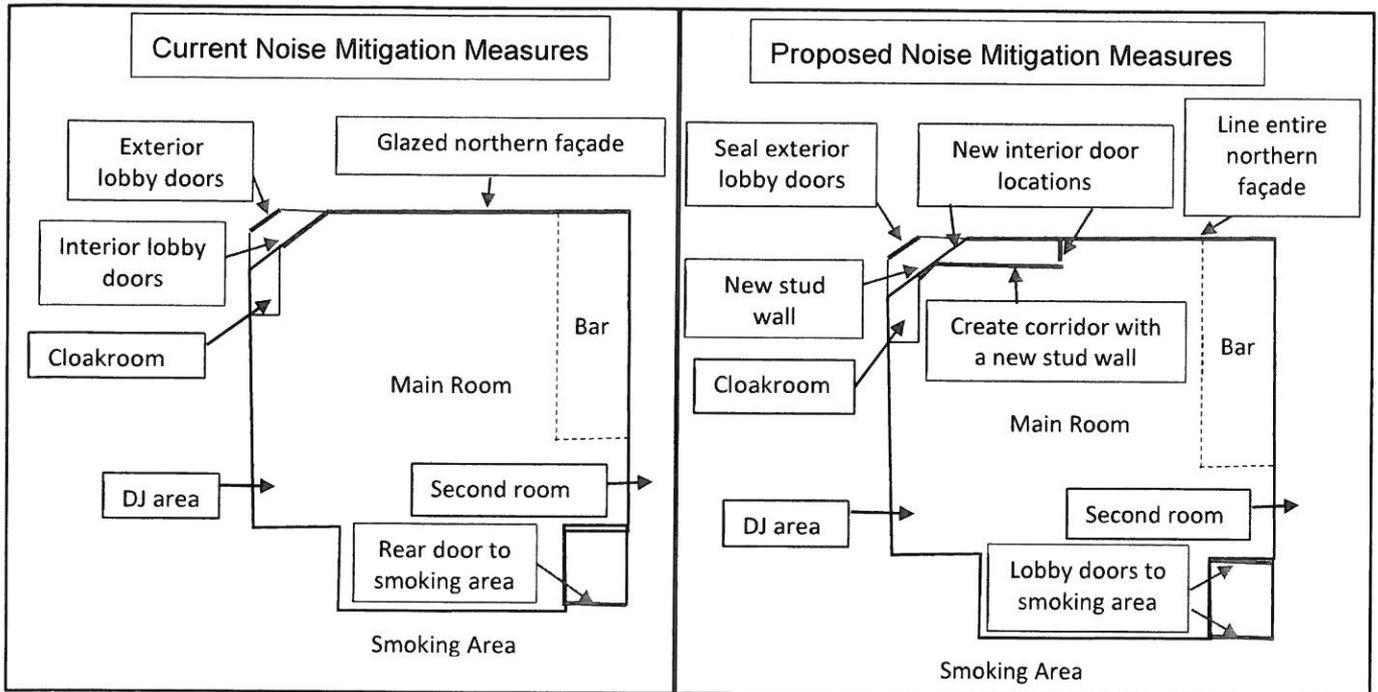
In order to reduce noise levels emanating from The Spin Nightclub, a number of mitigation options have been determined which should be implemented and which are practicable, and these are presented in **Table 4.2** below.

Table 4.2: Mitigation Measures to Reduce Patron Noise and Music Noise

Mitigation Measure	Comment
Stage 1	
Re-arrangement of lobby area	<p>Remove the interior lobby doors and fill the space with a new stud wall consisting of 2 layers of 12.5mm 'soundbloc' plasterboard either side of a 100mm steel frame filled with dense mineral wool-type sound insulation (minimum density 10 kg/m³).</p> <p>Install a new corridor leading from the existing lobby area, with a door at either end to allow access to and from the nightclub. The wall of the corridor will be constructed from 2 layers of 12.5mm 'soundbloc' plasterboard either side of a 100mm steel frame filled with dense mineral wool-type sound insulation (minimum density 10 kg/m³).</p>
Seal Lobby Doors	<p>Properly seal the exterior lobby doors so that there are no gaps between the door and the frame. Ensure that there is a close seal between the frame and the interior lobby doors, once they have been repositioned.</p>
Lining of glazed northern façade.	<p>The northern facing windows of the nightclub should be lined. A plasterboard lining consisting of two layers of 12.5mm thick 'soundbloc' plasterboard should be utilised.</p> <p>In order to access the existing advertising spaces on the northern façade, a demountable sound insulation system, or door system could be utilised. The system should be constructed of two layers of 12.5mm thick 'soundbloc' plasterboard.</p>
Stage 2 (if required)	
Smoking area lobby doors	<p>A lobby door system could be installed at the rear of the nightclub in order to reduce the noise emanating from the smoking area when the rear doors are open. ACCON recommend that this is only installed if noise from the rear of the nightclub becomes an issue after the noise mitigation measures on the northern façade of the building are installed.</p>
Absorbent material in corridor	<p>ACCON would recommend that at least one of the interior walls of the corridor (the exterior wall would be the most effective) is lined with acoustically absorptive material in order to prevent the build-up of excessive levels of reverberant noise in the corridor area.</p>

The mitigation options presented in **Table 4.2** are also presented graphically in **Figure 45.3** below. **Figure 4.3** shows the current and proposed layout of the main room of the nightclub, with the key noise mitigation measures highlighted in red.

Figure 4.3: Current and Proposed Noise Mitigation Measures



4.3. Reduction in Noise Levels

In order to determine the reduction in noise levels that the proposed noise mitigation measures will achieve, it is important to understand the level of noise emanating from each façade element at the nearest noise sensitive receptor. **Table 4.3** below presents the predicted level of noise from both the lobby door and the glazed northern façade and compares these noise levels against the measured noise level during operational hours of The Spin Nightclub at the nearest noise sensitive receptor. It can be seen that a good agreement between the measured and predicted noise levels is achieved across the frequency range.

Table 4.3: Current Noise Levels at the Nearest Sensitive Receptors through each Façade Element

Façade Element	Calculation Step	Frequency (Hz)							Total 'A' Weighted
		31.5	63	125	250	500	1000	2000	
Lobby Door	Measured Internal Noise Level	85	97	101	96	95	92	90	99
	Lobby Door Noise Reduction	17	12	15	14	18	19	19	18
	Lobby Noise Level	68	85	86	83	76	73	71	81
	Exterior Door Noise Reduction	0	0	15	20	18	18	19	18
	Exterior Noise Level	68	84	71	63	59	55	53	62
	Distance Correction	16	16	16	16	16	16	16	16
	Predicted Noise Level Outside Flat	52	68	55	47	43	39	37	46
Glazed Northern Façade	Measured Internal Noise Level	85	97	101	96	95	92	90	99
	Glazing Noise Reduction	1.5	14	22.9	26.9	26.9	27.2	30.2	27.6
	Exterior Noise Level	83	83	78	69	68	65	60	71
	Distance Correction	17	17	17	17	17	17	17	17
	Predicted Noise Level Outside Flat	67	66	62	53	51	49	44	54
Lobby Door and Glazed Northern Façade	Predicted Noise Level from Doors	52	68	55	47	43	39	37	46
	Predicted Noise Level from Northern Façade	67	66	62	53	51	49	44	54
	Total Predicted Noise Level at Flat	67	70	63	54	52	49	44	55
	Measured Noise Level at Flat	67	65	58	53	54	53	49	57

Table 4.4 below presents the predicted level of noise from both the lobby door and the glazed northern façade once the proposed mitigation measures are completed and determines the reduction in noise level during operational hours at the nearest noise sensitive receptor. It can be seen that a significant reduction in predicted noise levels is achieved across the frequency range.

Table 4.4: Future Noise Levels at the Nearest Sensitive Receptors through each Façade Element

Façade Element	Calculation Step	Frequency (Hz)							Total 'A' Weighted
		31.5 ¹	63	125	250	500	1000	2000	
Lobby Door	Measured Internal Noise Level	-	97	101	96	95	92	90	99
	Stud Wall Noise Reduction	-	13	30	42	49	53	48	-
	Lobby Noise Level	-	84	71	54	46	39	42	60
	Exterior Door (Properly Sealed) Noise Reduction	-	20	25	22	27	31	35	-
	Exterior Noise Level	-	64	46	32	19	8	7	38
	Distance Correction	-	16	16	16	16	16	16	-
	Predicted Noise Level Outside Flat	-	48	30	16	3	0	0	22
Glazed Northern Façade	Measured Internal Noise Level	-	97	101	96	95	92	90	99
	Stud Wall Noise Reduction	-	13	30	42	49	53	48	-
	Lobby Noise Level	-	84	71	54	46	39	42	60
	Glazing Noise Reduction	-	18	22	27	32	39	36	-
	Exterior Noise Level	-	66	49	27	14	0	6	40
	Distance Correction	-	17	17	17	17	17	17	-
	Predicted Noise Level Outside Flat	-	49	33	11	0	0	0	24
Lobby Door and Glazed Northern Façade	Predicted Noise Level from Doors	-	48	30	16	3	0	0	22
	Predicted Noise Level from Northern Façade	-	49	33	11	0	0	0	24
	Total Predicted Noise Level at Flat	-	51	34	17	5	3	3	26
	Reduction in Predicted Noise Level	-	19	28	36	47	46	41	29

Note: (1) The 31.5 Hz frequency has not been assessed as noise reduction data was unavailable in this frequency.

5. CONCLUSIONS

A noise impact assessment has been undertaken in relation to The Spin Nightclub in Wokingham.

Detailed noise measurements of the existing noise levels emanating from the club and of the sound insulation of the existing structure have been carried out. Predictions of the sound insulation of the proposed mitigation measures have also been carried out.

The predicted noise levels show that a significant reduction in noise levels from The Spin Nightclub should be achieved at the nearest noise sensitive receptor once the proposed mitigation measures have been installed. The reduction in noise levels at low frequencies should ensure that the music noise will no longer be considered a statutory nuisance at the nearest noise sensitive receptor.

Appendix 1 Glossary of Acoustic Terms

Appendix 1: Glossary of Terms

Term	Description
'A'-Weighting	<i>This is the main way of adjusting measured sound pressure levels to take into account human hearing, and our uneven frequency response.</i>
Decibel (dB)	<i>This is a tenth (deci) of a bel. The decibel can be a measure of the magnitude of sound, changes in sound level and a measure of sound insulation. Decibels are not an absolute unit of measurement but are an expression of ratio between two quantities expressed in logarithmic form.</i>
$L_{Aeq,T}$	<i>The equivalent steady sound level in dB containing the same acoustic energy as the actual fluctuating sound level over the given period, T. T may be as short as 1 second when used to describe a single event, or as long as 24 hours when used to describe the noise climate at a specified location. $L_{Aeq,T}$ can be measured directly with an integrating sound level meter.</i>
L_{A90}	<i>The 'A'-weighted sound pressure level of the residual noise in decibels exceeded for 90 per cent of a given time and is the L_{A90T}. The L_{A90} is used to describe the background noise levels at a particular location.</i>
L_{Amax}	<i>The 'A'-weighted maximum sound pressure level measured over a measurement period.</i>
$D_{nT,w}$	<i>Weighted value of D, standardised to a constant reverberation time.</i>
C_{tr}	<i>The correction to a sound insulation quantity (such as $D_{nT,w}$) to take account of a specific sound spectra.</i>
$D_{nT,w} + C_{tr}$	<i>A single number quantity which characterises the airborne sound insulation between rooms using noise spectra no.2 as defined in BS EN ISO 717-1:1997</i>
$L'_{nT,w}$	<i>Weighted value of L, standardised to a constant reverberation time.</i>
R_w	<i>Weighted sound reduction index, a single number quantity for the airborne sound insulation in buildings and of building elements such as wall, doors and windows. The quantity is intended for rating the airborne sound insulation and for simplifying the formulation of acoustical requirements in building codes, when measured in the presence of flanking sound transmission, denoted $R'w$.</i>

ACCON UK

ENVIRONMENTAL CONSULTANTS

Email: enquiry@accon-uk.com

Reading Office:

Tel: 0118 971 0000
Fax: 0118 971 2272
Unit B, Fronds Park,
Frouds Lane, Aldermaston,
Reading, RG7 4LH

Brighton Office:

Tel: 01273 573 814
Citibase, 95 Ditchling Road,
Brighton, East Sussex, BN1 4ST

www.accon-uk.com

22 October 2015

Mr A Persins
11 Elms Road
Wokingham
Berkshire
RG40 2AA

Culture And Environmental Protection
Environmental Health and Licensing
Wokingham Borough Council
Shute End
Wokingham
Berkshire RG40 1BN
Our Ref: 063587
Please ask for: Michael Heslehurst
Direct Line: 01635 519673
Fax: 0118 900 7479
e-mail: mheslehurst@westberks.gov.uk

Dear Mr Persins

**Environmental Protection Act 1990
Noise Nuisance from The Spin Bar, Alexandra House, Alexandra Court,
Wokingham, RG40 2LD**

I refer to your complaint regarding the above matter which I have investigated on behalf of Wokingham Borough Council.

Following my initial visits and the installation of noise monitoring equipment into your property I found that the level of noise coming from the Spin Bar was creating a statutory noise nuisance. In order to resolve this issue I served an Abatement Notice on the Spin Nightclub Limited on 25th February 2015.

Following the recommendations of an acoustic consultant the owner of the Spin Bar has carried out internal works to reduce noise breakout from the building, has re-set the limiter to the level specified by the acoustic consultant and has altered some working practices to further reduce noise breakout.

On Sunday 11th October 2015 I visited your property a further time in order to ascertain if the works undertaken had abated the nuisance. Following my visit I am of the opinion that the noise level has significantly reduced since first receiving your complaint and that it no longer constitutes a statutory nuisance.

Due to my findings no further action will be taken unless a significant increase in noise level occurs.

If you are not satisfied with the outcome of my investigation you may lodge a formal complaint. Details of the Council's formal complaints procedure can be found on the Council's web site: <http://www.wokingham.gov.uk/contact-us/how-to-complain/>. In the first instance you should write to the Joint Services Manager, Paul Anstey at the above address.

Yours sincerely
Michael Heslehurst
Michael Heslehurst
Environmental Health Officer



Karen Court

From: Dean Andy (Licensing) <Andy.Dean@thamesvalley.pnn.police.uk>
Sent: 06 January 2016 11:58
To: Licensing
Subject: Spin Bar Review report .doc
Attachments: Spin Bar Review report .doc

Dear Licensing,

Please find attached the Thames Valley response to the Review Application against Spin Bar

Andy Dean

Andy Dean C2915, Licensing Officer (Wycombe, Wokingham and Bracknell) **Address**; Police Station, Queen Victoria Road, High Wycombe, Bucks HP11 1BE: **Tel** - 01494 686077: **mobile** - 07970 145 565: **email**: andy.dean@thamesvalley.pnn.police.uk

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THAMES VALLEY POLICE

Division/Station : Wokingham Police Station

From : Andy Dean
Licensing Officer

To : Karen Court
WBC Licensing officer

Ref :

Date : 31 December 2015

Tel.No. 01494 686077

Subject :

Spin Bar Application for Review

Licensing Authority,

As a Licensing Officer for Thames Valley Police I have the position that I can speak on behalf of the Chief Constable on Licensing matters.

I have discussed this review application with Inspector Donachy (Wokingham Neighbourhood Policing Inspector) . Sgt Sams (Wokingham Neighbourhood Policing Sgt)has provided his comments. Sgt Sams has worked this area for three years and is fully aware of the history and past problems arising in Alexander Court. Inspector Donachy has policed the Wokingham area for () years and also very aware of the issues in this area and has had discussions with the applicant in the past.

Firstly the Licence does not have any condition on it in relation to '*It shouldn't cause any disturbance to the local residents*' as this in TVP's view would be unenforceable, and not proportionate.

Secondly – current operational hours (until 03.30 hrs Fri/ Sat/Sun) doesn't in itself provoke ant-social behaviour, people provoke and carry out antisocial behaviour not premises - the fact that people drink is not anti social – people getting drunk is not in itself anti social there are many people each week in this state who just go home quietly. We do agree that screaming and shouting is antisocial but not necessarily law breaking, however we do agree that fighting is both unacceptable, its antisocial and it is against the Law and where persons are found committing this offence then they are dealt with accordingly. We also agree that the noise aspect of this is if alcohol is involved is both anti social and against the law and again Officers will deal with this accordingly.

Thames Valley Police have worked with the management of the Spin Bar and the Council and they have made over the years improvement in the situation specifically towards noise reduction emanating from the premises, also staff are supposedly now there to encourage persons to leave the area quietly and quickly and then staff pick up litter – this has been witnessed on occasion by Police.

Regarding if you like the dispersal of customers at the end of the evening those Police on duty endeavour to manage this as they can as well as covering the Local Policing Area with the low numbers of Officers on duty.

I have done some research and found the following aspects of the policing of the NTE;-

Jobs recorded on our Command and Control system; these are calls into our control room requesting Police Service;

All numbers relates to records from 01/01/2015 – 31/12/2015.

Comand and Control;

I set the search for 'Alexandra Court' this takes Aleandra House into account as well.

There were 17 calls for service;- 11 calls by Police (5 requesting ambulance, 3 for a van for prisoners & 3 regarding disorder/assaults/Fight in progress
2 calls from the applicant;- 1 x xs noise & 1 x fight in progress
There were 4 other calls
If we split these 17 calls down into a time aspect;
Before 00.00 = 3
00.00– 01.29 = 5 (this could be Gig house closing)
01.30 – 02.39 = 2
02.30 = 03.30 = 7 (this is likely to be Spin Bar)

Now we'll look at Reported Crime – for this I have targeted Alexandra House only (this includes SPIN CLUB as well)

Of the 490 crimes reported in Wokingham Area between the dates mentioned above 32 were listed in AH which is 6.5% of the total which in real terms is a lot of Police Time.
Of these 32 offences; Assaults x 9, Drunk and Disorderly x 12, Drugs x 8 and others x3
I will comment further on these later. (please see table at end of report for further details of these 32 incidents.

Thames Valley Police are aware of the issues within the Night Time Economy throughout the Force and runs 'Operation Nightsafe' in all big Towns. In Wokingham as part of this Operation an entire shift strength is dedicated to Wokingham Town and its night time economy. That is at very most 6 officers. However as venues close throughout the town it falls on Alexander Court being the last remaining venues open. It is to be noted that Officers are not deployed specifically to this area but will 'pay passing attention' and will deal with incidents of law breaking should they arise in a proportionate and justifiable way and to that end there have been a number of arrests for Drunk and Disorderly and assaults as persons have been ejected or left from places like the Spin Bar or the Gig House and their behaviour has deteriorated. This could happen any where in Town at any time of the evening should an incident arise and is not specific to Alexander Court or the Elms Road area.

It is the responsibility of the particular customer to behave in a fashion that is acceptable to the general populace and to some extent that behaviour may not be 'law breaking' and therefore not the responsibility of the Police or the venue from whence they came.

However if you look at the above statistics All the 32 reported offences occurred at the weekend - it almost means that at the end of every Friday and Saturday night the chances are that there are 6 officers 'baby sitting' these premises which should really police themselves.

In view of the above Thames Valley Police would support the application and agree that to prevent the majority of crimes occurring (after 02.30 hrs) then a finish time of serving alcohol should be 02.00 hrs with the Club closing it's doors at 02.30 hrs. Also we would recommend that half the Door staff should be present outside the venue at close to disperse the customers quietly and quickly. Thames Valley Police also suggest that at 01.30 hours the music within the venue should be changed to something more calming to 'bring down' the heightened attitudes of customers.

With regard to the table below I have used certain abbreviations;-

Ass = Assault with Injury

D & D = Drunk and Disorderly

POA = Public Order Act

Poss N C = Possession not Cannabis

Poss C = Possession of Cannabis

Occurrence No.	Day / Date	Time	Offence	Brief explanation
50000110	Thu 01/01/15	03.06	Ass	Issue on dance floor female got broken nose
50022286	Sun 25/01	05.16	POA	Male ejected from spin bar continued to behave disorderly and was arrested
50029083	Sat 31/01	02.44	D&D	Found in a drunken state using foul and abusive language after coming out from Spin Bar
50029092	Sat 31/01	02.54	Poss N C	Seen in toilets of premises with bag containing white powder, detained by staff
50029141	Sat 31/01	04.59	Poss N C	Ejected from Spin bar, was acting strange outside Officers searched found white powder
50029809	Sun 01/02	01.57	Ass	Male headbutted another o/s premises
50029920	Sun 01/02	05.21	Ass	Whilst o/s Spin bar at end of night Male had argument with another male over a woman he was talking to then slapped him across face
50036039	Fri 06/02	23.40	Poss C	Officers smelt cannabis near car spoke with persons inside who were going to Spin Bar and found large bag of cannabis on back seat
50051064	Sun 22/02	03.05	Ass	Offender punched agg'd in face whilst inside premises
50057491	Sat 28/02	04.16	Poss C	Male had been in Spin Bar, Officers were suspicious of his actions and searched him finding Cannabis
50058329	Sun 01/03	05.13	Poss N C	Male was seen acting suspiciously in smoking area, when challenged produced white powder in wrap
50073329	Sun 15/03	02.12	D&D	Was seen kicking fence at Spin, told to go home, drunken state, came back and was arrested
50079757	Sat 21/03	03.00	Ass	Male headbutted another causing injury inside Club
50080636	Sun 22/03	05.00	Poss N C	Male arrested at Spin for assault, found to be in possession of white powder
50086762	Sat 23/03	03.56	Violent Disorder	Male ejected from Spin, met his g/f, she has slapped another and then Male also joined in, all arrested
50106614	Sat 18/04	03.34	D&D	Male ejected from Spin, was aggressive and obstructive towards Police also arrested for Ass in Spin
50106628	Sat 18/04	04.00	D&D	Male in drunken state left Spin and was abusive to officers
50171370	Sun 21/06	03.43	D&D	Ejected from SPIN was abusive towards public and officers
50185649	Sat 04/07	05.29	Ass	Incident within Club, male 1 headbutted female – b/f punched male 1, both arrested
50185652	Sat 04/07	05.29	Ass	See above
50216287	Sat 01/08	04.48	POA	Male ejected from Spin, ran off from officers, later staff reported racial abuse, male arrested had been drinking heavily
50231838	Sun 16/08	02.00	D&D	Male ejected from Spin, became aggressive towards D/S and continually abusive, drunken state
50238387	Sat 22/08	01.52	Poss N C	Male ejected from Spin, had bag with white powder on him
50239352	Sun 23/08	01.58	Ass	Male after consuming 6 pts lager sat o/s Spin slapped agg'd across face
50273192	Sun 27/09	02.13	D&D	Male ejected from Spin, was aggressive and obstructive towards D/S & Police
50286903	Sun 11/10	03.15	D&D	Male ejected from Spin, became argumentative and abusive towards 2 members of public

50307921	Sun 01/11	01.50	D&D	Male ejected from Spin, in drunken state, wanted jacket, spoken to by Police became abusive and aggressive
50329641	Sun 22/11	02.50	Poss N C	Male acting suspiciously in Spin, when searched white powder found in lottery ticket
50336942	Sun 29/11	03.32	D&D	Male found to be drunk o/s club, called officer rude name and assaulted him
50336951	Sun 29/11	02.00	D&D	Male found to be drunk & ejected from Spin food shop, then interfered into another incident Police trying to deal with
50358797	Sun 20/12	03.00	Ass	2 x assaults within Spin where punching and possible bottling taken place

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THAMES VALLEY POLICE

Division/Station : Wokingham

From : Andy Dean
TVP Licensing Officer

To : Wokingham Borough Council
Licensing Dept.

Ref : Spin Bar review

Date : 21 January 2016

Tel.No.

Subject :

Further information

Further to my our initial submission we wish to add the below;-

I visited the location again but this time the residence of the applicant was pointed out to me and it is clear from the location that there are closer properties to Spin than his and looking back in the records there have been no complaints from these premises or occupants. My thoughts at this point were – unfortunately the applicant moved into an area where there is night time economy and therefore one should expect some noise.

Yes a certain amount of noise from public walking passed or through the area at night could well be heard purely because of the lack of surrounding back ground noise to muffle it down.

The other concern that I now have is; should the Panel agree with the applicant and reduce the hours of the Club then this could have a more detrimental affect on the applicant in relation to Public Nuisance and also Crime and Disorder. Let me explain;

At the moment with the closing time of the Gig if it is busy then you could have 300 people exiting this premises between 0130 hrs and 0200 hrs – these then disperse either away from the area and a few into the Club, by about 02.15 – 0230.

The Club presently closes at 0330 after sales stop at 03.00 so you could be in the position that another 300 persons leave the club and either get food and leave the area away from the applicant and some will go towards the applicants residence to get taxi's.

From both these premises it has been seen and heard door staff asking customers to leave quietly and ther are signs at the exit points ot reinforce these requests.

However should the hours be reduced you could have on busy summer night numbers in the region of 600 persons all spilling out of the Gig and Spin into that paved area all at once, and although advised to go on their way quietly persons do get noisey and sound does travel further.

The other issue with all thse people meeting in one place it could heighten tempers as customers try to move away and this could therefore cause an increase in the levels of Crime and Disorder within the area and one of the Licensing Objectives is the Prevention of Crime and Disorder.

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Karen Court

From: Patricia Knight
Sent: 06 January 2016 12:40
To: Licensing
Subject: FW: Spin Bar Review report .doc

Forwarding as requested from Karen's automatic reply.

Kind regards,

Patricia

Patricia Knight PhD M Phil - Health Checks
Wokingham Borough Council
PO Box 154
Shute End
Wokingham RG40 1BN
Mobile: 0790 9767862

Tel: 0118 9088449

From: Patricia Knight
Sent: 06 January 2016 12:38
To: 'Dean Andy (Licensing)'; 'kcourt@westberks.gov.uk'
Cc: John Donachy; Darrell Gale
Subject: RE: Spin Bar Review report .doc

Dear Karen,

Thank you for the Review Application for Spin Bar, Alexandra House.

We (Public Health) agree with the perspective raised by Thames Valley Police as they agree with the licensing objectives.

Additionally, as the Public Health Authority for the Borough, we consider that this would impact on improving the health of residents in this location.

Kind regards,

Patricia

Patricia Knight PhD M Phil - Health Checks
Wokingham Borough Council
PO Box 154
Shute End
Wokingham RG40 1BN
Mobile: 0790 9767862

Tel: 0118 9088449

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Karen Court

From: Bill Donne <billdonne107@hotmail.com>
Sent: 08 January 2016 16:06
To: Licensing; Bill Donne; spin nightclub
Subject: Spin Bar -Review of Premises Licence
Attachments: Cover letter WBC-Spin 080116.doc; REPORT FINAL V1.3.docx; Acoustic Report- The Spin Nightclub, Wokingham (2) (1).pdf; Noise management policy final (1).pdf

Good afternoon,

Spin Bar and Club-Alexandra Court, Wokingham

I wish to make a representation regarding the application for a review of the premises licence for the above in respect of the licensing objectives.

Please see attached;

- Cover Letter
- Report
- Noise Policy
- Acoustic Report

Regards

William Donne

Bill Donne
Consultant

0773 8734586
0118 956 1781

W.Donne
t/as 1) Silver Fox Consultants and 2) Smokin' Billy's Bar-B-Q

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Silver Fox
Licensing Consultants
61 St Mary's Butts, Reading, Berkshire RG1 2LG

8th January 2016

Your Ref PRO294

Licensing Manager
Licensing Section
Wokingham Borough Council
Civic Offices
Shute End
Wokingham
RG40 1BN

Dear Sir,

**Ref: Application to Review a Premises Licence
Spin Bar and Club, Alexandra Court, Denmark Street, Wokingham RG40 2SL**

On behalf of my Client, Mr Murat of Spin Bar and Club, I wish to make a representation in the matter of the Review of the Premises Licence in respect of the above premises on the grounds of Prevention of a Public Nuisance and the Prevention of Crime and Disorder.

Mr Murat has commissioned a comprehensive document outlining his views that he has not undermined the two licensing objectives aforementioned. To support this representation please find attached the following documents:

1. Report-outlining the rebuttal
2. Venue Noise Risk Policy
3. Acoustic Consultants Report

Yours faithfully,

William Donne

Bill Donne
Licensing Agent
Silver Fox Licensing Consultants

M: 0773-8734586 T: 0118-956 1781
E: billdonne107@hotmail.com W: www.foxlicensing.co.uk



**SPIN BAR & NIGHTCLUB, EXA HOUSE, ALEXANDRA COURT,
WOKINGHAM, RG40 2SL**

**TITLE: SPIN BAR AND NIGHTCLUB
APPLICATION TO REVIEW A LICENCE -REBUTTAL**

AUTHORS: W.Donne and Jana

DATE: 6th January 2016

VERSION: Final



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APPENDIX 2	NOISE MANAGEMENT POLICY

1. Introduction and Background

This Report is produced by Spin Bar management to demonstrate that it is a responsible retailer and to prove that every step has been taken to comply with conditions on the Premise Licence.

This report will demonstrate that they are promoting the four licensing objectives with particular reference to the prevention of crime and disorder and the prevention of public nuisance.

The Spin Bar & Nightclub is located on the ground floor of Exa House in Alexandra Court, Wokingham. This is a pedestrian area adjacent to Denmark Street on the outskirts of Wokingham town centre.

This is a mixed use are retail area in the immediate area with restaurants, coffee shop and retail outlets in the precinct and residential accommodation above the units.

At the other end of the precinct there is a large gymnasium with a residential property above where the applicant resides.

The Spin Bar and Nightclub has been trading at that location since 2007 as a late night bar and club. In 2010 an application for extending the opening hours from 2am until 3 am was granted and Spin Bar & Nightclub has been operating until 3:30 am since then.

Opposite to a Spin Bar & Nightclub is the Gig House Public House (Part of a J D Wetherspoon chain) which is licensed until 2 am.

Spin Bar & Nightclub is an active member of a Pub watch scheme since it started operating and is also works closely with the Local authorities , both the Thames Valley Police and Wokingham Borough Council on an ongoing basis.

From 2007 until December 2014, some seven years the Venue management has not received any complaints regarding a noise nuisance.

2. Noise Nuisance-history

The following timeline demonstrates the ongoing dialogue with all parties and the remedial actions taken.

On 19th February 2015 an email was received from Michael Heslehurst, Environmental Health Officer, with regards to a noise complaint from a resident in Elms Road.

Spin Bar & Nightclub reacted immediately and set up a meeting with the EHO to discuss the issue. A meeting was held on Wednesday the 25th February 2015 and the EHO has served the Spin Bar & Nightclub with an Abatement Notice (reference EPA/000412MZH/1) .

The noise complaint come from the residential area above the Virgin Active and specifically refers to amplified recorded music from the venue.

In his email correspondence Mr Heslehurst points out that

'noise nuisance is a very subjective area in that it is not about the level of noise being created but whether it is causing a nuisance or not to the recipient.'

At the meeting Mr Murat, the Managing Director of Spin Bar agreed to engage Paragon Acoustic Consultant for advice.

On 31st March 2015 a further communication was received from the EHO stating that the initial internal works carried out at the venue had reduced sound levels but insufficiently to address the problem.

13th April Mr Murat informed the EHO that the acoustic consultants had suggested further works and that that work had already commenced.

5th May Mr Heslehurst wrote to Mr Murat that he had attended the residents home address and at 00:30 hours and that the noise was not causing a nuisance and was compliant with the noise abatement notice. Mr Heslehurst also gave recognition to the cooperation the scope of works carried out by the venue management to resolve the issue.

6th May Mr Murat wrote to Mr Heslehurst confirming that as part of the venue dispersal policy that the music is in fact changed to a relaxed chill out style at 02:15 hours and is quieter.

11th May 2015 Mr Murat received a communication from the local resident via the EHO stating that they were pleased with the progress made although the odd track could still occasionally be heard.

1st September an email was sent to Mr Murat from the EHO strongly recommending that an internal door should be installed by the smoking area.

30th September Mr Heslehurst commented on the sound limiter.

16th October Mr Murat wrote to Mr Heslehurst to confirm that the door to the kebab unit will not be in use late at night.

19th October Mr Heslehurst wrote to Mr Murat stating that after a period of respite that the complainant and himself had witnessed significant noise coming from the kebab unit on the 11th October. He confirmed that as this had now been addressed that a statutory noise nuisance no longer existed.

3. Stage one – immediate works

3.1 Spin Bar & Nighclub has carried remedial works straight after receiving the Abatement Notice along with suggestion from the EHO. The Venue management communicated throughout the process with the EHO and were very keen to co-operate with both the EHO and complainer to ensure positive outcome for both parties involved.

- An additional layer of sound proof plasterboard to the exterior lobby walls was installed as well as instalation of absorptive material within the lobby

The layer of sound proof plasterboard was doubled even that it was suggested that only one layer would be sufficient

- Adding extra padding on the walls
- Additional door installed between the cloakroom and entrance desk
- Speakers were moved around the venue – further from the main entrance door
- Speakers boxed in with extra padding

3.2 A Fire Safety Inspecting Officer – Mr Mike Pateman was consulted for inspection to assist with the proposed changes.

It was agreed on two sets of new doors in the new lobby area with on the condition that additional double door to be installed in the main entrance for emergency use only.

3.3 Licensing officer – Steve Deane, Thames Valley Police was also consulted for with his suggestions from the police side of a view reference the new lobby and relocating the smoking area.

4. Stage 2 – Acoustic Report

The Abatement Notice expired on the 25th March 2015. Unfortunately the steps made weren't satisfactory to the complainant and EHO/ Wokingham Borough Council and Spin Nightclub agreed to extend the compliance date of the notice until 29th April 2015 for more works to be carried out.

After the discussion it was highly recommended to contact an acoustic engineer for full acoustic report to assist Spin Bar & Nightclub with the suggestions and requirements to comply with the Abatement Notice.

Acoustic report was completed on the 15th April 2015 and its copy is attached to this report – **Appendix 1**.

After receiving the acoustic report from appointed acoustic engineer – Accon UK on the 15th April 2015 all items in stage 1 (please see Appendix 1) were completed within the dead line – 25th April 2015.

Before the expiry of the notice a meeting was arranged between the EHO – Michael Heslehurst and Spin Nightclub to ensure that Wokingham Borough Council is satisfied with the progress of works carried out to comply with the Abatement notice.

It was agreed that Spin Nightclub did everything and more which was suggested or required by the Acoustic report and EHO.

5. Bins collection

In August 2015 we have been contacted by Wokingham Borough Council that now there is an issue with the collection of a refusal.

The Venue has been operating with the same waste management company since 2007 and never had any problems in respect of noise.

We have learned that the resident was not happy with the former time schedule for collecting waste bins and therefore we dealt with the situation immediately.

Arrangements were made to ensure that the bins are being emptied after 7 am and before 10pm.

In October 2015 we have been contacted by the EHO informing us about an issue which was raised by the same complainer – glass bins being emptied at the end of the night.

Spin Bar & Nightclub has reviewed their Noise Management policy straight away and what was found that the glass bins haven't been emptied into the glass bins but wheeled outside of the premise ready for collection.

We have changed this point on our Noise Management policy with immediate effects and store the glass bins inside the venue until the next morning.

Bar & Nightclub Noise Management Policy – Appendix 2.

6. Application to review Spin Bar & Nightclub licence

On the 11th December 2015 we have been contacted by the Wokingham Borough Council, Senior Licensing Officer Karen Court informing us that an Application to review our licence was received from Mr Alex Pershin.

The applicant's reasons for submitting the Application to review our licence are as follows;

- Current operational hours (until 3:30 am on Fri/Sat/ Sun) provoke antisocial behaviour (drinking, screaming, shouting and fighting) , and also cause a nuisance to local residents.

Meeting was arranged between Karen court and the DPS of Spin Nightclub to display site notices at the venue.

7. Opening hours

Back in 2010 the late night economy took a dramatic turn when venues and restaurants such as Gig House were granted a licence for the the opening hours to be extended until 2 am - this had a massive impact on our business due to its nature – Nightclub and we had to act to mirror the situation in the town, therefore an application was submitted to increase the opening hours from 2:30 am to 3:30 am only.

Since 2010 (5 years) Spin Bar & Nightclub did not received any complaints from the local residents or taxi drivers about anti-social behaviour and always worked closely with local authorities to ensure licence conditions are fulfil.

Proposal to reduce the Spin Nightclub's hours being the same as Gig house – 2 am would create more issues;

- the two busiest venues in town would close at the same time which will potentially leave over 500 patrons in the same area at the same time, which would create a very difficult situation for Thames Valley officers controlling the Town Centre.
- It will also create a more chaos situation for the Doostaff companies working at Spin Nightclub and Gig House.
- The current operational system is working well and whoever is not welcome at the Gig house is not welcome at the Spin Nightclub, therefore the individuals are not congregating in the area and leave Alexandra Court before 1:30/ 2 am – this helps to prevent any potential anti-social behavior.

The team of Thames Valley Police officers patrolling the Wokingham Town Centre are not forced to stay at the Alexandra Court and it is a known practise that the police officers are disperse within the town centre were needed or were an issue occurs.

Towards the end of their shifts, which we believe finishes generally at 4 am - they are situated at the Alexandra Court, Leaving the area just after 3 am.

Anti social behaviour is not provoked by the operational hours. You might note from the police reports that an incidents may occur during the day and/ or early in the evening anywhere within the town centre or outside and before even Spin Nightclub opens to public at 10:30pm.

8. Prevention of anti social behaviour

Spin Bar & Nightclub operates with positive attitude and co-operates with the local authorities since its started trading back in 2010 to prevent any anti-social behaviour.

- Spin Bar & Nightclub is an active member of a pubwatch scheme in Wokingham and has excellent results in attendance and contributions towards the scheme.
These meetings are held on every first Wednesday of every month.
- Further more and additional meetings with the Police Licensing officer and Thames Valley Wokingham town seargant were established to managed the nightlife at Alexandra Court. These are held every six weeks.
- System between both doorstaff companies – Gig House and Spin Nightclub is working perfectly and anyone refused an entry to either of the the venue is not welcome at both establishments
- CCTV in place
- Smoking area at the rear of the premise (not mixing with other patrons of Alexandra Court)
- Music – calmer music towards closing time
- Lolly pops handed out/ food sold to keep patrons busy
- Doorstaff outside the premise after closing time to encourage patrons to leave Alexandra Court area.
- Taxis ready for dispersal of customers
- Spin Bar & Nightclub has in place a Dispersal policy- you can find a copy attached/ enclosed.

9. Environmental Health

The Area of Alexandra Court is also occupied by the Gig House pub and cash & carry shop and that bottles, packages etc. left behind are not sold by Spin Bar & Nightclub.

Spin Bar & Nightclub has in place a closing procedure - an outside check after 3:30 am carried out by its own staff collecting any rubbish left by the patrons of Alexandra Court. The area looked after ends by the roundabout - Elm Road. These checks are completed every night we are open.

A cleaner employed by the Spin Bar & Nightclub cleans the surrounding area of the club the next morning after trading session.

10. Conclusion

We feel that we are a responsible retailer, who does everything to comply with conditions on our licence.

Reducing our trading hours would have a terrible effect on our business due to its nature – Nightclub and reducing trading hours from 3:30 am to 2am would not have an effect on anti-social behaviour.

Spin Nightclub has been operating in the Wokingham Town centre for years and has established a large regular customer base who is looking forward to being entertained by us at the weekends.

With regards to the noise issue - On the 6th October 2015 we received an email from the EHO of Wokingham Borough Council – Mr Mike Hesselhurst with his agreement that whatever has been asked from us was completed and that we went beyond requirements.

Decision from the Wokingham Borough Council was that Spin Bar & Nightclub complied with the Abatement notice and no further action will be taken.

Both parties agreed on extra conditions to be put on the licence under the section of prevention of a public nuisance. This was incorporated into the application for a minor variation.

Throughout the process we have received positive feedback from the local police officers serving their shifts on Fridays and Saturdays nights. The licensing officer Steve Deane had received an email / update back in May 2015 from the Town Sergeant re the noise issues that he did not know the Spin Bar & Nightclub was open at the weekend - Please find a copy of the email enclosed/ attached.

All staff and doortstaff were trained about Management Noise Policy and improvements were implemented immediately.

Spin Bar & Nightclub was co-operative with the licensing authorities and took the situation seriously. We feel that we have done everything to the satisfaction of the Environmental Health Officer and are not causing a noise nuisance.

We would therefore request that members of the Licensing Committee reject the application for a review in its entirety.

Report for

Murat Samut

The Spin Nightclub, Wokingham

Entertainment Noise Impact Assessment

Status: Final

Date: 15.04.2015

The Spin Nightclub, Wokingham
Entertainment Noise Impact Assessment

Author	David Yates
Contributors	-
Approved By	 Graham Parry Managing Director
Report For	Murat Samut The Spin Nightclub Exa House Alexandra Court Wokingham Berkshire RG40 2SL
Date	15.04.2015
Version Number	A2469/N/001
Status	Final

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1. INTRODUCTION

ACCON UK Limited (ACCON) has been instructed by Mr Samut (owner of The Spin Nightclub) to carry out a noise impact assessment for The Spin Nightclub in Wokingham.

Wokingham Borough Council (WBC) have issued a noise abatement notice (reference EPA/000412MZH/1) to The Spin Nightclub dated 24th February 2015 following investigations by Michael Heslehurst (Environmental Health Officer) of a noise complaint. The nearest noise sensitive receptor is located above the Virgin Active Health Club located in close proximity to The Spin Nightclub. The noise complaint specifically refers to amplified recorded music from the nightclub. Remedial works have previously been carried out by The Spin Nightclub in the form of an additional layer of plasterboard to the exterior lobby walls and the installation of absorptive material within the lobby, however this has not been considered sufficient to abate the nuisance by WBC. The notice expired on 25th March 2015, however, following discussions with The Spin Nightclub, WBC have agreed to extend the compliance date of the notice until 29th April 2015.

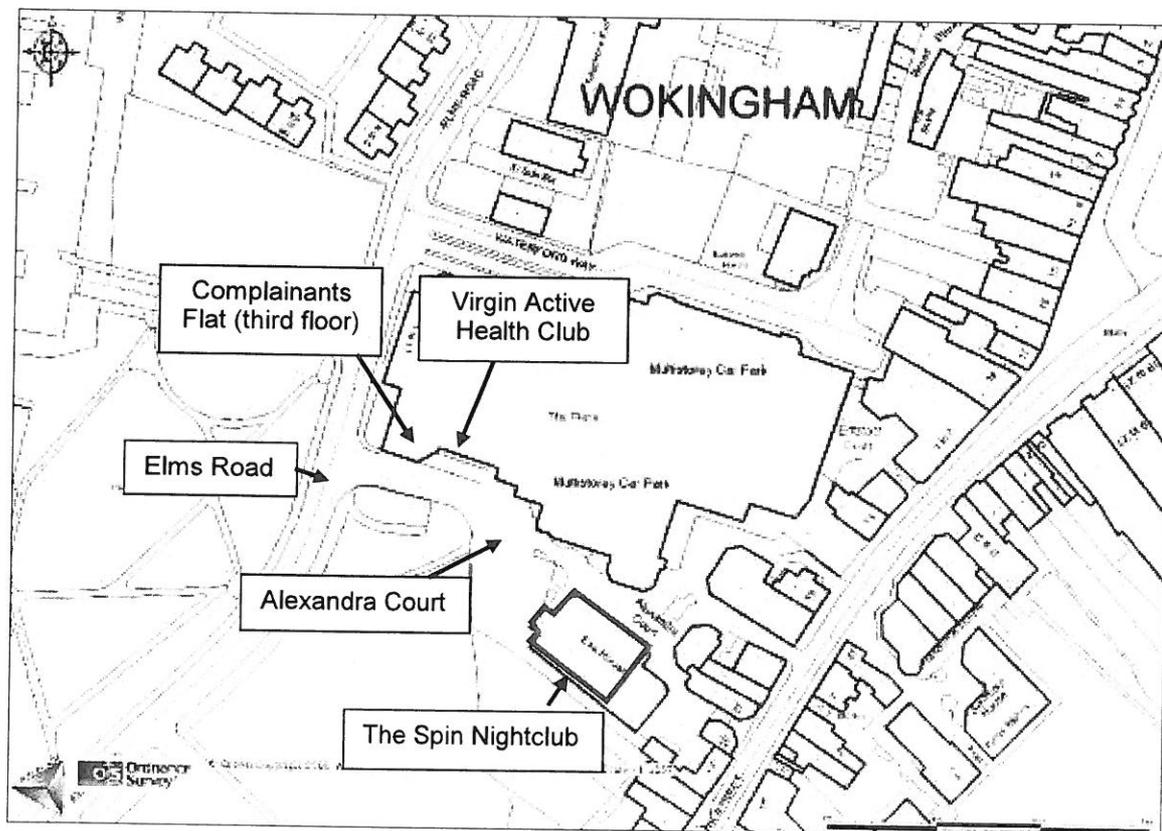
Mr Samut has commissioned ACCON to undertake the following tasks, which this report details:

- Carry out noise measurements in the vicinity of the sensitive receptor location when the club is operational on a Friday;
- Determine acceptability of noise emitted from the club against a number of guidance documents/criteria; and
- Provide a Noise Assessment Report for submission to Wokingham Borough Council identifying noise mitigation measures where appropriate.

Accordingly, this report addresses the noise affects which arise from the use of the building for the purposes of a nightclub and determines the acceptability of the noise levels which would be received at the complainant's property when the recommended mitigation has been installed.

The site is located on Alexandra Court, as shown in **Figure 1.1** below.

Figure 1.1: Site Location



2. THE NATURE, MEASUREMENT AND EFFECT OF NOISE

Noise is often defined as sound that is undesired by the recipient. Whilst it is impossible to measure nuisance caused by noise directly, it is possible to characterise the loudness of that noise. 'Loudness' is related to both sound pressure and frequency, both of which can be measured. The human ear is sensitive to a wide range of sound levels. The sound pressure level of the threshold of pain is over a million times that of the quietest audible sound. In order to reduce the relative magnitudes of the numbers involved, a logarithmic scale of decibels (dB) is normally used, based on a reference level of the lowest audible sound.

The response of the human ear is not constant over all frequencies. It is therefore usual to weight the measured frequencies to approximate the human response. The resulting 'A' weighted decibel, dB(A), has been shown to correlate closely to the subjective human response.

When related to changes in noise, a change of ten decibels from say 60 dB (A) to 70 dB (A) would represent a doubling in 'loudness'. Similarly, a decrease in noise from 70 dB (A) to 60 dB(A) would represent a halving in 'loudness'. A change of 3 dB (A) is generally considered to be just perceptible. A short glossary of acoustic terms is provided in **Appendix 1**.

Table 2.1 provides examples of typical noise levels.

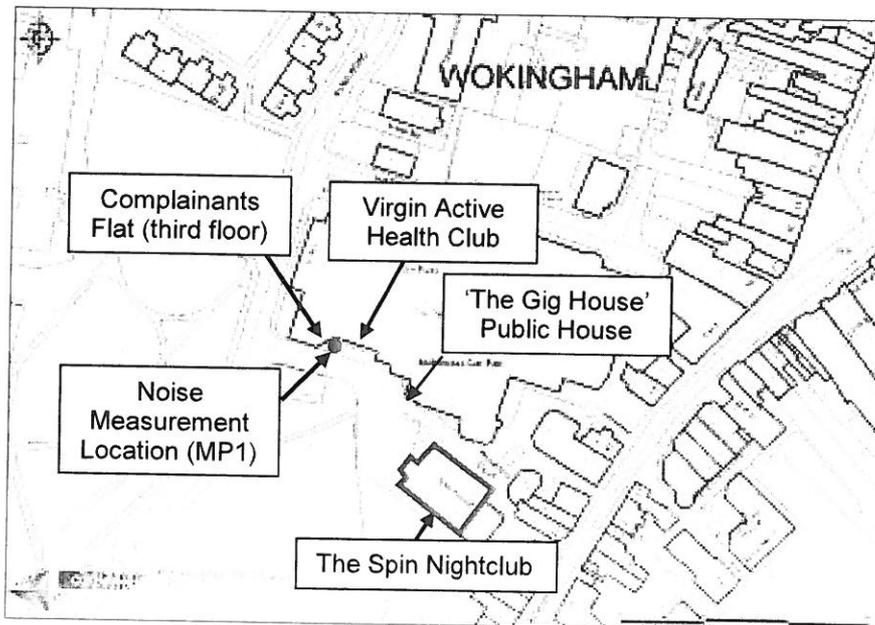
Table 2.1: Typical Noise Levels

Approximate Noise Level (dB(A))	Example
0	Limit of hearing
30	Rural area at night
40	Library
50	Quiet office
60	Normal conversation at 1 m
70	In car noise without radio
80	Household vacuum cleaner at 1 m
90	Music noise in a bar
100-110	Music noise in a typical nightclub

3. NOISE MEASUREMENT SURVEYS

Noise measurement surveys were carried out during the operation of The Spin Nightclub on the night of Friday 10th April 2015, with the purpose of determining the impact of music noise emanating from the club. The noise measurements were carried out at 1m from the entrance of the Virgin Active Health Club at a height of approximately 2.5m. The closest window of the nearest noise sensitive receptor is at a height of approximately 7.5m and is set back, in relation to the nightclub, approximately 3m from the entrance to the Health Club. The location of the noise measurement location and noise sensitive receptor is shown in **Figure 3.1** below.

Figure 3.1: Site Location



At noise monitoring position MP1, a Rion NL-52 Type 1 Precision Sound Level Meter, which holds a current certificate of calibration, was utilised to carry out the noise measurements. Before and after the measurement period the equipment was calibrated in order to ensure that the equipment had remained within reasonable calibration limits (± 0.5 dB).

Additional noise measurements were also obtained inside The Spin Nightclub utilising the same Sound Level Meter as utilised at MP1 in order to ensure that music was played at those levels typical of similar venues.

The temperature during the hours of operation of the premises during the noise monitoring periods was approximately 10°C.

The main sources of noise outside the nearest noise sensitive receptor was from patrons outside 'The Gig House', which is a Public House opposite The Spin Nightclub and from occasional idling cars in close proximity to the flat. Patrons associated with The Spin Nightclub were also audible, however they did not stay outside for as long as the patrons associated with The Gig House, which has a smoking area on Alexandra Court. Low frequency (bass) music noise from The Spin Nightclub was audible at MP1.

15.04.2015

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Email: enquiry@accon-uk.com • www.accon-uk.com
Unit B, Frons Park, Frouds Lane, Aldermaston, Reading, RG7 4LH

Reading Office Tel: 0118 971 0000 Fax: 0118 971 2272
Brighton Office Tel: 01273 573 814

The results of the noise measurement survey at MP1 and internally within The Spin Nightclub are summarised in **Tables 3.1** and **3.2** below in overall noise levels and octave bands respectively.

Table 3.1: Summary of Noise Level Measurements

Measurement Location	Time Period	L _{Aeq,T}	L _{Amax}	L _{A90}
MP1	0058-0103	57.6	67.7	52.9
MP1	0103-0108	57.4	74.0	52.1
MP1	0108-0113	55.5	66.7	51.9
MP1	0113-0116	57.0	70.7	52.2
Inside the nightclub (adjacent to northern façade windows)	0122-0123	97.8	104.0	94.0
Inside the nightclub (adjacent to lobby doors)	0123-0124	99.2	106.4	96.3

Table 3.2: Summary of Measured Noise Levels in Octave Bands at MP1

Location	Time Period	Frequency (Hz)							Total 'A' Weighted
		31.5	63	125	250	500	1000	2000	
Externally	0058-0116	66.5	64.5	58.1	53.0	54.1	53.1	48.7	57.0
Internally	0122-0124	84.8	96.6	101.1	96.3	94.8	92.4	90.2	98.6

4. SOUND INSULATION

4.1. Existing Sound Insulation

A sound insulation transmission survey has been carried out in order to determine the current level of sound insulation from the existing structure of the building envelope of The Spin Nightclub.

A Norsonic 118 Sound Level Meter Type 1 Precision Sound Level Meter, with a current certificate of calibration, was utilised to carry out the noise measurements. Before and after the measurement periods the equipment was calibrated in order to ensure that the equipment had remained within reasonable calibration limits (+/- 0.5 dB). Noise was generated internally within The Spin Nightclub utilising a minirator pink noise generator and amplifier through a dodecahedron speaker. Measurements were carried out between 1000 hrs and 1030 hrs on Friday 10th April 2015.

Noise measurements were obtained in third octave frequency bands between 25 Hz and 2500 Hz. The dodecahedron speaker was located within the main room at The Spin Nightclub and spatially averaged internal noise measurements were made. External noise levels were measured in positions adjacent to the individual elements of the northern façade of the main room and lobby area. **Table 4.1** below provides a summary in octave bands of the noise reduction offered by each element of the north façade of the nightclub, as obtained by measurement. **Figure 4.1** identifies the various façade elements, and **Figure 4.2** identifies the internal and external lobby doors.

Figure 4.1: North Façade - Elements

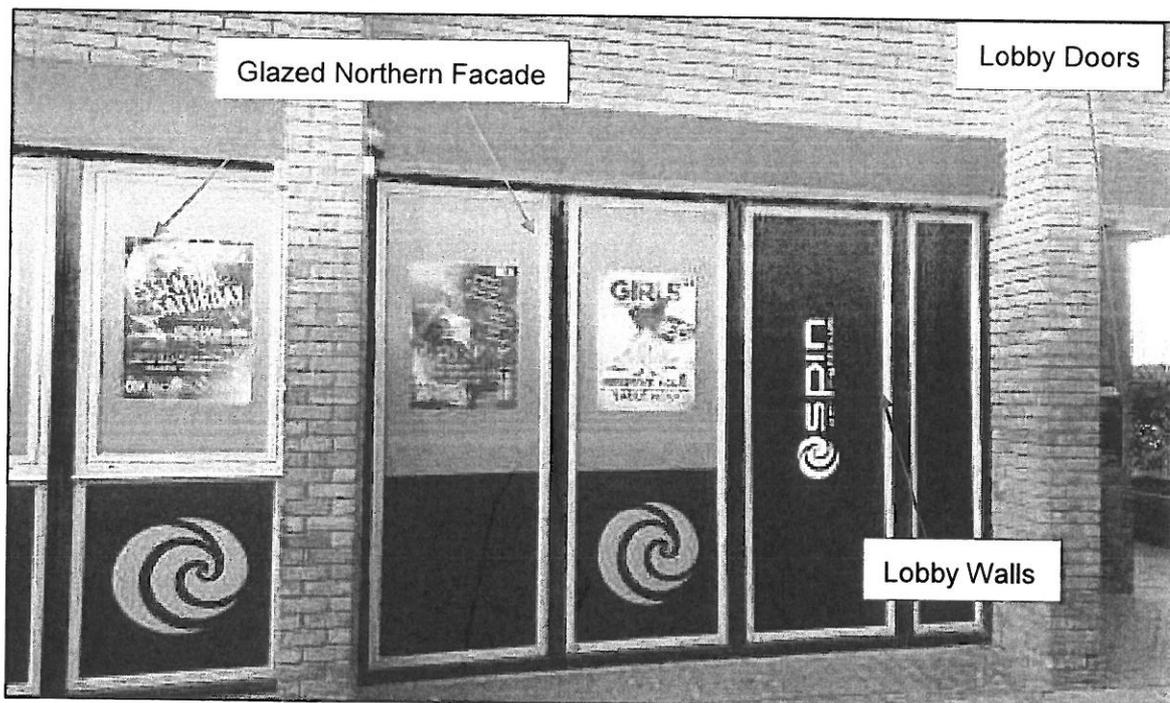


Figure 4.2: Lobby Doors

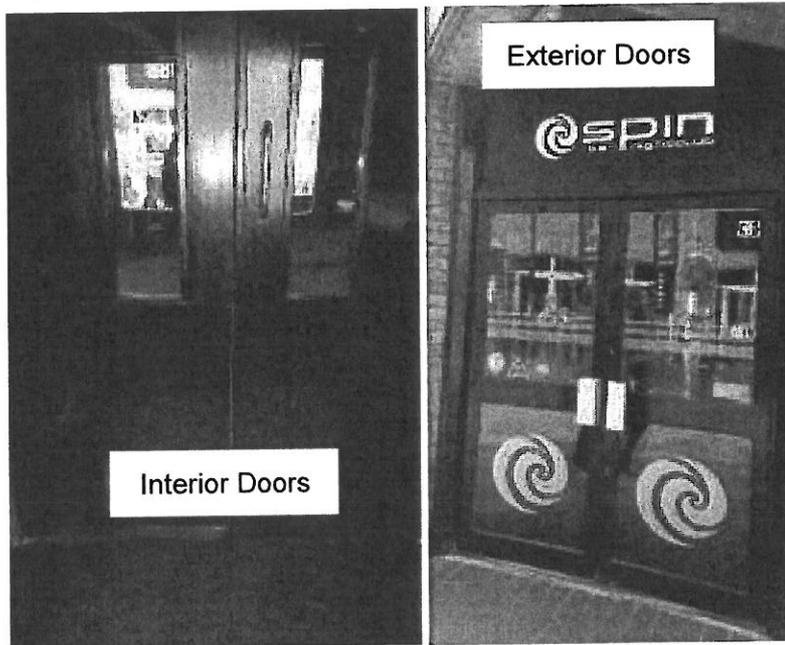


Table 4.1: Measured noise level difference of each element of the north façade

Façade Element	Measured Level	Frequency (Hz)							Total 'A' Weighted
		31.5	63	125	250	500	1000	2000	
Glazed Northern Façade	Internal Noise Level – Main Room	67.5	76.7	91.3	93.5	87.2	83.9	85.1	91.2
	External Noise Level	65.9	62.8	68.4	66.7	60.3	56.8	54.8	53.6
	Level Difference	1.5	14.0	22.9	26.9	26.9	27.2	30.2	27.6
Internal Lobby Door	Internal Noise Level – Main Room	71.9	79.6	94.1	91.9	89.8	86.7	86.2	93.0
	Internal Noise Level – Lobby Area	54.8	67.7	79.3	78.3	71.5	67.7	67.4	75.2
	Level Difference	17.1	11.9	14.8	13.6	18.4	19.0	18.8	17.8
External Lobby Door	Internal Noise Level – Lobby Area	54.8	67.7	79.3	78.3	71.5	67.7	67.4	75.2
	External Noise Level	65.0	67.3	64.1	58.3	53.8	49.5	48.8	56.8
	Level Difference	-10.1¹	0.4	15.2	20.0	17.7	18.2	18.6	18.4

Notes: (1) A negative sound reduction, as shown for the external lobby door at 31.5 Hz, is physically impossible. A negative value is shown because the external noise level measurement happened to be slightly higher than the measured internal noise level at this location in the particular frequency band due to extraneous noise sources.

It can be seen, by reference to **Table 4.1**, that the glazing on the northern façade reduces noise levels by approximately 28 dBA, which is the level of reduction that would be expected by standard double glazing. Whilst the noise measurements indicate that very little attenuation occurs at low frequencies (31.5 Hz and 63 Hz), this is likely to be because the external noise measurements were measuring noise in these frequencies from extraneous noise sources. It should be noted, however, that during both the pink noise testing and also during the operational noise measurements, that noise break-out was clearly audible through the glazed façade and that improvements to the sound insulation need to be achieved beyond what is offered by the existing standard double glazing.

It can also be seen, by reference to **Table 4.1**, that the internal lobby doors reduce noise levels by approximately 18 dBA, and the external lobby doors reduce noise levels by a further 18 dBA. Whilst the noise measurements indicate that very little attenuation occurs due to the exterior lobby door at low frequencies (31.5 Hz and 63 Hz), this is likely to be because the external noise measurements were measuring noise in these frequencies from extraneous noise sources. It should be noted, however, that the sealing around both doors was in very poor condition, with large gaps between the door and the frame and that improving the sealing would substantially improve the sound insulation. The current layout of the lobby area means that, occasionally throughout the opening times, both the interior and exterior doors will inevitably be open at the same time, which results in a relatively high level of noise to be temporarily emitted into Alexandra Court.

4.2. Proposed Mitigation Measures

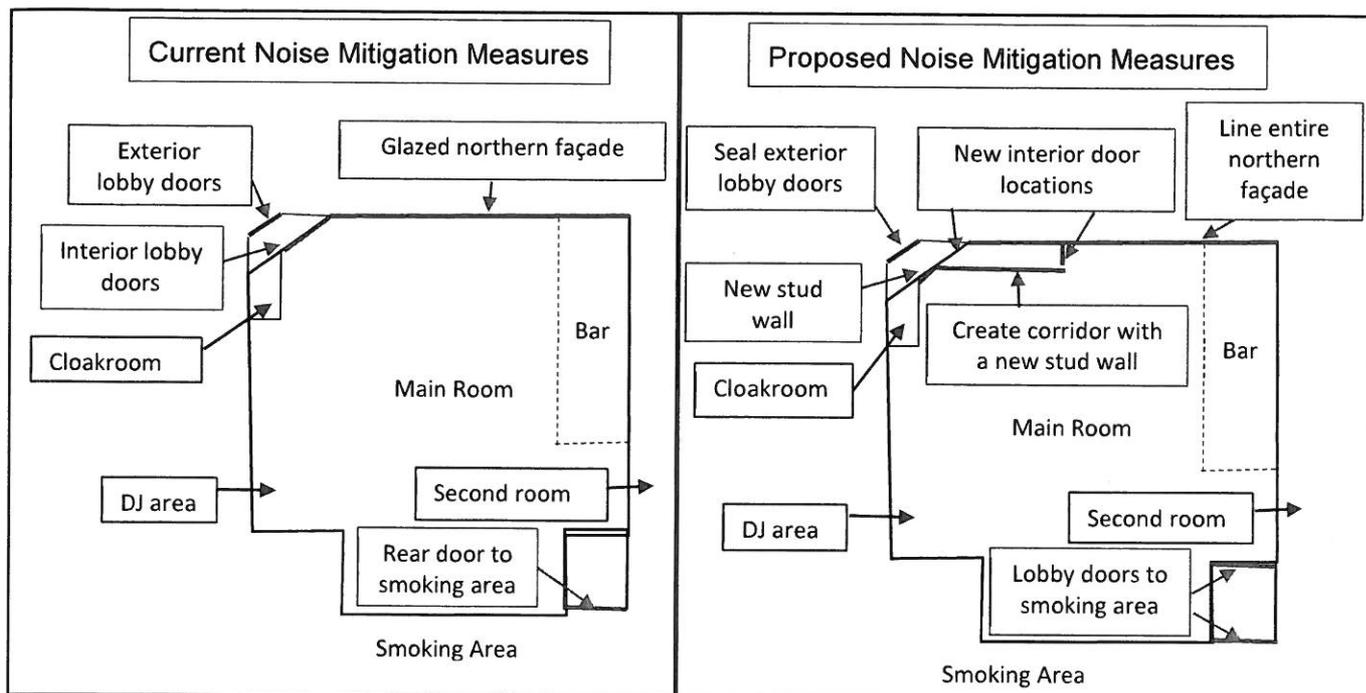
In order to reduce noise levels emanating from The Spin Nightclub, a number of mitigation options have been determined which should be implemented and which are practicable, and these are presented in **Table 4.2** below.

Table 4.2: Mitigation Measures to Reduce Patron Noise and Music Noise

Mitigation Measure	Comment
Stage 1	
Re-arrangement of lobby area	<p>Remove the interior lobby doors and fill the space with a new stud wall consisting of 2 layers of 12.5mm 'soundbloc' plasterboard either side of a 100mm steel frame filled with dense mineral wool-type sound insulation (minimum density 10 kg/m³).</p> <p>Install a new corridor leading from the existing lobby area, with a door at either end to allow access to and from the nightclub. The wall of the corridor will be constructed from 2 layers of 12.5mm 'soundbloc' plasterboard either side of a 100mm steel frame filled with dense mineral wool-type sound insulation (minimum density 10 kg/m³).</p>
Seal Lobby Doors	<p>Properly seal the exterior lobby doors so that there are no gaps between the door and the frame. Ensure that there is a close seal between the frame and the interior lobby doors, once they have been repositioned.</p>
Lining of glazed northern façade.	<p>The northern facing windows of the nightclub should be lined. A plasterboard lining consisting of two layers of 12.5mm thick 'soundbloc' plasterboard should be utilised.</p> <p>In order to access the existing advertising spaces on the northern façade, a demountable sound insulation system, or door system could be utilised. The system should be constructed of two layers of 12.5mm thick 'soundbloc' plasterboard.</p>
Stage 2 (if required)	
Smoking area lobby doors	<p>A lobby door system could be installed at the rear of the nightclub in order to reduce the noise emanating from the smoking area when the rear doors are open. ACCON recommend that this is only installed if noise from the rear of the nightclub becomes an issue after the noise mitigation measures on the northern façade of the building are installed.</p>
Absorbent material in corridor	<p>ACCON would recommend that at least one of the interior walls of the corridor (the exterior wall would be the most effective) is lined with acoustically absorptive material in order to prevent the build-up of excessive levels of reverberant noise in the corridor area.</p>

The mitigation options presented in **Table 4.2** are also presented graphically in **Figure 45.3** below. **Figure 4.3** shows the current and proposed layout of the main room of the nightclub, with the key noise mitigation measures highlighted in red.

Figure 4.3: Current and Proposed Noise Mitigation Measures



4.3. Reduction in Noise Levels

In order to determine the reduction in noise levels that the proposed noise mitigation measures will achieve, it is important to understand the level of noise emanating from each façade element at the nearest noise sensitive receptor. **Table 4.3** below presents the predicted level of noise from both the lobby door and the glazed northern façade and compares these noise levels against the measured noise level during operational hours of The Spin Nightclub at the nearest noise sensitive receptor. It can be seen that a good agreement between the measured and predicted noise levels is achieved across the frequency range.

Table 4.3: Current Noise Levels at the Nearest Sensitive Receptors through each Façade Element

Façade Element	Calculation Step	Frequency (Hz)							Total 'A' Weighted
		31.5	63	125	250	500	1000	2000	
Lobby Door	Measured Internal Noise Level	85	97	101	96	95	92	90	99
	Lobby Door Noise Reduction	17	12	15	14	18	19	19	18
	Lobby Noise Level	68	85	86	83	76	73	71	81
	Exterior Door Noise Reduction	0	0	15	20	18	18	19	18
	Exterior Noise Level	68	84	71	63	59	55	53	62
	Distance Correction	16	16	16	16	16	16	16	16
	Predicted Noise Level Outside Flat	52	68	55	47	43	39	37	46
Glazed Northern Façade	Measured Internal Noise Level	85	97	101	96	95	92	90	99
	Glazing Noise Reduction	1.5	14	22.9	26.9	26.9	27.2	30.2	27.6
	Exterior Noise Level	83	83	78	69	68	65	60	71
	Distance Correction	17	17	17	17	17	17	17	17
	Predicted Noise Level Outside Flat	67	66	62	53	51	49	44	54
Lobby Door and Glazed Northern Façade	Predicted Noise Level from Doors	52	68	55	47	43	39	37	46
	Predicted Noise Level from Northern Façade	67	66	62	53	51	49	44	54
	Total Predicted Noise Level at Flat	67	70	63	54	52	49	44	55
	Measured Noise Level at Flat	67	65	58	53	54	53	49	57

Table 4.4 below presents the predicted level of noise from both the lobby door and the glazed northern façade once the proposed mitigation measures are completed and determines the reduction in noise level during operational hours at the nearest noise sensitive receptor. It can be seen that a significant reduction in predicted noise levels is achieved across the frequency range.

Table 4.4: Future Noise Levels at the Nearest Sensitive Receptors through each Façade Element

Façade Element	Calculation Step	Frequency (Hz)							Total 'A' Weighted
		31.5'	63	125	250	500	1000	2000	
Lobby Door	Measured Internal Noise Level	-	97	101	96	95	92	90	99
	Stud Wall Noise Reduction	-	13	30	42	49	53	48	-
	Lobby Noise Level	-	84	71	54	46	39	42	60
	Exterior Door (Properly Sealed) Noise Reduction	-	20	25	22	27	31	35	-
	Exterior Noise Level	-	64	46	32	19	8	7	38
	Distance Correction	-	16	16	16	16	16	16	-
	Predicted Noise Level Outside Flat	-	48	30	16	3	0	0	22
Glazed Northern Façade	Measured Internal Noise Level	-	97	101	96	95	92	90	99
	Stud Wall Noise Reduction	-	13	30	42	49	53	48	-
	Lobby Noise Level	-	84	71	54	46	39	42	60
	Glazing Noise Reduction	-	18	22	27	32	39	36	-
	Exterior Noise Level	-	66	49	27	14	0	6	40
	Distance Correction	-	17	17	17	17	17	17	-
	Predicted Noise Level Outside Flat	-	49	33	11	0	0	0	24
Lobby Door and Glazed Northern Façade	Predicted Noise Level from Doors	-	48	30	16	3	0	0	22
	Predicted Noise Level from Northern Façade	-	49	33	11	0	0	0	24
	Total Predicted Noise Level at Flat	-	51	34	17	5	3	3	26
	Reduction in Predicted Noise Level	-	19	28	36	47	46	41	29

Note: (1) The 31.5 Hz frequency has not been assessed as noise reduction data was unavailable in this frequency.

5. CONCLUSIONS

A noise impact assessment has been undertaken in relation to The Spin Nightclub in Wokingham.

Detailed noise measurements of the existing noise levels emanating from the club and of the sound insulation of the existing structure have been carried out. Predictions of the sound insulation of the proposed mitigation measures have also been carried out.

The predicted noise levels show that a significant reduction in noise levels from The Spin Nightclub should be achieved at the nearest noise sensitive receptor once the proposed mitigation measures have been installed. The reduction in noise levels at low frequencies should ensure that the music noise will no longer be considered a statutory nuisance at the nearest noise sensitive receptor.

Appendix 1 Glossary of Acoustic Terms

Appendix 1: Glossary of Terms

Term	Description
'A'-Weighting	<i>This is the main way of adjusting measured sound pressure levels to take into account human hearing, and our uneven frequency response.</i>
Decibel (dB)	<i>This is a tenth (deci) of a bel. The decibel can be a measure of the magnitude of sound, changes in sound level and a measure of sound insulation. Decibels are not an absolute unit of measurement but are an expression of ratio between two quantities expressed in logarithmic form.</i>
$L_{Aeq,T}$	<i>The equivalent steady sound level in dB containing the same acoustic energy as the actual fluctuating sound level over the given period, T. T may be as short as 1 second when used to describe a single event, or as long as 24 hours when used to describe the noise climate at a specified location. $L_{Aeq,T}$ can be measured directly with an integrating sound level meter.</i>
L_{A90}	<i>The 'A'-weighted sound pressure level of the residual noise in decibels exceeded for 90 per cent of a given time and is the L_{A90T}. The L_{A90} is used to describe the background noise levels at a particular location.</i>
L_{Amax}	<i>The 'A'-weighted maximum sound pressure level measured over a measurement period.</i>
$D_{nT,w}$	<i>Weighted value of D, standardised to a constant reverberation time.</i>
C_{tr}	<i>The correction to a sound insulation quantity (such as $D_{nT,w}$) to take account of a specific sound spectra.</i>
$D_{nT,w} + C_{tr}$	<i>A single number quantity which characterises the airborne sound insulation between rooms using noise spectra no.2 as defined in BS EN ISO 717-1:1997</i>
$L'_{nT,w}$	<i>Weighted value of L, standardised to a constant reverberation time.</i>
R_w	<i>Weighted sound reduction index, a single number quantity for the airborne sound insulation in buildings and of building elements such as wall, doors and windows. The quantity is intended for rating the airborne sound insulation and for simplifying the formulation of acoustical requirements in building codes, when measured in the presence of flanking sound transmission, denoted $R'w$.</i>

ACCON UK
ENVIRONMENTAL CONSULTANTS

Email: enquiry@accon-uk.com

Reading Office:

Tel: 0118 971 0000
Fax: 0118 971 2272
Unit B, Frons Park,
Frouds Lane, Aldermaston,
Reading, RG7 4LH

Brighton Office:

Tel: 01273 573 814
Citibase, 95 Ditchling Road,
Brighton, East Sussex, BN1 4ST

www.accon-uk.com



SPIN BAR & NIGHTCLUB

NOISE MANAGEMENT POLICY

NOISE ASSESSMENT AND POLICY

SPIN BAR & NIGHTCLUB
10/1/2015



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INDUCTION

Spin Bar & Nightclub is trading as a late night venue with music entertainment (played by DJ's) and is located at Exa house, Alexandra Court, Wokingham RG40 2SL. The venue is situated within the Plaza Square and surrounded with local shops and pub/ restaurants as well as residential area – Flats (Above Virgin Active Gym and Brown Bag Coffee Shop).

As a responsible business we will do everything to prevent a public nuisance and Spin Bar & Nightclub will work closely with local authorities to ensure the appropriate steps are in place.

SOURCES OF DISTURBANCE AT SPIN BAR & NIGHTCLUB WOKINGHAM

The main sources of noise that can cause disturbance from licensed premises include:

- 1) Music - amplified, originating from inside including recorded or live music
- 2) Smoking area (rear of the premises)
- 3) Rowdy customers' behavior such as shouting, cheering etc.
- 4) Use of car parks and access roads and arrival/departure of taxis etc.
- 5) Delivery, collection and storage activities (Bin emptying collection and storage of recyclables).
- 6) There is also the potential for disturbance from patrons leaving the premises and those who have left the premises.



NOISE MANAGEMENT

To ensure we avoid or minimize the risk of causing a public nuisance, this policy shows steps taken and procedure in place which is controlled and supervised by the DPS and MOD.

1) MUSIC - AMPLIFIED, ORIGINATING FROM INSIDE INCLUDING RECORDED OR LIVE MUSIC

TYPICAL NOISE LEVELS

Approximate Noise Level (dB(A))	Example
0	Limit of hearing
30	Rural area at night
40	Library
50	Quiet office
60	Normal conversation at 1 m
70	In car noise without radio
80	Household vacuum cleaner at 1 m
90	Music noise in a bar
100-110	Music noise in a typical nightclub

Wokingham Borough Council confirmed the noise level measurements in this venue as being 92 Db in the bar and 94Db in the club (dance area).

To ensure that a no nuisance is caused to the residential area the following steps have been taken;

LAYOUT/ MATERIAL

- ✓ Lobby area sound proofed
- ✓ Stud wall consisting of 2 layers of 12.5mm 'soundbloc' plasterboard either side of a 100mm steel frame filled with dense mineral wool-type sound
- ✓ Insulation (minimum density 10 kg/m³).



- ✓ 2 sets of door at either end of the lobby to allow access to and from the nightclub. The wall of the corridor is constructed from 2 layers of more than 12.5 mm 'soundbloc' plasterboard either side of a 100mm steel frame filled with dense mineral wool –type sound insulation (minimum density 10kg/m3)
- ✓ Padding added to all walls in the lobby area to give more protection of noise traveling outside the premises.
- ✓ All door in the lobby sealed with no gaps
- ✓ The northern facing windows of the nightclub installed with plasterboard lining consisting of two layers of 12.5mm thick 'soundbloc' plasterboard.
- ✓
- ✓ Speakers allocated as per Acoustic engineer report to ensure noise level coming out of the venue is minimize
- ✓ Floor speakers put in a padded unit to minimis the noise travelling via floor area
- ✓ Decibel limiter – music system is limited to a 96 Db in both rooms
- ✓ Dance floor the furthers distance from the entrance
- ✓ Internal door installed before entering the smoking area
- ✓ Windows blocked and closed at all times

PHYSICAL PRESENCE

- ✓ Door Staff and Bar staff trained to ensure that all three doors are not open at one time and are shut at all times with the expectance when customers are entering or leaving the venue
- ✓ Door supervisor present at all times to ensure the external smoking area door are shut and only opens when customers entering or leaving the smoking area
- ✓
- ✓ Door supervisors to ensure that main entrance door are shut as much as possible when open for public



- ✓ Door staff encouraging patrons to leave quite and don't cause disturbance to the area
- ✓ NO usage of the internal kebab unit door until music is stopped completely – usually around 02:50 am
- ✓ Bar staff giving out a loli pops – this help out with customers being busy and therefore leave peacefully and no shouting, cheering etc.
- ✓ At the end of the trading hours customers are encourage to leave via kebab food unit and they have an option to purchase food – which keeps them busy.
- ✓ Door supervisors outside the venue until 3:30 am encouraging patrons to leave quietly

2) SMOKING AREA (REAR OF THE PREMISES)

- ✓ Smoking area is situated at the rear of the premises to minimize the level of noise (the position of the smoking area was discussed both with environmental health department and Police Licensing officers)
- ✓ Two sets of doors leading to smoking area installed – internal and external door
- ✓ Door supervisor presence at all times encouraging customers to respect the neighborhood
- ✓ No drinks allowed outside – encouraging customers not to congregate
- ✓ Crowd management / Door staff presence



3) ROWDY CUSTOMERS' BEHAVIOR SUCH AS SHOUTING, CHEERING ETC.

- ✓ Door staff encouraging patrons to leave quite and don't cause disturbance to the area
- ✓ Bar staff giving out a loli pops – this help out with customers being busy and therefore leave peacefully and no shouting, cheering etc.
- ✓ No sporting events – football, rugby etc.
- ✓ Zero tolerance for anti – social behavior
- ✓ At the end of the trading hours customers are encourage to leave via kebab food unit and they have an option to purchase food – which keeps them busy.
- ✓ Disperse of customers - Door supervisors outside the venue until 3:30 am encouraging patrons to leave quietly
- ✓ Staff training
- ✓ Music – last song is always a calm song, usually at 2:55 am
- ✓ Time management – two rooms ending at different times, so there is a regular flow of customers leaving the venue rather than at one go
- ✓ Door staff management , police co –operation – encouraging patron to leave quietly
- ✓ Taxi ranks – picking up and distributing customers throughout the night



4) USE OF CAR PARKS AND ACCESS ROADS AND ARRIVAL/DEPARTURE OF TAXIS ETC.

- ✓ Taxi rank situated in the Elms Road – not directly near the venue
- ✓ Private car park area - permits only. Customers park their cars on their own risk. Car park is not managed by the venue but by the landlord.
- ✓ Door staff and staff giving direction towards the taxi rank via park path
- ✓ Car park used only for 2 cars allocated for Spin Bar & Nightclub
- ✓ Car park only for waste collection and deliveries – which are managed between 7 am and 9pm.
- ✓ A specific taxi operator nominated for staff use

5) DELIVERY, COLLECTION AND STORAGE ACTIVITIES (BIN EMPTYING COLLECTION AND STORAGE OF RECYCLABLES).

- ✓ Deliveries and collection activities are managed between 7 am – 9 pm
- ✓ Minimum deliveries and collections compare to other business
- ✓ Waste management – Sita Uk. Collection managed after 7 am
- ✓ Glass bins kept inside the venue after closing until next day. Wheeled out before 9pm, ready for collection
- ✓ No bottle collection outside the venue – all glass bottles are being collected inside the venue
- ✓ Usage of polycarbonate glassware to minimize the noise level



6) THERE IS ALSO THE POTENTIAL FOR DISTURBANCE FROM PATRONS LEAVING THE PREMISES AND THOSE WHO HAVE LEFT THE PREMISES.

- ✓ Door staff encouraging patrons to leave quite and don't cause disturbance to the area
- ✓ Bar staff giving out a loli pops – this help out with customers being busy and therefore leave peacefully and no shouting, cheering etc.
- ✓ Zero tolerance for anti – social behavior
- ✓ At the end of the trading hours customers are encourage to leave via kebab food unit and they have an option to purchase food – which keeps them busy.
- ✓ Door supervisors outside the venue until 3:30 am encouraging patrons to leave quietly
- ✓ Staff training - noise management
- ✓ Door staff management , police co –operation – encouraging patron to leave quietly
- ✓ Music – last song is always a calm song
- ✓ Time management – two rooms ending at different times, so there is a regular flow of customers leaving the venue rather than at one go
- ✓ Taxi ranks – picking up and distributing customers throughout the night
- ✓ Signs placed around the premises asking people to be quiet and respect neighbors when leaving the premises.





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Karen Court

From: sebastian atari <sebastian_atari@hotmail.co.uk>
Sent: 07 January 2016 16:46
To: Licensing
Subject: Licensing objection

My name is Sebastian Atari currently living in Flat 9 Regents court, 19-21 Denmark street Wokingham RG402BZ

I am writing to you regarding the Application to review a licence PR0294 (Spin Nightclub, Exa House Alexandra Court, Wokingham RG40 2SL).

I wish to make a representation of the application to review a premises licence PR0294 dated on the 12th December 2015.

I wish to object to the proposed changes stated on the application for the following reasons;

I live opposite to the club (about 10 meters away) and never had any issues with the noise for the past 4 years. I believe none of my neighbours at the building have any issues either. When I moved to the area I knew I would be surrounded by the nightclub and the busiest pub in town - Gig House.

I don't think closing the club at the same time as Gig House would have a positive outcome on the nightlife at Alexandra Court and I don't see any issues with the club closing at 3am.

I feel Wokingham town center needs a late night venue such as Spin Bar Nightclub and it has been trading for 7 or 8 years in the area, it will have a negative effect on the social life at Wokingham should their licence been reduced to 2 am only.

Kind regards

Sebastian Atari

Sent from my iPhone

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Karen Court

From: Rebecca Turner-smith <rebecca@turner-smith.co.uk>
Sent: 06 January 2016 13:14
To: Licensing
Subject: Spin Bar Licence Review

To whom it may concern,

I would like to raise my objections to any change of licensing hours for Spin Bar in Alexandra Court.

By limiting the licensing hours to 1.30am will not ensure that there is no noise or antisocial behaviour before that time.

The venue has been operating for 10 years and as far as I am aware there have been no previous need for review before now. It is a viable business and the possibility of the venue having to close down will surely be a detriment to the town, other businesses in the town, the loss of jobs.

The possibility of a very well run venue to potentially have to close is something that doesn't sit right with me.

I trust that these factors will be taken into consideration before the decision is made either way.

Many thanks

Rebecca Turner-Smith

Sent from my iPhone

Designated premises supervisor
for the Gig House
Alexandra Court, Wokingham.

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Licensing Act 2003

Premises Licence Summary

PR0294



**WOKINGHAM
BOROUGH COUNCIL**

Licensing Service
Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1WW

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDINANCE SURVEY MAP REFERENCE OR DESCRIPTION

Spin Bar & Nightclub
Alexandra Court, Denmark Street, Wokingham, Berkshire, RG40 2SL

WHERE THE LICENCE IS TIME LIMITED THE DATES

Start: 11 June 2007 End: Indefinite

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Live Music
Recorded Music
Performance of Dance
Facilities for Dancing
Late Night Refreshment
Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

Mon 11:00-02:30
Tue 11:00-02:30
Wed 11:00-02:30
Thu 11:00-03:30
Fri 11:00-03:30
Sat 11:00-03:30
Sun 11:00-03:30
Non Standard Timings: Christmas Eve & New Year's Eve until 0330

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Live Music	<p>Mon 19:00-02:00 Tue 19:00-02:00 Wed 19:00-02:00 Thu 19:00-02:00 Fri 19:00-02:00 Sat 19:00-02:00 Sun 19:00-02:00 a performance of live music Live music will be jazz background music - 2 piece, no more than 5 piece. Live band entertainment will finish at 0200 latest but the venue will stay open & play recorded music until closing time. The recorded music will be played via a DJ using unamplified music system with a sound limiter placed on it. Indoors Non Standard Timings: Christmas Eve & New Year's Eve until 0300</p>
Recorded Music	<p>Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00</p>

	<p>Thu 11:00-03:00 Fri 11:00-03:00 Sat 11:00-03:00 Sun 11:00-03:00 any playing of recorded music Recorded music (CD) will start at 1100 in existing bar area as background music & the DJ will start playing recorded music from 2000 Indoors Non Standard Timings: Christmas Eve & New Year's Eve until 0300</p>
Performance of Dance	<p>Mon 19:00-02:00 Tue 19:00-02:00 Wed 19:00-02:00 Thu 19:00-03:00 Fri 19:00-03:00 Sat 19:00-03:00 Sun 19:00-03:00 a performance of dance Performance of dance in designated dance floor area. Lessons - salsa, tango, belly dancing Indoors</p>
Facilities for Dancing	<p>Mon 19:00-02:00 Tue 19:00-02:00 Wed 19:00-02:00 Thu 19:00-03:00 Fri 19:00-03:00 Sat 19:00-03:00 Sun 19:00-03:00 Entertainment facilities for dancing Facilities for dancing will be provided in the designated dance floor areas Indoors Non Standard Timings: Christmas Eve & New Year's Eve until 0300</p>
Late Night Refreshment	<p>Mon 23:00-02:00 Tue 23:00-02:00 Wed 23:00-02:00 Thu 23:00-03:20 Fri 23:00-03:20 Sat 23:00-03:20 Sun 23:00-03:20 provision of late night refreshment Late night refreshment outdoors to cease at 0320 hours Thursday to Sunday Indoors and Outdoors Non Standard Timings: Christmas Eve & New Year's Eve 23:00 until 02:30</p>
Supply of Alcohol	<p>Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-03:00 Fri 11:00-03:00 Sat 11:00-03:00 Sun 11:00-03:00 the sale by retail of alcohol</p>

Licensing Act 2003

Premises Licence Summary

PR0294

Non Standard Timings: Christmas Eve & New Year's Eve until 0300

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES
On Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Murat Samut, 60 Yorktown Road, Sandhurst, Berkshire, GU47 9BT
Telephone: 01189770606 Email: spin.nightclub@yahoo.co.uk

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Murat Samut

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Date of Issue: 5 January 2016

Julia O'Brien
.....
Julia O'Brien
Principal Environmental Health Officer

ANNEXES

Annex 1 – Mandatory Conditions under the Licensing Act 2003

Mandatory Condition – Supply of Alcohol

- 1) that no supply of alcohol may be made under the premises licence
 - a. at any time when there is no designated premises supervisor in respect of the premises licence, or
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended: and
- 2) that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Mandatory Condition – Door Supervisors

Door Supervisors must be licensed by the Security Industry Authority

Mandatory Condition - Exhibition of Films

- 1) Admission of children to the exhibition of any film to be restricted in accordance with the following;
- 2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendations made by that body
- 3) Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (in force 1 October 2014)

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

A 'relevant person' means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence or the personal licence holder who makes or authorises a supply of alcohol under such a licence. For the purposes of this condition,

a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
P is the permitted price,

D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

[NB where this is not a whole number, it should be rounded up to the nearest penny].

c. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. Where there is a change to the rate of duty or value added tax, the change to the permitted price shall not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Annex 2 - Conditions consistent with the Operating Schedule Incorporating amendments as agreed with Environmental Health at variation November 2015

a) General

- British Summer Time shall not be deemed to have an effect until the start of the following days trading applied to all authorised licensable activities.
- Entry or re-entry to the club shall not be permitted after 0200 hours, save for entry to the dining area

b) Prevention of Crime and Disorder

- A written risk assessment shall be undertaken to determine a suitable number of door supervisors on any special event evening for each trading session
- The Designated Premises Supervisor shall keep and maintain a register of door supervisors.
- The register shall show the following details:
 - (i) The name, home address and registration number of all door supervisors working at the premises;
 - (ii) Date and time they commence and finish duty;
 - (iii) Any occurrence or incident of interest must be recorded giving names of the door supervisor involved
- The door supervisor register must be kept at the premises and be available for inspection by Thames Valley Police or an authorised officer from Wokingham Borough Council and shall be retained for a period of 6 months
- All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The name of the person recording the incident and those members of staff who deal with any incidents shall also be recorded. Where known, any offender's name shall also be recorded
- Door Supervisors shall wear hi visible armbands, and they will display their SIA badge on the armband
- An adequate number of Security Industry Authority (SIA) licensed door supervisors, at a minimum ratio of 1 to 100 customers, must be provided at the premises whenever regulated entertainment takes place. These licensed door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons whilst entering and whilst on the premises and to ensure the maintenance of good order, public safety and internal security.
- A Door Supervisor shall supervise the new dining area and external perimeter whilst the late night refreshment authorisation is in effect and the business is trading.
- The Premises Licence Holder must ensure that the Designated Premises Supervisor holds membership of, and actively participates in, the Pubwatch Scheme, including making use of apparatus supplied as part of the scheme
- The Designated Premises Supervisor must implement a written policy and procedures statement and a Management action plan, and actively use those procedures, to prevent drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of seized drugs
- There shall be a CCTV system in continuous operation whilst the premises are trading with a capability of storing information for a minimum period of 31 days.

- The recording facility must be made available to view on request from a Police Officer or a proper officer from the Wokingham Borough Council.
- Copies of the recordings requested by the Officers must be produced on a suitable storage medium 24 hours from the original request.
- An additional CCTV camera(s) shall be installed to cover the external façade and to face the front of the queue
- Bottles and glasses shall not be permitted to be taken off the premises
- During trading hours, a nominated individual with appropriate training and experience can be identified as being responsible for each particular bar area, the person will preferably be a Personal Licence Holder.
- An incident book will be used to record details of incidents that occur in and around the venue. The incident book will truly reflect what has occurred and will be specific in detail. All incidents will be signed off by either the Head Door Supervisor; the DPS or the nominated individual when DPS is not on site. The premises licence holder will ensure a recorded weekly review of the incident book by the DPS will be carried out
- The External smoking area at the back of the premises must be vacated by customers half an hour before closing time.

c) Public Safety

- All staff shall be trained in fire safety evacuation procedures
- All firefighting equipment shall be regularly maintained and tested
- There shall be a written risk assessment on the use of poly- carbonate vessels and an appropriate management action plan

d) Prevention of Public Nuisance

- The management shall conduct a written noise risk assessment and develop and maintain a noise management plan for the premises. The noise management plan will be reviewed and where necessary, updated each year
- Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.
- Staff shall be available when the premises is trading to ensure, as far as is reasonably practicable, that customers leaving the premises disperse quietly.
- Staff, contractors, performers and associated persons must be given appropriate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly
- A litter patrol will be conducted with a radius of 150 metre radius of the premise at the end of each trading session.
- Deliveries to and collections from the premises shall only take place between the hours of 08:00 and 21:00 each day
- The placing of refuse, such as bottles, into receptacles outside the premises shall only take place between the hours of 08:00 and 21:00.
- Ensure that the Spin Bar & Nightclub Noise Management Policy is reviewed and if necessary updated at least once a year or when changes occur that might influence noise emitted from the premises. (For example the installation of new noise generating equipment)
- Take steps to ensure that all staff and any visiting performers (DJs) are aware of and are trained to comply with the noise mitigation measures set out in the Spin Bar & Nightclub Noise Management Policy
- Ensure that the installed noise limiting device is maintained and set at such a level to minimise noise break-out from the premises and to achieve the noise levels predicted in Table 4.4 of the Accon UK report (Report for Murat Samut, The Spin Nightclub, Wokingham Entertainment Noise Assessment) with particular attention to noise emitted in the lower frequencies 63 Hz and 125Hz,
- The noise limiting device shall be sealed to prevent tampering and to prevent unauthorised adjustment of the levels set. All electronic noise generating equipment shall be routed through the noise limiting device.
- The door separating the dance floor from the kebab food unit (currently known as the 'Food Shack') shall be locked shut at all times when amplified sound is being played. The door shall be sealed to minimise noise break out through air gaps around the door.
- Regular checks (at least once a month) shall be carried out to ensure that all installed noise mitigation measures such as absorbent acoustic panelling and door seals are maintained in good condition and repaired promptly if any defects are found. Records of these checks and any remedial action taken shall be retained for at least 6 months and be made available to the Licensing Authority if required.
- The designated premises supervisor (or deputy) shall from time to time (at least once a week) carry out a subjective assessment of noise arising from the premises by listening to the noise at or near the facade of noise sensitive premises in the vicinity. Records of all such checks and any remedial action taken shall be retained for at least 6 months and be made

available to the Licensing Authority if required.

e) Protection of Children from Harm

- The Premise shall operate the Challenge 25 proof of age system.
- The premise owner or designated premises supervisor shall display in a prominent position a copy of their policy on checking proof of age •Staff will be trained in the methods used to check identification and proof of age

Annex 3 – Responsible Authority Conditions

Environmental Health - agreed conditions incorporated into Annex 2 Operating Schedule at variation November 2015

Annex 4 - Conditions attached after a Hearing by the licensing authority

Not applicable

Annex 5 - Plans

Plans of premises attached - amended by variation November 2015

3444 11/11/11

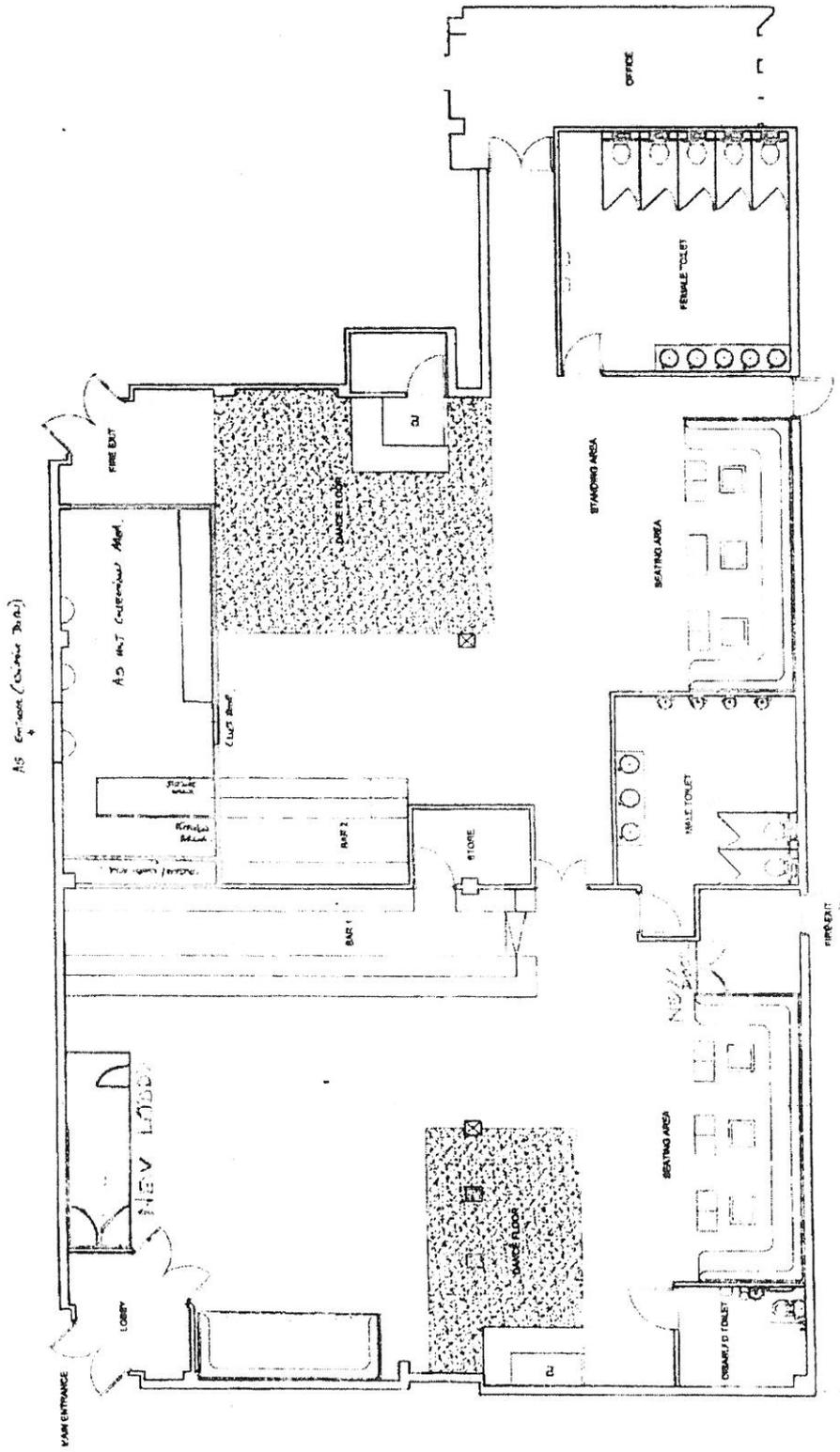
STEVE HOWIE LTD

Unit 1, Christy Business Centre
Brazelton, Canterbury, Surrey
GU15 2AA
T: 01203 684706
F: 01203 684706
E: info@stevehowie.co.uk
W: www.stevehowie.co.uk

Client: **MURAT SAMUT**
Project: **WORKINGHAM**

Drawing title: **PROPOSED LAYOUT**

Client No: _____
Checked By: **T. Jones**
Date: **11/11/11**
Scale: **1:500**



PROPOSED LAYOUT - Scale 1:500@A1

**Bundle for the hearing on February 5th, 2016
regarding SPIN night club**

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All the references to the evidence are highlighted with **green, evidence itself is located in the appropriate section starting from page 7.*

Introduction

To whom it may concern:

We (Alex Pershin & Yulia Syrovoiskaia) would like to present some background information in order to support our application *proposing to reduce the operational hours of Spin Night Club*.

We bought and moved into 11 Elms Road on the 5th December 2014, an apartment next to Elms Field and Alexandra Court. It would be fair to mention that before we bought the property, we had several viewings (and a late viewing - after 11pm on Saturday), as we were concerned about the location of the Club. We also knew that the operational hours of the Club had been increased back in 2010 but as there had been no complaints from local residents regarding this change, we decided to proceed with the purchase.

While we were very pleased to be living so closely to the green space, the railway station, and the town center amenities, we hadn't counted on having the whole atmosphere from the Club within our flat at weekends on a regular basis. Since moving in, our flat has have been flooded with vibrations due to the heavy bass emanating from the Club, along with the associated noise from drunk revellers. The Club operates every weekend until 03:30 (it is the only establishment that sells alcohol after 01:30 in Wokingham town centre), while its food shack operates until 03:20. This results in us having little chance to get to sleep before 04:00, when all the club patrons, food shank attendees, taxis, cars, etc. finally leave Alexandra Court.

Our points

Nuisance from the amplified music

The problem was originally reported to the Environmental Health on December 13th, 2014. Prior to the end of the *extension of the abatement notice* (which expired on April 29th, 2015) the issue was practically resolved in April (1.1), however gradually noise levels went up again, and so we have been systematically disturbed:

- **May 11, 2015** - We reported that loud bass is still present and specified the times when the loud tracks were heard (1.2)
- **May 22-25, 2015** – A recording device was installed for the long bank holiday weekend and the EHO's report confirms that a bass issue is present (1.3)
- **August 16, 2015** - After visiting our flat at around 01:00 Joe Dray (Principal Officer, Environmental Quality Team) and Michael Heslehurst (EHO) concluded that after standing outside the club they could hear loud music coming from the bar (Gig house) opposite the club, which more than likely contributes to the problem. However, when the pub was closed (at 01:30), we were still disturbed by the bass, so I raised my concerns as to whether it was Gig house that was contributing to it, and again reiterated that bass noise is coming from the club. This has been confirmed by Joe (1.4)
- **September 1, 2015** - Loud music was reported (1.5)

- **October 1st, 2015** – An internal door to the smoking area was fitted at the club, but the problem persists - loud bass was again reported (1.6). I have also recorded evidence showing bottles being refused outside the permitted hours.

An EHO visited our property again on October 11th, 2015 and expressed his professional opinion that statutory nuisance has been abated, however the problem was not resolved:

- **November 1, 2015** - We have provided additional evidence and escalated this issue to the local councilor (1.7) Julian Sumner

Julian organised a meeting attended by himself, Joe Dray, Anna Smy and myself during which we have discussed the following:

1. Even though the case was closed, Environmental Health will continue working on it as we were still experiencing nuisance.
2. We raised concerns regarding an *unsuitable condition* referenced in the license which has been changed afterwards:

Annex 2, d) Prevention of Public Nuisance - *"Amplified noise or other noise emanating from within the premises shall not at any time exceed the background noise level minus 5dB when measured at 1 metre from the facade of the nearest noise sensitive premises"*

3. We raised concerns regarding the fact that the owner has the power to modify limiters at any time; this has been done in the past (August 2015) and admitted by Murat Samut as stated in EHO report (p. 21).

By the end of the meeting Anna Smy had suggested that Environmental Health would identify permitted levels that are not causing nuisance and send EHO to check that limiters are configured accordingly, which I found to be a satisfactory outcome of the meeting.

- **December 29, 2016** - We reported the bass issue again (1.8) and recorded evidence on Dec 27th (1.9)

We have also requested an update on the actions discussed during the meeting, Joe Dray confirmed:

- **January 4, 2016** - *"The responsibility for complying with the licence conditions lies with the owner/licence holder and we cannot restrict his access to the noise limiting device. We would expect the licence holder to take 'ownership' of the noise limiter and to use it effectively to control the noise generated."* (1.10)
- **December 28, 2015** - *"no monitoring was done and no further visits have been made"* (1.11)

To summarise, it comes down to a simple fact that music levels are inadequately contained by the insulation (sound-proofing measures) being used, and permitted noise levels (that are proven not to cause disturbance to local residents) have not yet been established. Environmental Health cannot enforce settings on the noise limiting device (even though according to the law EHO has additional powers during night time such as prosecution, and removal of the equipment that creates the noise nuisance, etc.), therefore reducing music levels has a temporary effect and cannot be considered a permanent solution. Since the abatement notice expiry (April 29th) I strongly believe that the club's

management had enough time to improve the sound proofing to ensure that we are not disturbed by the amplified music (specifically bass).

Public Nuisance

Since the introduction of the Licensing Act (2003), with its *liberal* approach to promoting the night time economy, significant revisions have been made to focus more on local residents. Following the decision in 2010 to extend the club's operational hours, we believe it is crucial to now review the current conditions of the license in regards to *public nuisance* in accordance with the current licensing landscape:

- Due to the club's extended operations, drunk and loud patrons staying in the area and directly next to the residential flats (on the corner of Virgin Health club) where they wait for taxi drivers to pick them up. This is shown in the pictures from September 6th, 2015 (2.1, 2.2 and 2.3) and September 19th, 2015 (2.4 and 2.5). Needless to say that running engines and opening/closing taxi doors are contributing to the issue.
- According to Licensing Act 2003 (revised guidance, March 2015) page 14, point 3.15 "*the key licensing objectives in connection with late night refreshment are the prevention of crime and disorder and public nuisance*", however selling food after the club has closed significantly contributes to the public nuisance, as patrons are staying in the area for a longer period of time rather than leaving peacefully: refer to videos from December 25th, 2015 (2.6) and January 23rd, 2016 (2.7)

In addition to that, we would like to limit the impact of having two late night venues in one location based on Government's Alcohol strategy "3.7 We therefore believe local communities should be able to limit the density of premises where this is contributing to the major types of harm. Cumulative Impact Policies (CIPs) can do this to tackle certain issues, but we want to go further and will amend the statutory guidance on the Licensing Act 2003 to make clear that CIPs apply to both the on-trade and the off-trade and that licensing authorities can reflect the needs of their local area by using measures such as fixed closing times, staggered closing times and zoning where they consider them to be appropriate." which should reduce anti-social behavior and crime rate even further.

Additionally, Noise Policy Statement for England (2010) suggests to "Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development" (Please see Appendix 4)

The Legislative Basis

We appreciate the fact that it was our decision to live in the town centre, and having a nightclub nearby we expected some impact – however, the question is what degree is acceptable?

We believe that the current license issued to the Club does not regulate that impact, which contradicts the main licensing objective – **prevention of public nuisance** – thus, we are asking to introduce variations to the license that would allow us to improve the quality of our life significantly.

According to the Licensing Act (2003), one of key purposes of the legislation is "*protecting the public and local residents from crime, anti-social behaviour and noise nuisance by irresponsible licensed premises*" (Please refer to the Appendix 1).

We have official evidence that we have been *statutory noise nuisance* victims since February 2015, which has affected our health and quality of life significantly. We would like to point out that the noise nuisance is occurring systematically during the night time (twice a week), as well as on bank holidays. The continuous noise nuisance has resulted in multiple headaches, and high levels of stress for the past year.

We feel our experience is contrary to the objectives of Wokingham Borough Council's *Health and Well-Being strategy 2014-2017* in "promoting good health throughout life" and "building Health and Wellbeing into new Communities" (Please refer to the Appendix 2)

Needless to say, that besides health/well being issues there has been no peaceful enjoyment of our property during the past year on Friday/Saturday nights, which is a breach of basic human rights. According to the Human Rights Act 1998 (HRA), the rights to private and family life and peaceful enjoyment of possessions are relevant to noise nuisance. Article 8 of the European Convention on Human Rights (ECHR) provides that everyone has the right to respect for his/her private and family life:

"Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Also, Article 1 of the First Protocol of the ECHR covers the protection of property and the peaceful enjoyment of possessions (Please refer to the Appendix 3):

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

Conclusion

We recognize the important role of local independent businesses for the town centre economy, and we are not asking the Licensing Committee to revoke the license from the Club – what we are asking is for a reasonable compromise to reduce the operational hours of the premises in order to reduce the impact of Public Nuisance and improve the quality of life for local residents.

We believe it is a fair expectation that your Council would protect local residents when their health and wellbeing is affected. Also, this expectation is based on the positive image of Wokingham which is recognized as one of "the best places to live for young families in Britain". We are positive that any other people considering Wokingham are also expecting a peaceful and safe place to live, rather than a "thriving night time economy" that would be more appropriate to a large student town. After all, good quality of life is a cornerstone of Wokingham Borough Council's vision according to its website - unfortunately good quality of life cannot be achieved if local residents are negatively affected by the operations of local businesses.

Evidence

1.2 (Email from Michael)

From: MHeslehurst@westberks.gov.uk
To: alexpershin@live.co.uk
Subject: RE: The Spin Bar
Date: Thu, 30 Apr 2015 09:51:38 +0000

Hi Alex

I had a meeting with the owner of the club on site yesterday and I would like to feedback my findings and what they have done to abate the nuisance.

Following instructing an acoustic consultant to help them, they followed their recommendations and reduced the dB level on the dance floor from between 103-105 dB to a maximum of 93 dB which is controlled by way of a limiter attached to the DJ equipment.

They also installed new sound insulated fire doors, a new sound isolated entrance corridor, an extra set of sound insulated internal double doors and sound insulated the wall facing out to the Gig House. All this work has cost them over £7000.

They put the music on at its top level (93 dB) and played two songs one of which has a very heavy bass. I stood directly outside the club I could hardly hear it and had to concentrate/ listen very hard to hear anything which is amazing considering how loud I found it previously. I then walked to the corner of Virgin Active and could hear no music at all and considering the background noise at the time would be lower than when I have been late at night due to no people standing outside the Gig House smoking etc... is impressive.

I am therefore surprised that you have not noticed a reduction in the noise level and look forward to visiting you around midnight tomorrow to witness it for myself.

I hope you found this information helpful.

Regards

Michael Heslehurst
Environmental Health Officer

1.2 (Email complaint regarding the music)

From: Alex Pershin [<mailto:alexpershin@live.co.uk>]

Sent: 11 May 2015 09:17

To: Michael Heslehurst

Subject: RE: The Spin Bar

Hi Michael,

Hope you are doing well.

Just wanted to share our feedback after 2 weekends - we have noticed that the situation has dramatically improved - all these changes are extremely appreciated. However we can still hear some music (even if it is not that loud anymore) when they open the doors to let people in. Also my wife woke up last Friday at 00:30 as they were playing a very loud track and again at 00:53 when another track was loud.

Needless to say that we really appreciate your help and what the club has done so far is truly impressive, but please share our feedback with the club management, so the issue can be completely resolved. Please let me know if you want to gather more evidence and install recording device prior to getting back to them.

Regards,
Alex

1.3 (Environmental Health report)

Trojan was installed into the main bedroom of 11 Elms Road on Friday 22nd May 2015 by Alex Langtree.

It was collected by Michael Heslehurst on Tuesday 26th May 2015. During the time it was installed it was activated on 12 occasions between 22:25 of Sunday 24th May and 03:00 of Monday 25th May 2015.

On each occasion that the Trojan was activated its duration varied depending if the complainants turned it off or allowed it to run for the full recording duration i.e. 5 minutes. The details that follow are only the key events noted by Michael Heslehurst on listening to each session of activation.

Recordings

1. 24 May 2015 – 22:25 – very low level noise heard in background
2. 25 May 2015 – 01:49 to 01:51 – low bass heard
3. 25 May 2015 - 01:54 – tune + bass heard from music
4. 25 May 2015 – 02:04 & 02:06 – apart from distinct noise of complainants moving around, nothing to note heard
5. 25 May 2015 – 02:06 – low level noise in background
6. 25 May 2015 – 02:12 – people talking externally
7. 25 May 2015 – 02:21 – bass beat clearly heard for roughly 30 seconds
8. 25 May 2015 – 02:26 – low level bass/rumbling in background
9. 25 May 2015 – 02:32 – clear bass beat heard for roughly a minute
10. 25 May 2015 – 02:35 – faint bass/rumble in background
11. 25 May 2015 – 02:42 – clearly heard bass beat
12. 25 May 2015 – 02:57 – talking/raised voices heard outside

1.4 (Email complaint regarding the bass)

From: Alex Pershin [<mailto:alexpershin@live.co.uk>]

Sent: Sunday, August 16, 2015 02:28 AM

To: Joe Dray; Michael Heslehurst

Subject: RE: Noise monitoring visit - Spin Bar

Good morning Joe/Michael,

Thank you so much for visiting us tonight, it is greatly appreciated.

I just want to say that even though Geek House might contribute to the noise, we could clearly hear bass after 1:40am in our bedroom (Geek House is closed by that time), so we came out to check what is going on:

-strong bass is still coming from the Spin club

-club's kebab shop has some windows and main door open, as far as I remember there is only one tiny door that separates the actual shop from the dancefloor

-screaming/shouting from the smoking area at the back and kebab shop at front

While I am writing this email the bass is still strong enough which prevents us from sleeping, so it seems that the dialogue with Spin club should be continued... Please let me know your thoughts.

Many thanks in advance for your help.

Regards,
Alex

1.5 (Email complaint regarding the music)

From: alexpershin@live.co.uk

To: jdray@westberks.gov.uk; mheslehurst@westberks.gov.uk

Subject: RE: Noise monitoring visit - Spin Bar

Date: Tue, 1 Sep 2015 11:21:02 +0100

Hi Michael,

Hope you are doing well.

There was no change to the noise level coming from SPIN club last weekend, so we were up until 3:30am. It was really frustrating as I have been working this weekend (I had to wakeup at 5:30), so I would really appreciate if you could let me know plan of actions to resolve this matter.

Thanks in advance.

Regards,
Alex

1.6 (Email complaint regarding the bass and bottle refusal)

From: alexpershin@live.co.uk
To: mheslehurst@westberks.gov.uk
Subject: RE: Internal door to Spin Bar
Date: **Mon, 5 Oct 2015 07:29:57 +0100**

Hi Michael,

Situation has been improved a tiny bit, but it didn't resolve the problem - we still hear bass, especially after 2am. It is nowhere near as it was back in April, your email from April 30th says "They put the music on at its top level (93 dB... I stood directly outside the club I could hardly hear it and had to concentrate/ listen very hard to hear anything which is amazing considering how loud I found it previously. I then walked to the corner of Virgin Active and could hear no music at all", so please advise them to revert the settings as they were back then as soon as possible.

Also on Saturday night at 3:32am I have recorded evidence showing SPIN staff refusing glass bottles (see links below) which is breaching their license (see Annex 2, "Prevention of Public Nuisance"). It is not the first time we hear loud racket from glass bottles being refused right after club is closed

(~3:30am)

<http://1drv.ms/1Pdp0hi>

<http://1drv.ms/1PdpaVX>

Needless to say that this situation is very exhausting for us and affects our well-being badly as we cannot sleep properly, which is a basic human needs.

Based on the facts that amplified music is still being the issue (5 months after the compliance date in the abatement notice) and glass bottles are being refused outside permitted hours (license violation) please initiate review of their license.

In the meantime, bearing in mind that club owner can change limiter settings at any time I would really appreciate if you could let me know the contacts for enforcement officers to report nuisance, so they can prosecute the club if the problem reappears as according to law Environmental Health Officers have additional powers (to investigate, impose fine or confiscate noisy equipment) when it comes to the noise during the night hours.

I look forward to hear from you.

Many thanks in advance.

Regards,
Alex

1.7 (Email complaint regarding the bass)

From: alexpershin@live.co.uk
To: julian@sumner41.co.uk
CC: r.wyatt325@btinternet.com; yulia.syrovoiskaia@me.com
Subject: RE: The Spin Bar.
Date: Sun, 1 Nov 2015 03:02:08 +0000
Hi Julian,

Hope you are doing well.

I am just wondering if you had a chance to look at my previous email below?

It is Sunday morning and since 1:39am we could not sleep because of the continuous bass noise in the background coming from the spin club. It was especially noticeable at 1:48am, 1:50am, 1:56am, 02:50am and 2:56, so I went outside to confirm that the bass is banging through the kebab shop clearly showing that current soundproofing is not adequate for levels of amplified music (especially bass) being played.

I look forward to your response.

Regards,
Alex

1.8 (Email complaint regarding the music)

From: Alex Pershin [mailto:alexpershin@live.co.uk]

Sent: 29 December 2015 08:19

To: Joe Dray; Anna Smy

Cc: Julian; Yulia Syrovoyskaya

Subject: RE: Meeting to discuss Spin Bar

Hi Ann/Joe,

Hope you had a lovely Christmas break.

As you are probably aware, we have made the representation to reduce SPIN nightclub operational hours, so following our last meeting back in November I just wanted to check updates on the topics discussed (listed below) as we need to be aware of any changes prior to the hearing:

- Condition changes in the Spin Night Club license
- Measurements of background noise taken during the relevant times to see if noise levels from the club meet the conditions in the license

Also, as it was discussed during the meeting that owner is able to change level of music at any time, I was just wondering if someone from authorities had a chance to check if they are still using limiters installed that are configured to the level specified by the acoustic consultant?

The reason why we ask that, is because during the Christmas period level of music and bass seem to be significantly increased again - we could hear it not only in the master bedroom, but in the other room (away from Alexandra Court) where we temporarily sleep until the issue is resolved. Since we currently have recording device (to measure noise from Virgin Active), we have recorded the noise from SPIN club too (we used a different log sheet for that) and therefore would really appreciate if you could check those recordings and provide a report.

Would it be possible to also request reports for previous recordings (Feb 2015 and May 2015)?

In addition to that, I would be extremely grateful if I could obtain the copy of actual recordings in raw format (to build evidence if it comes to magistrates court), would it be possible to copy them over to my portable hard drive which I am happy to provide? I am well aware of IT policies that might restrict such operation, thus I am happy to pay for an "approved" hard drive purchased via council's IT dept.

I look forward to your response.

Many thanks in advance.

Regards,
Alex

To be completed when recording equipment is installed

Noise Recording Log Sheet

Our reference:
 Property causing the noise: SPIN NIGHT CLUB Your address: 11 Elms Rd
 Position of equipment in property: MASTER BEDROOM

Day & Date	Time Started	Time Finished	Time Recorder Switched ON	Time Recorder Switched OFF	Brief details of noise and how you were affected	For Officer Use Only
27 Dec 2015	00:30	03:02	00:50	00:55	Strong Bass + music woke us up (Even though we sleep in the different bedroom)	
SAT night			01:01	01:06	Woke up The volume of music goes up and down as someone opens the door to the Night Club. We cannot sleep because of music	
			01:15	01:18	loud music + bass + drunk people	
			01:25	01:29	loud music + bass + drunk people	
			01:30	01:35	loud music + bass + drunk people	
			01:43	01:48	quiet bass but still disturbing + loud drunk people	
			01:59	02:06	loud music + drunk people	
			02:22	02:26	deep bass + music + drunk people	

Noise Recording Log Sheet Continued

Day & Date	Time Started	Time Finished	Time Recorder Switched ON	Time Recorder Switched OFF	Brief details of noise and how you were affected	For Officer Use Only

I confirm that the above information recorded on both sides of this document is true to the best of my knowledge and belief and I am willing for it to be used as evidence in the event of any subsequent formal action. I also confirm the noise recording equipment has not been moved or tampered with following installation by an officer of the council.

Signed:  Name (capital letters) **ALEX PERSHIN** Date: **27.12.2015**

Please complete and sign this form. Ensure this is available for collection when the noise recording equipment is retrieved by an officer.

If you experience any problems, please call the relevant office:
 West Berkshire Council – 01635 503 242 Wokingham Borough Council – 0118 974 6000

1.10 (Email from Joe regarding restricting limiters control)

From: JDray@westberks.gov.uk

To: alexpershin@live.co.uk; ASmy@westberks.gov.uk

CC: julian@sumner41.co.uk; yulia.syrovoiskaia@me.com; MHeslehurst@westberks.gov.uk

Subject: RE: Meeting to discuss Spin Bar

Date: Mon, 4 Jan 2016 16:04:12 +0000

Alex

Since our meeting in November I have not had the opportunity to arrange further assessment of noise from the Spin Bar at times when they are operating. Dependent on officer availability I will go ahead and organise a visit as soon as possible. Given your concerns raised over the Christmas period we will also take the opportunity to review and audit the in-house procedures for the monitoring and control of noise to comply with licence conditions.

Since you raised concerns about the apparent increase in noise over Christmas I have contacted the owner and he denies that the noise limiter has been changed. I understand that Mike collected the monitoring equipment from you earlier today so we will review the data and audio files that you have recorded over the last couple of weeks.

The responsibility for complying with the licence conditions lies with the owner/licence holder and we cannot restrict his access to the noise limiting device. We would expect the licence holder to take 'ownership' of the noise limiter and to use it effectively to control the noise generated. We would however expect the equipment to be locked to prevent tampering by other members of staff or visiting performers.

We are in the process of preparing the raw data and reports that you have requested and will send that over to you in due course.

regards

Joe

1.11 (Email from Joe regarding the visits)

From: JDray@westberks.gov.uk
To: alexpershin@live.co.uk; ASmy@westberks.gov.uk
CC: julian@sumner41.co.uk; yulia.syrovoiskaia@me.com; MHeslehurst@westberks.gov.uk;
Licensing@wokingham.gov.uk
Subject: RE: Meeting to discuss Spin Bar
Date: Tue, 29 Dec 2015 12:37:21 +0000

Alex

Thank you for your email – I hope you both enjoyed your Christmas break.

I will ask the Licensing team to send you a copy of the most up to date licence.

I can confirm that no background monitoring took place and that the condition requiring comparison with background levels has been removed

We have not visited the Spin Bar to check whether the noise level set on the noise limiting device has been changed recently. It is helpful that you used the monitoring equipment to record what you experienced over the Christmas period and it is good that you are keeping separate logs. We would be happy to provide you with a summary report on that data. Mike will collect the equipment next week as previously discussed at a time convenient to you both.

I have asked Mike to prepare copies of raw data previously collected as requested – would it be convenient in CD format? We will also look at providing summary reports for that data but please be aware that the most recent data will be more relevant for you.

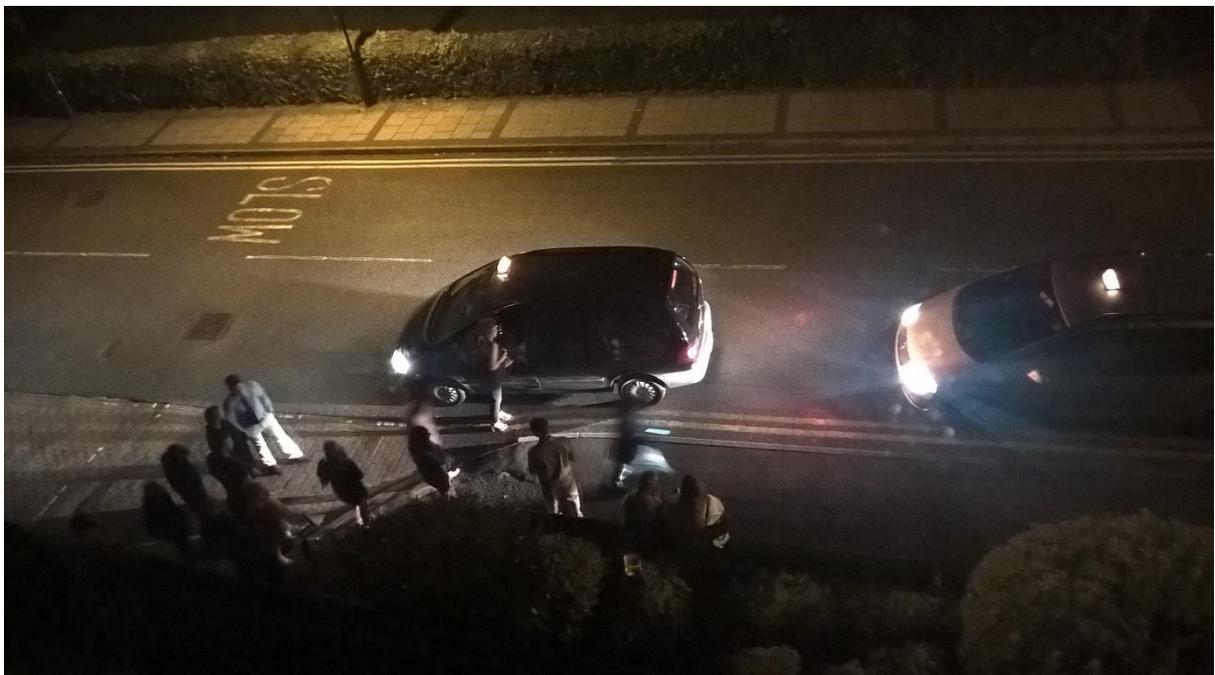
Regards

Joe

2.1 (Picture taken 06/09/2015 at 3:25am)



2.2 (Picture taken 06/09/2015 at 3:25am)



2.3 (Picture taken 06/09/2015 at 3:27am)



2.4 (Picture taken 19/09/2015 at 3:40am)



2.5 (Picture taken 19/09/2015 at 3:40am)



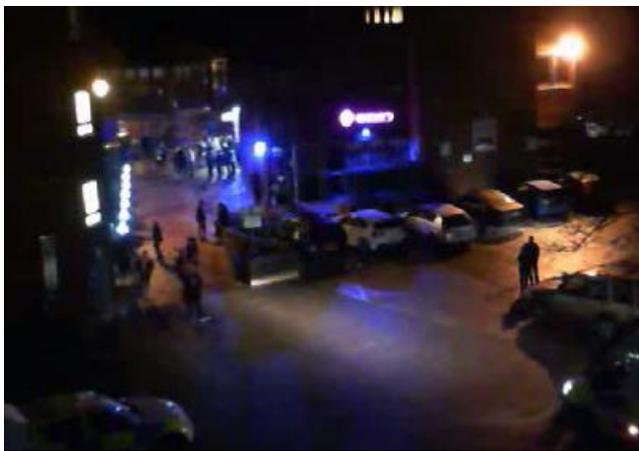
2.6 (Screenshots from the video recorded on December 25, 2015)

*full video is available on <http://1drv.ms/1ZWVezz>



2.7 (Screenshots from the video recorded on January 23, 2016)

*full video is available on <http://1drv.ms/1ZWVimJ>



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THAMES VALLEY POLICE

Division/Station : Wokingham

From : Andy Dean
TVP Licensing Officer

To : Wokingham Borough Council
Licensing Dept.

Ref : Spin Bar review

Date : 21 January 2016

Tel.No.

Subject :

Further information

Further to my our initial submission we wish to add the below;-

I visited the location again but this time the residence of the applicant was pointed out to me and it is clear from the location that there are closer properties to Spin than his and looking back in the records there have been no complaints from these premises or occupants. My thoughts at this point were – unfortunately the applicant moved into an area where there is night time economy and therefore one should expect some noise.

Yes a certain amount of noise from public walking passed or through the area at night could well be heard purely because of the lack of surrounding back ground noise to muffle it down.

The other concern that I now have is; should the Panel agree with the applicant and reduce the hours of the Club then this could have a more detrimental affect on the applicant in relation to Public Nuisance and also Crime and Disorder. Let me explain;

At the moment with the closing time of the Gig if it is busy then you could have 300 people exiting this premises between 0130 hrs and 0200 hrs – these then disperse either away from the area and a few into the Club, by about 02.15 – 0230.

The Club presently closes at 0330 after sales stop at 03.00 so you could be in the position that another 300 persons leave the club and either get food and leave the area away from the applicant and some will go towards the applicants residence to get taxi's.

From both these premises it has been seen and heard door staff asking customers to leave quietly and ther are signs at the exit points ot reinforce these requests.

However should the hours be reduced you could have on busy summer night numbers in the region of 600 persons all spilling out of the Gig and Spin into that paved area all at once, and although advised to go on their way quietly persons do get noisy and sound does travel further.

The other issue with all thse people meeting in one place it could heighten tempers as customers try to move away and this could therefore cause an increase in the levels of Crime and Disorder within the area and one of the Licensing Objectives is the Prevention of Crime and Disorder.

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