



LICENSING ACT 2003

REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF AN APPLICATION TO REVIEW A PREMISES LICENCE

**Silhouette
38A Alexandra Road
Cleethorpes
DN35 8LE**

NORTH EAST LINCOLNSHIRE COUNCIL
LICENSING AUTHORITY

LICENSING ACT 2003

Report to Licensing Sub-Committee
following receipt of an Application to Review a Premises Licence

1. Premises Licence Details -

- 1.1 Premises:** Silhouette, 38A Alexandra Road, Cleethorpes, DN35 8LE
- 1.2 Premises licence holder:** Sean Desouza
- 1.3 Relevant licensable activity authorised by the premises licence:**
Provision of Regulated Entertainment
- 1.4 Times when the relevant licensable activity is permitted by the premises licence:**

Please see attached Premises Licence
- 1.5 Designated Premises Supervisor:** Sean Desouza

2. Summary of Review Application –

(Full details are set out on the review application form and supporting statements are attached)

The following information is also included: -

- Exhibit 01 - Premises Licence
- Exhibit 02 - Premises Review Application
- Exhibit 03 - Statement of Vicky Thompson, Environmental Protection Officer
- Exhibit 04 - DIN2 Letter 21-08-19
- Exhibit 05 - Redacted Noise Assessment Form 05-10 Sep 2019
- Exhibit 06 - Warning letter to Licence Holder & Invite to Meeting 12-09-2019
- Exhibit 07 - Letter to Licence Holder following meeting 10-10-2019
- Exhibit 08 - Agreed Noise Level Reminder Email
- Exhibit 09 - Redacted Noise Dairy Form From Complainant 2021
- Exhibit 10 – DIN2 21-10-2021
- Exhibit 11- Redacted Noise Assessment Form 23-27 Sep 2021
- Exhibit 12 – Formal Warning 01-10-2021
- Exhibit 13 – Redacted Noise Assessment Form 21-25th Oct 2021
- Exhibit 14 – Email to Sean Desouza from Louisa Hewitt 20-09-2021
- Exhibit 15 - Associated noise recordings from inside Complainant's property *not included in bundle but will be available during hearing.

Exhibit 16 – 5 Representations from Interested Parties from Michael Kheng (names and addresses redacted but have been made available to Licensing Team).

Exhibit 17 – Representation from Joe Ramsden.

Exhibit 18 – Representation from Charlotte Robinson.

2.1 Date review application received: 7th December 2021

2.2 Person making application for review: Mrs Vicky Thompson,
Environmental Protection Officer, Environmental Protection Section, North
East Lincolnshire Council

2.3 Licensing objective affected:

- The Prevention of Public Nuisance

3. Representations –

3.1 The Licensing Section has received 6 representations from interested parties in support of the review of the premises licence.

3.2 There has been one representation from an interest party supporting the premises.

3.3 There have been no other representations submitted by other responsible authorities.

4. Statement of Licensing Policy -

The following sections of North East Lincolnshire Council's Statement of Licensing Policy are considered relevant to this review application:

Licensing Objectives: 2.0 – 2.4, 9.1 – 9.1.9

Conditions: 6.1.4, 6.2.1

Premises Licence: 8.2.1 – 8.2.4

Reviews: 8.8.1 - 8.8.2, 8.8.5 - 8.8.6

Enforcement 8.9.1, 8.9.3

Prevention of Public Nuisance 9.4.1 – 9.4.3, 9.4.6 – 9.4.7

5. Guidance issued under Section 182 of the Licensing Act 2003 –

This guidance is provided for Licensing Authorities carrying out their functions. It is regarded by the Government as a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality. It does not however replace any statutory provisions of the 2003 Act and it is for the Licensing Authority to take their own professional and legal advice about its implementation.

The following sections of the Guidance are considered to be relevant to this review application:

Prevention of Public Nuisance 2.15 – 2.21

Reviews 11.1 – 11.11, 11.15 - 11.23, 11.25

Giving Reasons for Decisions 13.10 – 13.11

6. General Advice on Determination of the Application –

- 6.1** The sub-committee are advised that findings on any issues of fact should be on the balance of probability.
- 6.2** The sub-committee are advised that in arriving at any decision, it must have regard to relevant provisions of national guidance and North East Lincolnshire Council's Statement of Licensing Policy. Reasons must be given for any departure.
- 6.3** The sub-committee are advised that the final decision should be based on the individual merits of the application and the factual findings made at the hearing.
- 6.4** Section 52 of the Act states that the Licensing Authority must, having regard to the application for review and any relevant representations, take such of the steps set out below as it considers **appropriate** for the promotion of the licensing objectives:
- Modify the conditions of the licence (i.e. alter, omit or modify conditions).
 - Exclude the licensable activity from the scope of the licence.
 - Remove the designated premises supervisor.
 - Suspend the licence (or an aspect of it) for a period not exceeding 3 months.
 - Revoke the licence.
- 6.5** The conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to 3 months. It may also be decided that no action is necessary and consideration given to whether a warning should be issued to the licence holder and/or recommend improvement within a particular period of time.
- 6.6** Conditions should be proportionate to the size, style and characteristics of the premises and the activities proposed or taking place and must be **appropriate**.
- 6.7** Paragraph 11.20 of the Section 182 guidance recommends that in deciding which powers to invoke, licensing authorities should so far as possible seek to establish the cause or causes of the identified problem and direct proportionate responses at these areas as a means of

remedial action.

- 6.8** Paragraph 11.18 of the Section 182 guidance points out that it may be the case that the licensing authority decides that no further steps are necessary in order to promote the licensing objectives or that an informal warning is considered sufficient. However it also states that where responsible authorities have already issued warnings that have not been heeded, this approach should not be repeated.
- 6.9** The sub-committee are advised that they must take into account the following Human Rights provisions:
- Everyone is entitled to peaceful enjoyment of their possessions (includes licences), although a person can be deprived of their possession if it is in the “public interest”.
 - Everyone affected by a decision has a right to a fair hearing.
 - Everyone has the right to his private and family life, his home and his correspondence.
- 6.10** The sub-committee, in its decision making, must have due regard to its public sector equality duty under section 149 of the Equality Act 2010

7. Observations –

7.1 Below is a timeline of the events that have led to this review. A more detailed timeline can be found in Exhibit 03.

- Silhouette is situated at 38A Alexandra Road, Cleethorpes, a ground floor unit with flats above.
- Prior to December 2018 premises is run as a Thai restaurant known as Paw Thai.
- Silhouette has benefit of a premises licence and has since 2005 when it was known as Art Bar. Premises licence is Exhibit 01; the premises has two noise related conditions since it was applied for. They are:
 - When regulated entertainment takes place all windows and doors will be kept closed
 - The premises shall continue to have sound proofing installed to prevent noise disturbance
- 21/12/2018 premises licence transferred to Mr Sean Desouza
- Shortly after the premises is transferred to Mr Desouza the premises reopens as Silhouette.

- 29/07/2019 - First noise complaint received by Environmental Protection (EP) diary form issued to complainant
- 21/08/19 – After diary form returned - DIN2 letter sent to operator notifying them of complaint and investigation has been opened. DIN2 letter also asks operator to take remedial action to reduce noise.
- 05/09/2019 – 10/09/2019 – Noise Equipment installed in complainants' property. Excessive noise from music and bass is found on recordings.
- 12/09/19 – Letter sent to Mr Desouza inviting him for a meeting with Licensing and Environmental Protection.
- 25/09/2019 – Meeting held with Mr Desouza, audio played to him and potential breaches of conditions explained to him. Noise management plan requested.
- Further noise complaints received after meeting but before letter detailing meeting sent to Mr Desouza
- 10/10/2019 – Letter detailing the outcome of the meeting of the 25th August and notification of further complaints sent to Mr Desouza.
- 31/10/2019 – Site visit by EP carried out and max volume setting that is acceptable is agreed with Mr Desouza. Email confirming this at Exhibit 08.
- Noise complaints stop when Covid restrictions commence meaning night club venues must close.
- 13/08/2021 shortly after Covid restrictions on night clubs lift noise complaint received. Noise diary form issued to complainant.
- 16/08/2021 – Email sent to Mr Desouza reminding him of agreed volume level and his licence conditions which seem to be being breached.
- 15/09/2021 – Diary form received see Exhibit 09.
- 21/09/2021 – Further DIN2 letter sent to Mr Desouza informing him of complaints and investigation and to ensure volume is as acceptable level and that his licence conditions are adhered to. Please note that the DIN2 letter at Exhibit 10 is dated 21/10/2021 but this was a typing error and was delivered to Mr Desouza via email on 20/09/2021. This email is at Exhibit 14.
- 23/09/21-27/09/21 Noise recording equipment installed in complainants' property – While installing equipment EP Officers Vicky Thompson and Louisa Hewitt witness excessive music in property. On assessing the recordings when the equipment had been recovered excessive music and bass again found to be coming from Silhouette.

- 21/10/2021 – 25/10/2021 – Noise machine installed again in complainants' property. Again, loud music and bass is detected from Silhouette.

7.2 Attempts have been made by both the Licensing and Environmental Protection Teams to work with the Operator in resolving this matter. A volume setting on the sound system had been agreed in 2019 but this has not been kept to. When the volume was set on the sound system by Officers of North East Lincolnshire Council music played at silhouette was only faintly audible and could not be heard above conversation within the residential flat above. The Operator either does not respond to requests or does not comply with the advice or actions required.

7.3 Noise from regulated entertainment held at this premises has resulted in residents unable to enjoy the use of their homes. Residents have reported they are unable to sleep, watch television. One resident reports they have to stay with friend and family at Weekends.

7.4 Due to the ineffective sound insulation provided between the adjoining walls of Silhouette and neighbouring residential above Environmental Protection Team recommend the following amendment to the Premises Licence;

A reduction in the permitted hours of the playing of live and recorded music. Both recorded and live music should be reduced to 11pm. This reflects the stricter internal guideline noise values for sleeping (night time levels) as stated within Table 4 of BS8233 – Guidance on sound insulation and noise reduction for buildings. The night time levels shown in Table 4 of BS8233 is between 23:00 to 07:00hrs. Guideline levels for internal bedrooms at night (for sleeping) is 30dB LAeq (8hours).

7.5 While the supporting representation from Miss Robinson has been included as it is relevant to the licensing objectives it wouldn't be fair to lend too much weight to it as Miss Robinson states the premises does not cause a public nuisance, but the responsible authorities have firm documented evidence that the premises is causing a public nuisance.

Report prepared by:

Iain Peck, Senior Licensing Enforcement Officer

Date: 20th January 2022

Premises Licence

Premises Licence Number: PM000170

Premises Details:

Silhouette
38A Alexandra Road
Cleethorpes
North East Lincolnshire
DN35 8LE

Licensable activities authorised by the licence:

Supply of Alcohol (On and Off Sales)
Provision of Late Night Refreshment (Indoors)
Live Music (Indoors)
Recorded Music (Indoors)
Provision of facilities for dancing (Indoors)

Where the licence is time limited the relevant dates: Not Applicable

The times the licence authorises the carrying out of licensable activities:

Supply of Alcohol / Recorded Music / Provision of facilities for dancing

Sunday to Thursday 1000 until 0100 hours
Friday and Saturday 1000 until 0200 hours

Non Standard Timings

Christmas Eve & Sundays preceding a Bank Holiday (not Easter Sunday) 1000 until 0200
New Year's Eve: Continuously from 1000 until the end of permitted hours the following day

Late Night Refreshment

Sunday to Thursday 2300 until 0100 hours
Friday and Saturday 2300 until 0200 hours

Non Standard Timings

Christmas Eve, New Year's Eve & Sundays preceding a Bank Holiday (not Easter Sunday) 2300 until 0200

Live Music

Monday to Sunday 1700 until 0000 hours

Non Standard Timings

Christmas Eve & New Year's Eve 1700 until 0200 (the following day)

The opening hours of the premises:

Sunday to Thursday 0900 until 0130
Friday and Saturday 0900 until 0230

Non standard Timings

Christmas Eve & Sundays preceding a Bank Holiday (not Easter Sunday) 0900 until 0230
New Year's Eve: Continuously from 0900 until the end of permitted hours the following day

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Sean Desouza
38A Alexandra Road
Cleethorpes
DN35 8LE

Designated Premises Supervisor

Name: Sean Desouza

Address: [REDACTED]

Licence Number: PR001837

Issuing Authority: North East Lincolnshire Council

Where the licence authorises supplies of alcohol whether these are on and/or off supplies: On and Off the Premises

Registered number of holder, for example company number, charity number (where applicable): N/A

certificates (Conditions

Premises licensed to sell or supply alcohol for consumption ON the premises

MC1. No supply of alcohol may be made under the premises licence -

- a) at a 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.

MC2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MC3.

(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).

MC4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

MC5.

(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. (Not clubs)

(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.

MC6. 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.”

MC7.

(1) 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.

(2) For the purposes of the condition set out in paragraph (1) above -

- (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-

- (i) P is the permitted price,
- (ii) 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
- (iii) 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;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3). Where the permitted price given by Paragraph (2)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4).
- (a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

All premises with a condition relating to door supervision

All individual(s) at the premises for the purpose of carrying out a security activity must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 – Conditions consistent with the Operating Schedule

- Off sales from the premises shall be limited to the sale of wine in bottles
- A recordable CCTV device shall be in operation and maintained
- An alarm system shall be in place to protect the premises
- The bar/restaurant shall have air-conditioning installed
- All fire exits shall remain unobstructed during the hours of opening
- The premises shall have air conditioning, smoke extraction and air purifying equipment
- Deliveries to the premise shall only take place during the day
- Signs shall be placed at all exits of the premises reminding patrons of the need to noise to a minimum
- The premises shall continue to have soundproofing installed to prevent noise disturbance
- All persons under the age of sixteen must be accompanied by an adult
- No persons under the age of sixteen shall be able to make any purchases from the bar
- A proof of age and photo-card scheme shall be in place, with training given to all staff
- Plastic drinks containers for children shall be available at the premises
- Electric sockets shall be fitted with safety covers and are to be covered
- When regulated entertainment takes place all windows and doors will be kept closed

Annex 3 – Conditions attached after a hearing by the Licensing Authority

- All members of staff shall seek 'credible photographic proof of age evidence' from any person who appears to be under the age of 21 years and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a 'PASS' logo
- All staff members shall be suitably trained and receive regular refresher training in relation to the sale of alcohol. A record of all staff training shall be maintained and supplied to an authorised officer of the licensing authority, an authorised officer of the Trading Standards Service or a Police Officer on request

Annex 4 – Plans

A copy of the plan in relation to this premises licence is available from the Licensing Section at the address above

Date of Issue: 16th January 2019

Officer: KLT

[Insert name and address of relevant licensing authority and its reference number (optional)]

**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 Mrs Vicky Thompson

(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 Silhouette 38A Alexandra Road Cleethorpes North East Lincolnshire	
Post town	Post code (if known) DN35 8LE

Name of premises licence holder or club holding club premises certificate (if known) Sean Desouza 38A Alexandra Road Cleethorpes DN35 8LE
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Number of premises licence or club premises certificate (if known) PM000170

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

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mrs Vicky Thompson Environmental Protection North East Lincolnshire Council Doughty Road Depot Doughty Road Grimsby North East Lincolnshire DN32 0LL
Telephone number (if any) 01472 324833
E-mail address (optional) vicky.thompson@nelincs.gov.uk

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

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please tick one or more boxes ✓

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

North East Lincolnshire Council's Environmental Protection Department seek to review the Premises Licence due to the breach of the following conditions of the premises Licence;

"The premises shall continue to have soundproofing installed to prevent noise disturbance"

"When regulated entertainment takes place all windows and doors will be kept closed"

Excessive noise from regulated entertainment held at the premises has been witnessed by officers of North East Lincolnshire Council within neighbouring residential property on multiple occasions. The current sound insulation provided is not appropriate or effective to meet the above condition. Officers have also witnessed external doors open during regulated entertainment.

This request to review the Premises Licence follows repeated Warnings issued to the Operator. Attempts have been made by this Department to work with the Operator to agree a volume setting on the sound system and ask that doors and windows are kept closed during regulated entertainment held at the premises.

Excessive noise from regulated entertainment held at this premises has caused a nuisance to neighbouring residents and the failure to comply with the above stated conditions contravenes the following Licensing objective: the prevention of public nuisance.

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

This application for a review of the Premises Licence relates to Silhouette, 38A Alexandra Road, Cleethorpes due to a breach of the following conditions

“The premises shall continue to have soundproofing installed to prevent noise disturbance”

“When regulated entertainment takes place all windows and doors will be kept closed”

Noise complaints from neighbouring residents had been received by this Department in July 2019, reporting of loud music. Following noise monitoring that indicated excessive noise levels a Warning letter was issued to the Operator on the 12th September 2019 by the Licensing Department. The Warning letter referred to the following conditions of the Premises Licence:

“When regulated entertainment takes place all windows and doors will be kept closed”

“The premises shall continue to have soundproofing installed to prevent noise disturbance”

A meeting was held by the Licensing Department and Environmental Protection on the 25th September 2019 attended by Mr Desouza. Audio recordings taken on the 6th, 7th, 8th of September 2019 were played to Mr Desouza with details of noise levels found.

On the 10th October 2019, Licensing Enforcement Officer Kate Brooks issued a letter to Mr Desouza to confirm what was discussed at the meeting held on the 25th September 2019 and requested a noise management plan to be submitted to the Environmental Protection Officer by the 1st November 2019. No noise management plan was received by this Department.

A site visit was made to the premises by Officers Vicky Thompson and Samantha Martin on the 31st October 2019. During the visit a maximum volume setting on the sound system was agreed with the Operator. This maximum setting was confirmed within an email sent to Mr Desouza on the 15th November 2019.

After Covid 19 restrictions eased and Silhouette started operating again multiple noise complaints were received. Between the 13th August 2021 and 17th September 2021 this Department received three separate noise reports from neighbouring residents alleging excessive music from the premises.

An email was sent to Mr Desouza on the 16th August 2021 to remind of the agreed volume setting (a copy of the previous email sent on the 15th November 2019 was included) and to ask external doors and windows remained closed between 22:00hrs and 09:00hrs.

As part of the noise complaint procedure diary forms are issued to residents to keep records of the number of noise occurrences and duration. A diary form was returned on the 15th September 2021 indicating regular loud music Thursday, Friday and Saturday nights into the early hours of Sunday - until 2am.

A letter was issued to the Operator on the 21st October 2021 to inform noise complaints had been received and an investigation would be undertaken. The Operator was asked to ensure noise from amplified entertainment held at the premises was kept at reasonable levels so as not to cause a nuisance to neighbouring residents. Mr Desouza was also reminded to keep external doors and windows closed during regulated entertainment.

The noise machine was installed within one of the neighbouring flats above Silhouette on Alexandra Road between the 23rd September 2021 to the 27th September 2021. During the instalment of the noise machine on the 23rd September officers Vicky Thompson and Louisa Hewett witnessed excessive music within the flat (audio / noise level recording taken). The music from Silhouette was clearly audible, all the words of the songs could be heard. The officers also

witnessed the front entrance doors propped open during regulated entertainment (video recording taken). An analysis of the noise recordings was undertaken, findings from the noise level and audio recordings indicate unacceptable noise levels from regulated entertainment held at the premises.

A Warning letter was issued to Mr Desouza on the 1st October 2021 to inform that excessive levels of noise from regulated entertainment had been witnessed and external doors left open. No response was received from Mr Desouza in relation this letter. Vicky Thompson also hand delivered the Warning letter to the site Manager of Silhouette, Mr Devon Matthews on the 7th October and provided a copy of the email issued on the 15th November showing the agreed volume setting.

Following further reports of excessive noise made by a neighbouring resident the noise machine was installed within a flat above Silhouette on the 21st October 2021. During the instalment of the noise machine officers Vicky Thompson and Kate Brooks witnessed loud music from Silhouette (Audio recording taken). The noise machine was collected on the 25th October 2021. The analysis of the recordings indicated further excessive music on the 21st, 22nd and 23rd October 2021 between the times of 8pm until the early hours of 00:25hrs.

Attempts have been made by both the Licensing and Environmental Protection Teams to work with the Operator in resolving this matter. However, the Operator either does not respond to requests or does not comply with the advice or actions required.

The noise from regulated entertainment held at this premises has resulted in residents unable to enjoy the use of their homes. Residents have reported they are unable to sleep, watch television. One resident reports they have to stay with friend and family at Weekends.

Excessive noise from regulated entertainment held at this premises has caused a nuisance to neighbouring residents and the failure to comply with the above stated conditions contravenes the following Licensing objective: the prevention of public nuisance.

This request to review the Premises Licence follows repeated Warnings issued to the Operator.

The Environmental Protection Team reserve the right to submit further evidence in due course

Please tick ✓ yes

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

☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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 *V. Thompson*
.....

Date **07.12.21**
.....

Capacity **Environmental Protection Officer**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Vicky Thompson Environmental Protection North East Lincolnshire Council Doughty Road Depot Doughty Road Grimsby	
Post town	Post Code DN32 0LL
Telephone number (if any) 01472 324833	
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.

ENVIRONMENTAL PROTECTION, NORTH EAST LINCOLNSHIRE COUNCIL

Applicant

SEAN DESOUZA (SILHOUETTE, 38A ALEXANDRA ROAD, CLEETHORPES)

Respondent

STATEMENT OF ENVIRONMENTAL PROTECTION OFFICER

VICKY THOMPSON

Introduction

1. I am Vicky Thompson, an Environmental Protection Officer for North East Lincolnshire Council's Environmental Protection Team. My duties include the consideration of public nuisance in Environmental Protection's response to licensing matters.
2. I have worked for North East Lincolnshire Council's Environmental Protection Team since 2009. My duties as Environmental Protection Officer include the investigation of noise reports made to the Environmental Protection Team by members of the public, as required under the Environmental Protection Act 1990. My qualifications include a Diploma in Acoustics and Noise Control from the Institute of Acoustics, achieved in 2012.
3. The respondent in this matter is MR SEAN DESOUZA. He is the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) for Silhouette.
4. Silhouette is a drinking establishment "bar" located at 38A Alexandra Road, Cleethorpes. The premises has a licence, granted under Part 3 of the Licensing Act 2003 to supply Alcohol, the playing of live & recorded music and provision of facilities for dancing. Premises Licence PM000170 relates to this premises.
5. I make this statement in support of North East Lincolnshire Council's Environmental Protection Team's application to review the premises licence under Section 51 of the Licensing Act 2003, and is in addition to those papers already served on the authority. The information in this statement is either within my personal knowledge or is taken from files maintained by the Environmental Protection Team.

Background History

6. The Respondent applied for the transfer of the premises license on the 21st December 2018. An application was also made on the 21st December 2018 for Mr Sean Desouza to become the DPS at the premises. Both were granted.
7. Silhouette is located on Alexandra Road, Cleethorpes and is situated between two restaurants on the ground floor. There are further restaurants and retail premises along this road. Residential premises are located directly above and adjacent to Silhouettes on first and second floors. The residential premises are apartments and flat property types.
8. The Licence authorises the playing of recorded music and provision of facilities for dancing 10:00hrs until 01:00hrs hours Sunday to Thursday and 10:00 until 02:00 hours Friday and Saturday.
The Licence also includes the following Non Standard Timings for recorded music - Christmas Eve & Sundays preceding a Bank Holiday (not Easter Sunday) 1000 until 0200. New Year's Eve: Continuously from 1000 until the end of permitted hours the following day
9. The Licence authorises the playing of live music 17:00 until 00:00 hours Monday to Sunday. The License includes the following Non Standard Timings for live music as follows; Christmas Eve & New Year's Eve 1700 until 0200 (the following day)
10. The premises license is subject to conditions in addition to those that are mandatory conditions, these are listed in Annex 2 and Annex 3 of the license.

Noise Reports and Investigation

11. On the 29th July 2019 a noise complaint was received by this Team from a neighbouring resident on Alexandra Road, Cleethorpes that reported excessive noise from amplified entertainment and loud guests outside. A case was open to investigate the report. As part of the noise complaint procedures a diary form was issued on the 30th August 2019. The diary form was returned and indicated further investigation was required due to the frequency and times of the alleged noise occurrences.
12. An informal letter was sent to the Operator on the 21st August 2019 (Document 1 - DIN2 21.08.19) to inform a complaint had been received and investigation would be undertaken.
13. Noise equipment was installed within the complainants home between the 05.09.19 – 10.09.19. Assessment of noise recordings indicated excessive levels of noise due to bass and music on the 6th, 7th and 8th September (Thursday through to Sunday (early hours of Sunday)). Recordings also indicated possible breach of the time recorded

music can be played in accordance with the licence. Refer to Document 2 – REDACTED Noise Assessment Form 05.09.19 – 10.09.19

14. On the 12th September 2019 a Warning letter was issued by the Licensing Department, inviting Mr Desouza to attend a meeting (Document 3 – Warning Letter 12.09.19). The letter also informed that the Licensing Team had evidence of a breach of the following license condition:

“When regulated entertainment takes place all windows and doors will be kept closed”

The letter also informed that further investigation into a possible breach of the following condition would be undertaken;

“The premises shall continue to have sound proofing installed to prevent noise disturbance”

15. A meeting was held by the Licensing and Environmental Protection Team on the 25th September 2019 attended by Mr Desouza. The meeting was held at North East Lincolnshire Council’s Doughty Road Offices, Grimsby to discuss the findings of noise monitoring conducted following receipt of a complaint alleging that a noise nuisance is being caused. Audio recordings were played to Mr Desouza with details of noise levels found. The recordings taken on the 6th, 7th, 8th of September 2019, identified noise arising from music being played at a volume that was excessive and to cause a public nuisance.
16. On the 10th October 2019, Licensing Enforcement Officer Kate Todd (now Brooks) issued a letter (Document 4 & 4A – Letter to Silhouette 10.10.19) to Mr Desouza to confirm what was discussed at the meeting held on the 25th September 2019 and to inform that further noise complaints had been received since the meeting. The letter requested a noise management plan to be submitted to the Environmental Protection Officer by the 1st November 2019. No noise management plan was received by this Department.
17. A site visit was made to Silhouette by Environmental Protection Officers Vicky Thompson and Samantha Martin on the 31st October 2019. During the visit a maximum volume setting on the sound system was agreed with the Operator. This maximum setting was confirmed within an email sent to Mr Desouza on the 15th November 2019. (Document 5 – Agreed Noise Level Reminder and Original).
18. After Covid 19 restrictions eased and Silhouette started operating again multiple noise complaints were received. Between the 13th August 2021 and 17th September 2021 this Department received noise reports from three separate complainants, neighbouring residents alleging excessive music from the premises.

19. An email was sent to Mr Desouza on the 16th August 2021 (Document 5) to remind of the agreed volume setting (a copy of the previous email sent on the 15th November 2019 was included) and to ask external doors and windows remained closed between 22:00hrs and 09:00hrs.
20. As part of the noise complaint procedure diary forms are issued to residents to keep records of the number of noise occurrences and duration. A diary form was returned on the 15th September 2021 (Document 6 – Redacted Noise Diary Form returned 2021) indicating regular loud music Thursday, Friday and Saturday nights into the early hours of Sunday - until 2am.
21. A letter was issued to the Operator on the 21st October 2021 (Document 7 – DIN 2 21.10.21) to inform noise complaints had been received and an investigation would be undertaken. The Operator was asked to ensure noise from amplified entertainment held at the premises was kept at reasonable levels so as not to cause a nuisance to neighbouring residents. Mr Desouza was also reminded to keep external doors and windows closed during regulated entertainment.
22. The noise machine was installed within one of the neighbouring flats above Silhouette on Alexandra Road between the 23rd September 2021 to the 27th September 2021. During the instalment of the noise machine on the 23rd September Environmental Protection Officers Vicky Thompson and Louisa Hewett witnessed excessive music within the flat, audio and noise level recordings taken (Audio recording examples; VT install 23.09.21 8pm & 25.09.21 11pm). The music from Silhouette was clearly audible, all the words of the songs could be heard. The officers also witnessed the front entrance doors propped open during regulated entertainment. An analysis of the noise recordings was undertaken, findings from the noise level and audio recordings indicate unacceptable noise levels from regulated entertainment held at the premises. (Document 8 – Redacted Noise Assessment Form 23 to 27 Sep 2021). A comparison of the noise levels during the quiet period (noise recordings taken when Silhouette not operating) and when Silhouette was playing recorded music indicates at times a difference up to LAeq 10 decibels. An increase of 10 decibels can indicate levels at what could cause a substantial adverse impact on neighbouring residents. The institute of Environmental Management and Auditing (IEMA) Guidelines for Environmental Impact Assessment 2014 suggests a substantial adverse impact on receptors *“Causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep.”*

23. A Formal Warning letter was issued by the Environmental Protection Team to Mr Desouza on the 1st October 2021 (Document 9 - Formal Warning 01.10.21) to inform that excessive levels of noise from regulated entertainment had been witnessed and external doors left open. No response was received from Mr Desouza in relation this letter. Officer Vicky Thompson also hand delivered the Warning letter to the site Manager of Silhouette, Mr Devon Matthews on the 7th October 2021 and provided a copy of the email issued on the 15th November showing the agreed volume setting.
24. Following further reports of excessive noise made by a neighbouring resident the noise machine was installed within a flat above Silhouette on the 21st October 2021. During the instalment of the noise machine officers Vicky Thompson and Kate Brooks witnessed loud music from Silhouette (Audio recording taken; Examples 21.10.21 VT KB present, 23.10.21 00:25, 23.10.21 10:40). The noise machine was collected on the 25th October 2021. The analysis of the recordings indicated further excessive noise levels from recorded music on the 21st, 22nd and 23rd October 2021 between the times of 8pm until the early hours of 00:25hrs (Document 10 – Redacted Noise Assessment Form 21 to 25 Oct 2021). Loud bass and music clearly detectible on the audio playback. Again noise level comparison of the quiet time readings and the of amplified entertainment on occasions indicating a difference of 10 decibels.
25. As excessive noise from amplified entertainment held at the premises has been witnessed within neighbouring residential premises it is clear that any sound insulation installed at the premisses is not sufficient or effective to comply with the following premises licence condition;
- “The premises shall continue to have sound proofing installed to prevent noise disturbance”
26. Attempts have been made by both the Licensing and Environmental Protection Teams to work with the Operator in resolving this matter. A volume setting on the sound system had been agreed in 2019 but this has not been kept to. When the volume was set on the sound system by Officers of North East Lincolnshire Council music played at silhouette was only faintly audible and could not be heard above conversation within the residential flat above. The Operator either does not respond to requests or does not comply with the advice or actions required.
27. Noise from regulated entertainment held at this premises has resulted in residents unable to enjoy the use of their homes. Residents have reported they are unable to sleep, watch television. One resident reports they have to stay with friend and family at Weekends.

Submissions and recommended action

28. The Environmental Protection Team are of the opinion that the Operator (Mr Sean Desouza) is not upholding the following Licensing objective: the prevention of public nuisance. The Operator has also shown failure to comply with the following stated Premises Licence conditions:

“When regulated entertainment takes place all windows and doors will be kept closed”

and

“The premises shall continue to have sound proofing installed to prevent noise disturbance”

29. Excessive noise from regulated entertainment held at this premises has caused a nuisance to neighbouring residents and the failure to comply with the above stated conditions contravenes the following Licensing objective: the prevention of public nuisance.

30. Due to the ineffective sound insulation provided between the adjoining walls of Silhouette and neighbouring residential above we recommend the following amendment to the Premises License;

A reduction in the permitted hours of the playing of live and recorded music. Both recorded and live music should be reduced to 11pm. This reflects the stricter internal guideline noise values for sleeping (night time levels) as stated within Table 4 of BS8233 – Guidance on sound insulation and noise reduction for buildings. The night time levels shown in Table 4 of BS8233 is between 23:00 to 07:00hrs. Guideline levels for internal bedrooms at night (for sleeping) is 30dB LAeq (8hours).

31. The Environmental Protection Team requests that the Licensing Committee consider the points made within this statement.

I believe the contents of this statement to be true.

V. Thompson

Signed:

Dated: 02.12.21



The Operator
Silhouette
38 Alexandra Rd,
Cleethorpes
North East Lincolnshire,
DN35 8LE

Our Ref.: Noise/SM/Sil

Your Ref.:

When Calling Please Ask For : Mrs S Martin

Direct line telephone number : [(01472) 324720

e-mail address : Samantha.martin@nelincs.gov.uk

21 August 2019

Dear Sir,

Alleged Noise Nuisance (Environmental Protection Act 1990)

Re: Silhouette, Alexandra Road, Cleethorpes

I write to inform you that our department has received a complaint alleging a noise nuisance arising from the above commercial premises.

At this stage, the complaint is only being drawn to your attention and no evidence has been obtained by an officer from this section to substantiate the allegations made. However, you need to be aware that the Local Authority has a statutory duty under the provisions of the Environmental Protection Act 1990 to investigate all complaints and determine if further action should follow.

As you are aware, the business premises adjoins residential properties and as good neighbours we would ask you to consider the locality and implement any mitigating measures you feel necessary to ease the situation and avoid a potential noise nuisance being caused.

It is our preference that complaints are resolved informally as far as possible. Should you wish to discuss the matter further then please do not hesitate to contact me.

Yours faithfully,

Sam Martin

Environmental Protection Officer

Form 1A - Nuisance from music.

Précis and Analysis

MKA Ref Number : _____ Date Received : _____

Complainant.

Name : |

Redacted.

Source.

Name : Silhouette,

Address

Address : 38 Alexandra Rd,

Geetharpes.

☎ : 01472 600 650.

Record Form Sent : _____

Record Form Received : _____

DAT Installed : _____

Analysis : _____

Bruel + Kjaer Type 2250
SLM

System Used : Matron logging.

Serial Number : 265 9073.

DAT Collected : 05/09/19.

Objective Results.

Event	Level	Date	Time
Noise Nuisance Recorded	L _{Aeq}		
Background	L _{A90}		

Fothergill Amendments - see page ? in 'Noise Procedures'.

Appropriate Corrections

- 1) Time of Day : Night
- 2) Duration of Disturbance : Thurs, Friday + Saturday, Evening through to 2am.
- 3) Bass Prominence : Can detect above traffic Audio.

Total Correction : _____

Interpretation : _____

Subjective opinion. Audio playback can detect car music
and bass within home above background. Traffic
noise detected is quite dominant but Bass level + music heard
clearly during breaks in traffic.

Conclusion. Believe
Music + ~~gears~~ ^{bass} heard within flat. ¹ Sound ~~seems like~~ travelling from
her "silhouettes" on ground floor. Level excessive.

2236 Placement Sheet

MKA Reference Number : _____

Complainant Name : _____

Redacted.

Address : _____

Source Name : SilhouetteAddress : 38 Alexandra Rd, Cleethorpes.

Date Installed : 05/09/19Date & Time to Collect : _____ Tuesday 3pmTape Number : project number 108 so card.

MATRON Installed : (number on case 1 / 2 / 3 / 4)

Comments:

Room in which Matron placed : Front living room in bay windowAny obvious noise sources : Redacted.

Type of property : _____

Floor apartment

Checklist for Matron Placement

Part 1

Operation			Office Check	Site Installation	Site Collection
Turn On	Ensure previous logged results have been deleted and then RESET		✓	✗	✗
	FSD	20-100	✓	✓	
	Freq. W	dB(A)	✓	✓	
	Time W	F	✓	✓	
	Displayed Parameter	SPL	✓	✓	
Press Show Press OK	Aurolog	30s	✓	✓	
	Time on DAT & SLM	Note it here.			

Part 2

Calibration Tone	94.0	93.5 dB(A)	93.8 dB(A)	93.8 dB(A)
------------------	------	------------	------------	------------

Part 3

Peak Level on DAT	-10 (1,2,3) -12 (4)	-	-	-
-------------------	------------------------	---	---	---

Site Installation

Officers Signature: _____

Officers Name: Redacted.

Date: _____

Site Collection

Officers Signature: _____

Officers Name: _____

Date: 10/09/19.

N.B. SLM measurements are given in dB(A) and the DAT recordings are made in dB(L)

Form 5

Actual Tape Recordings MadeNote

- 1) Make ONE five minute recording when the noise is NOT present.
- 2) ONLY THREE SEPARATE TAPE RECORDINGS of the noise under investigation, each lasting approximately 5 minutes, are required.
- 3) These recordings should represent the type and level of noise of which you complain.
- 4) Before making recordings ensure that all noise sources within the room are switched off. E.g. T.V., stereo. Remove ticking clocks if possible.
- 5) Switch the tape recorder on and then leave the room.
- 6) After five minutes return to the room and stop the tape recorder.
- 7) Fill in all the forms that have been left with you. These should be done as accurately as possible because if formal action is taken, these forms could be used as evidence in court.
- 8) If you have any problems contact us on 01472-324730 and/or ask for further explanation from the officer collecting the equipment.

	Date	Start	Finish	Window		Door	
				Open	Closed	Open	Closed
Quiet Period							
Example N° 1	05/09/19	14:34			✓	✓	
Example N° 2	05/09/19	14:30			✓		✓
Example N° 3							

Bay window

Signature. _____ Dated. _____

Project 108

Form 4

Record form for ALL problems during the time that the monitoring equipment is at your property

Please keep a note below of the date when the noise occurs, the time it starts and finishes, and also the way in which it affects you.

Your details

Name :
Address :

Redacted

Source of nuisance details

Name :

SILHOUETTES

Address :

AUEYANDMA

ROAD

CUEETHONGES

Date	Start	Finish	(P/I)*	Type of noise	How it affects me
5-9-19	9.15		P	LOUD MUSIC	WHILE MUSIC IS
	9.25			SINGING	LOUD WE STRUGGLE
	9.30			SHOUTING	TO WATCH BOT TV
	9.53			DOORS WIDE OPEN	IN THE LOUNGE.
	9.59				OUR GRANDKIDS
	10.25				CAN'T GO ON
	10.42				THE BALCONY/
	11.06				BECAUSE OF
	11.22				CUSTOMERS FROM
	11.39				THE BAR
6-9-19	8.21				SHOUTING &
	8.29				SWEARING. WHILE
	8.41				IN OUR BEDROOM
	9.25				THE VIBRATION
	10.10				KEEPS US AWAKE.
	10.46				WE ARE BOTH
	11.07				VERY TIRED IN
	11.31				THE MORNINGS DUE
	11.59				TO BEING TO SLEEP
	12.17				LATE.
	12.57				
7-9-19	1.51				
	10.11				
	10.33				
	10.59				
	11.25				
	11.49				

* Persistent / Intermittent

I certify that the above record is a true statement of the noise complained of.

Signed.

Redacted

Dated.

9-9-19

12-10
12-27
12-48
1.12pm

Complainant Questionnaire

Name :

Address :

Redacted

AD

1) Was the equipment easy to use ?

Yes/

2) Were the instructions easy to understand

Yes/

If not, why not and what problems did you have ?

3) Do the recordings made represent normal levels of
the nuisance.

Yes/

If not, please explain why :

Signature

Dated : 10-9-19

Laboratory Playback Sheet

MKA Reference Number _____

Complainant name and Address _____

Redacted.

Subject name and Address _____

AS.

Note:

The audio/noise machine
time is an hour in front of real time.Check with
license
team hours
of operation.hours of
operation?

Date	Start	Finish	Comments	Noise Event
08/09/19	02:13	02:18	Can hear music clearly, traffic noise and gas people speaking, bass strong.	1*
08/09/19	01:28	01:37	Can detect music, strong Bass intermittent traffic - people talking.	2
08/09/19	00:25	00:31	- strong Bass + noise from gas people. Intermittent traffic	3
07/09/19	23:33	22:39	Detect loud music, Bass intermittent traffic. People	4*
07/09/19	02:52	02:57	Dominant music sound. + Bass	5*
07/09/19	01:58	02:03	Loud music, intermittent traffic.	6*
06/09/19	00:23	00:29	music, traffic, gas people speaking	7*

when
break in
traffic
music
dominant.
= 50dB= 55dB
50dB.
heavy traffic
= worse
onetoo
much
noise from
resident
in room.

Officers Signature

V. Thompson

Date

12/09/19



Important Do Not Ignore

Sean Desouza/Lee Appleyard
Silhouette
38A Alexandra Road
Cleethorpes
North East Lincolnshire
DN35 8LE

Our Ref.: PM000170

Your Ref.:

When Calling Please Ask For : Iain Peck

Direct line telephone number : (01472) 324772

e-mail address : iain.peck@nelincs.gov.uk

12th September 2019

Dear Sir/Madam,

Licensing Act 2003

Premises: Silhouette, 38A Alexandra Road, Cleethorpes, DN35 8LE

Warning Letter

I write with regards to noise complaints received by North East Lincolnshire Council about the above named premise which you have been previously informed about both in writing and verbally by NELC's Environmental Protection Team.

It would appear the advice given to you has been ignored, as I must now inform you that NELC have monitored your premises using sound recording equipment and having analysed the recordings the noise levels from music emanating from Silhouette have been found to be **excessive** and **causing noise nuisance** to surrounding properties.

Also as the situation stands we have evidence that you are breaching one of your premises licence conditions, namely:

- When regulated entertainment takes place all windows and doors will be kept closed

We will also be investigating whether you are breaching another condition related to noise, namely:

- The premises shall continue to have soundproofing installed to prevent noise disturbance

Breach of your licence conditions can lead to an unlimited fine, six months imprisonment, or both in respect of each offence. Alternatively, any person can initiate a review of your

premises licence by Licensing Sub-committee who can suspend or revoke your licence or impose further stringent conditions, reduce any relevant timings or remove any licensable activity it deems appropriate.

You are requested to attend a meeting with ourselves and the environmental protection team (commercial noise) on **Wednesday 18th September 2019 at 14.00hrs** at the below address to discuss this matter.

In the meantime your premises will be monitored and further breaches will be evidenced and used in any subsequent legal proceedings or premises licence review.

Please confirm your attendance to my email address at the top of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Iain Peck', written in a cursive style.

Iain Peck
Senior Licensing Enforcement Officer

Sean Desouza
Silhouette
38A Alexandra Road
Cleethorpes
DN35 8LE

Our Ref: PM000170
Enquiries: Kate Todd
Direct Dial: 01472 324520
Fax:
E-mail: Kate.todd@nelincs.gov.uk
Date: 10/10/2019

Dear Sir/Madam,

Licensing Act 2003

Premises: Silhouette, 38A Alexandra Road, Cleethorpes, North East Lincolnshire, DN35 8LE

Licence Number: PM000170

I am writing to confirm details of our meeting on the 25th September 2019 at North East Lincolnshire Council's Doughty Road Offices, Grimsby to discuss the findings of noise monitoring of following receipt of a complaint alleging that a noise nuisance is being caused.

The meeting was attended by Sean Desouza and Brian (Operator - Silhouette) Iain Peck (Senior Licensing Officer – NELC) Kate Todd (Licensing Officer - NELC) and Vicky Thompson (Pollution Control Officer - NELC).

During this meeting, Mr Desouza was informed of the reasons for the meeting and provided with the details of the complaint received in connection with the business. Vicky Thompson discussed results from noise monitoring undertaken within a residents home between the 5th September 2019 and 10th September 2019. This indicative noise monitoring was completed following receipt of a noise complaint from neighbouring residents. Audio recordings were played to Mr Desouza with details of noise levels found. The recordings taken on the 6th, 7th, 8th of September 2019, identified noise arising from music being played at a volume that was excessive and to cause a public nuisance.

The Council has a responsibility under the Environmental Protection Act 1990 to ensure that residents can enjoy the comfort of their homes and are not bothered by unreasonable levels of noise.

I must also remind you that one of the Licensing Objectives is “prevention of public nuisance”, and that as a premises licence holder you have a duty to ensure your premises are run in such a way as to promote these objectives. The Licensing Authority have evidence to prove this has not been the case.

In addition, I would like to remind you that the following condition is currently attached to the Premises Licence and must be adhered to at all times when carrying out licensable activities:

- When regulated entertainment takes place all windows and doors will be kept closed
- Signs shall be placed at all exits of the premises reminding patrons of the need to noise to a minimum

Under section 136(1) it is an offence to knowingly allow or carry on unauthorised licensable activities. Should you be prosecuted for this offence, the maximum penalty can be 6 months imprisonment and/or an unlimited fine, which highlights the serious nature of this issue.

At the time of writing this letter (10th October 2019) we have continued to receive reports of loud music from the premises. We will continue to monitor however as advised during the meeting, should further justified complaints be received an application will be made for the premises licence to be reviewed by North East Lincolnshire Council's Licensing Sub Committee.

Moving forward you are required to:

1. Prevent the playing of music at such a volume that would cause unreasonable disturbance to the occupiers of neighbouring premises.
2. Submit a written noise management plan by **Friday 1st November 2019**. This plan can be sent via email to Vicky.Thompson@Nelincs.gov.uk

Should you wish to discuss above, please do not hesitate to contact me on 01472 324520.

Yours Faithfully

Kate Todd

Licensing Enforcement Officer

From: [Louisa Hewett \(NELC\)](#)
To: [REDACTED]
Cc: [Vicky Thompson \(NELC\)](#); [Samantha Martin \(NELC\)](#)
Subject: FW: Silhouette Noise Levels
Date: 16 August 2021 15:05:00
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image009.jpg](#)
[image007.jpg](#)
[image008.jpg](#)
[image010.jpg](#)
[image011.jpg](#)
[image012.jpg](#)

Good Afternoon Mr Desouza,

I am writing to inform you that the Environmental Protection Team has received an alleged new noise complaint from your premises.

As some time as passed since our last contact with yourselves would you be able to check that the sound system is still set at the agreed level as discussed with my colleague, see email below, in October 2019?

Can you also ensure as previously discussed that external doors and windows are closed between 22:00hrs to 09:00 hrs.

Should you wish to discuss any of the above please do not hesitate to contact me using the contact details provided below.

Regards

Louisa

Louisa Hewett, Environmental Protection Officer, North East Lincolnshire Council

Doughty Road, Grimsby, DN32 0LL

Telephone 01472 324215 | louisa.hewett@nelincs.gov.uk | www.nelincs.gov.uk



From: Samantha Martin (NELC)
Sent: 15 November 2019 11:08
To: [REDACTED]
Cc: Vicky Thompson (NELC) <Vicky.Thompson@nelincs.gov.uk>
Subject: Silhouette Noise Levels

Dear Mr Desouza,

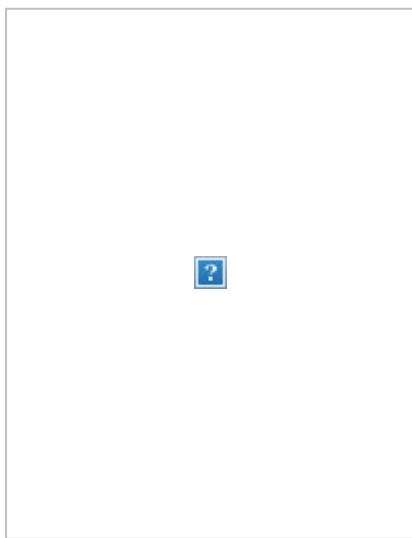
RE: Environmental Protection Act 1990. Site Visit. Silhouette, 38 Alexandra Road, Cleethorpes.

North East Lincolnshire. DN35 8LE

-

I am writing to confirm our visit to the above premises on the 31 October 2019. North East Lincolnshire Council Officers Vicky Thompson and myself met with staff with the aim to agree an appropriate noise level for amplified entertainment held at the premises.

Sound checks were completed whilst recorded music was played from the sound system used at the site and a maximum volume setting was agreed between the NELC officers and staff. The volume setting agreed was marked on the sound system, the level agreed is shown in the attached photograph. A sound level reading was taken next to the entrance of the site (within the building) whilst the music was being played at the agreed maximum volume setting. The sound level recorded at this location whilst music was played at the agreed volume setting was an LAeq of 86dB.



The maximum volume setting as shown above should not be exceeded. Members of staff and DJ's with responsibility for the noise level of amplified entertainment at the premises should be notified of the maximum volume setting. Regular checks should be completed by a member of staff during amplified entertainment to ensure this volume setting is not breached.

Also discussed during our visit, please ensure that external doors and windows are closed between 22:00hrs to 09:00 hrs during amplified entertainment except for entrance and egress of guests.

I would like to take this opportunity to thank the members of staff for their assistance during our visit. Should you wish to discuss any of the above please do not hesitate to contact me using the contact details provided below.

Regards

Sam Martin, Environmental Protection Officer
Regulation and Enforcement Services
North East Lincolnshire Council

Doughty Road, Grimsby, DN32 0LL

Tel: 01472 324720 | samantha.martin@nelincs.gov.uk | www.nelincs.gov.uk



twitter





NUISANCE INCIDENT DIARY

This form is for you to keep as a record of incidents

Name: -

Redacted.

Full address: -

Email address: -

Daytime contact number: -

Offenders address:- Silhouettes, 37 Alexandra Road, Cleethorpes

This incident diary consisting of 4 pages, each page signed by me, (not required if submitted through "MY ACCOUNT") is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

North East Lincolnshire Council collects and processes personal data for the purpose of allowing us to investigate nuisance behaviour incidents and take appropriate action including enforcement. We process personal data in accordance with the Data Protection Act (General Data Protection Regulation from 25/05/2018), and will use this personal data for the purpose of handling nuisance behaviour complaints, except where permitted under the Data Protection Act (General Data Protection Regulation from 25/05/2018). For further details about the processing of your personal data please see the Full Privacy Notice available [here](#) or please view www.nelincs.gov.uk for further information.

☒ Please tick the box if you consent to the alleged offender being informed of the details of your complaint even though your name and address will not be disclosed to the alleged offender/s.

Signature: -

Redacted.

Date: -

10/09/2021

EXAMPLES OF THE TYPE OF INFORMATION REQUIRED

PLEASE ONLY COMPLETE THIS SECTION FOR RESIDENTIAL NOISE.							
DATE	TIME		Please explain what has happened? e.g. loud music/ noise from a pub.	How did it affect you?	Name/address of any witnesses if known?	Did you report it to anyone? If so, who?	Police log No. (if applicable)
01.05.08	Start 10.00pm	Finish 4.00am	Very loud music and arguing. Doors being slammed.	I could not sleep and was very tired the next day.	Mr & Mrs Jones, 2 Joe Bloggs Street	Police	238 of 01.01.2018
05.07.08	All	Day	Plastic bags of rubbish dumped in garden	Smell made me feel sick, I could not go outside or open my windows	None	Council	

Please note the following:-

- Please only record incidents which give rise to problems in your own household.
- Complete entries when the noise occurs or as soon as possible afterwards.
- If the incident occurs in short bursts over a period of time simply record the approximate time it was first noticed and the last time it was noticed.
- Include an estimate of the number of occurrences and the typical duration together with your description of the incident.

NUISANCE INCIDENT DIARY

DATE			TIME		Please explain what has happened? e.g. loud music/ noise from a pub.	How did it affect you?	PLEASE ONLY COMPLETE THIS SECTION FOR RESIDENTIAL NOISE		
			Start	End			Name/address of any witnesses if known?	Did you report it to anyone? If so, who?	Police log No. (if applicable)
19/08/20	21	7pm			loud music with door open from 7pm to 12am ; the music on thursdays lasts until 12am.	I cannot sleep and I am having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
20/08/20	21	7pm			loud music with door open from 7pm to 2am ; the music on thursdays lasts until 2am.	I cannot sleep and I am having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
21/08/20	21	7pm			loud music with door open from 7pm to 2am ; the music on thursdays lasts until 2am.	I cannot sleep and I am having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
26/08/20	21	7pm			loud music with door open from 7pm to 2am ; the music on thursdays lasts until 2am.	I cannot sleep and I am having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
27/08/20	21	7pm			loud music with door open from 7pm to 2am ; the music on thursdays lasts until 2am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
28/08/20	21	7pm			loud music with door open from 7pm to 2am ; the music on thursdays lasts until 2am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	

Signature _____ (not required if submitted using "MY ACCOUNT")

NUISANCE INCIDENT DIARY

DATE			TIME		Please explain what has happened? e.g. loud music/ noise from a pub.	How did it affect you?	PLEASE ONLY COMPLETE THIS SECTION FOR RESIDENTIAL NOISE.		
			Start	End			Name/address of any witnesses if known?	Did you report it to anyone? If so, who?	Police log No. (if applicable)
02/09/20	21		7		loud music with door open from [redacted], the music on thursdays lasts until 12am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
03/09/20	21		7		loud music with door open from [redacted], the music on thursdays lasts until 2am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
04/09/20	21		7		loud music with door open from [redacted], the music on thursdays lasts until 2am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
09/09/20	21		7		loud music with door open from [redacted], the music on thursdays lasts until 12am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
10/09/20	21		7		loud music with door open from [redacted], the music on thursdays lasts until 2am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	
11/09/20	21		7		loud music with door open from [redacted], the music on thursdays lasts until 2am.	having to sleep on my mums sofa thursday-saturday	37 Alexandra Road (Silhouettes)	yes the council and landlord	

Signature ----- (not required if submitted using "MY ACCOUNT")

Mr Desouza
Silhouette
38A Alexandra Road
Cleethorpes
North East Lincolnshire
DN35 8LE

Our Ref.: Din2-EPA/WK/

Your Ref.:

When Calling Please Ask for : Louisa Hewett

Direct line telephone number : (01472) 324215

e-mail address : louisa.hewett@nelincs.gov.uk

21st October 2021

Dear Mr Desouza,

Alleged Noise Nuisance - Environmental Protection Act 1990
Re: Silhouettes

I am writing to inform you that the Council has received a number of complaints alleging that a noise nuisance is being caused at the above premises. The nuisance complained of is alleged to be caused by amplified entertainment held at the premise.

You need to be aware that the Local Authority has a statutory duty under the provisions of the Environmental Protection Act 1990 to investigate all complaints and determine whether formal action should follow if a noise nuisance is proven.

At this stage, and as per our complaints procedure, the complaint is being drawn to your attention while the complaint is investigated. I would be grateful if you could give this matter your attention and take any appropriate measures to ensure that any amplified entertainment played on site remains at a reasonable level as not to cause a noise nuisance. Also as per your licence conditions that when regulated entertainment takes place all windows and doors will be kept closed.

It is our preference that complaints are resolved informally as far as possible. Should you wish to discuss the matter further, please do not hesitate to contact me at the address below or by telephoning me on direct dial (01472) 324215

Yours Sincerely,

Louisa Hewett
Environmental Protection Officer

Form 1A Nuisance from Music

Precis and Analysis

MKA Ref Number:
Complainant Name:
Address:
Tel Number:

Redacted.

Date Received:	13/8/21
Source Name:	SILHOUETTE
Address:	38A ALEXANDRA RD
	CLEETHORPES
Tel Number:	

Record Form Sent:	16/8/21	System Used:	Cirrus Trojan 2
Record Form Received:	15/9/21	Serial Number:	
DAT Installed:	23/9/21	DAT Collected:	27/9/21.
Analysis:			

Objective Results

Event	Level	Date	Time
Noise Nuisance Recorded:	LAEQ		
Background:	LAEQ 33-43.	27/09/21	14:05 - 14:06

LAEQ 34 14:04 - 14:06
LAEQ 33dB.

Fothergill Amendments – see page? In Noise Procedures.

14:05 - 14:06 LAeq 43dB.

Appropriate Corrections.

Time of Day:	7pm - 2am (possibly beyond but not recorded)
Duration of Disturbance:	7hrs.
Bass Prominence:	
Total Correction:	
Interpretation :	
Subjective Opinion:	Officers present during one recording and detected excessive music from Silhouette below: Quiet reading 34dB compared to up to 44dB during Silhouette open. Latest recording was up to 11pm but site open until 2am.
Conclusion:	Almost 10dB above the Quiet LAeq reading.
	Unacceptable levels - if continues and regular occurrence potential start nuisance under EPA. With numbers of complaints and diary form suggesting a regular occurrence, immediate formal warning required.

Unacceptable levels - if continues and regular occurrence potential start nuisance under EPA. With numbers of complaints and diary form suggesting a regular occurrence, immediate formal warning required.

2 Form 2236 Placement Sheet

Civica Ref Number:		Date Received:	
Complainant Name:		Source Name:	
Address:		Address:	
Tel Number:		Tel Number:	

DAT Installed:	23/9/21		
Date & Time to Collect:	27/9/21		
SD Card Project Number:	N/A		
MATRON Installed:	(number on case 1/2/3/4) Tröjan 2.		

Comments:

Room in which Matron placed:	Front bedroom		
Any obvious noise sources:	Below is silhouette		
Type of property:	Redacted.		

Form 3: Checklist for Matron Placement

Part 1

Cirrus used.

Operation:		Office Check	Site Installation	Site Collection
Turn On	Ensure previous logged results have been deleted & then reset			
	FSD	20-100		
	Freq. W	dB(A)		
	Time W	F		
	Displayed Parameter	SPL		
Press Show	Autolog	30s		
	Time on DAT & SLM	Note it here:		

Part 2

Calibration Tone	94	dB(A)	dB(A)	dB(A)
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Part 3

Calibration during install and collection - no drift

Peak Level on DAT	-10(1, 2, 3) -12 (4)	-	-	-
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Site Installation

Officer Signature:	<i>V. Thompson</i>
Officer Name:	<i>VICKY THOMPSON</i>
Date:	<i>23/09/21</i>

Site Collection

Officer Signature:	<i>V. Thompson</i>
Officer Name:	<i>VICKY THOMPSON</i>
Date:	<i>27/09/21</i>

Note: SLM measurements are given in dB(A) & the DAT recordings are made in dB(L).

Form 4 Recording Noise Incidents

Record form for **ALL** problems during the time that the monitoring equipment is at your property. Please keep a note below of the date when the noise occurs, the time it starts & finishes, & also the way in which it affects you.

Your Details		Source of Nuisance Details	
Name:		Name:	
Address:		Address:	
Tel Number:		Tel Number:	

Date	Start	Finish	Persistent (P)/ Intermittent (I)	Type of Noise	How it Affects Me?
23/09/21	20:02		Persistent	music from Silhouette	Vicky Thompson and Louise Hewett present
24/09/21	8:45		" "	" "	can't sleep can't do normal activities
25/09/21	11:00		" "	" "	" "
27/09/21	14:00		Quiet reading taken for comparison		

I certify that the above record is a true statement of the noise complained of.

Signed: _____

Date: _____

Form 5 Actual Tape Recording Made

Note

1. Make ONE five minute recording when the noise is NOT present.
2. ONLY THREE SEPERATE TAPE RECORDINGS of the noise under investigation, each lasting approximately 5 minutes, are required.
3. These recordings should represent the type and level of noise of which you complain.
4. Before making the recordings ensure that all noise sources within the room are switched off. For example TV, stereo. Remove ticking clocks if possible.
5. Switch the tape recorder on & then leave the room.
6. After five minutes return to the room and stop the tape recorder.
7. Fill in all forms that have been left with you. These should be done as accurately as possible because if formal action is taken, these forms could be used as evidence in court.
8. If you have any problems contact us on 01472 326299 or ask for further explanation from the officer collecting the equipment.

	Date	Start	Finish	Window		Door	
				Open	Close	Open	Close
Quiet Period							
Sample No 1							
Sample No 2	27/09/21	14:00			✓		✓
Sample No 3							

On the 23rd September Louisa Hewitt and Vicky Thompson witnessed music from silhouette whilst installing machine recording.

Signed: _____

Date: _____

Form 6 Complaints Questionnaire

Name:	Redacted.
Address:	
Post Code:	
Tel Number:	

1. Was the equipment easy to use? ☒ YES/NO

2. Were the instruction easy to understand? ☒ YES/NO

If not, why not and what problems did you have?

3. Do the recordings made represent normal levels of the nuisance? ☒ YES/NO

If not, please explain why:

Redacted.

as

Signed: _____

Date: 27/9/21

Form 7 Laboratory Playback Sheet

MKA Ref Number:	
Complainant Name:	
Address:	
Subject Name:	
Address:	

Date:	Start:	Finish:	Comments:	Noise Event:
22/09/21				
23/09/21	18:36	18:57		18:36
23/09/21	20:01	20:03	Can detect music from Silhouette. Louisa Hewlett and Vicky Thompson present to confirm. Can hear the words of the music clearly within the bedroom.	39.2dB.
				47.25
24/09/21	20:42	20:43	music & can be heard and can hear all the words.	41.5dB
25/09/21	22:57	22:59	music detected the dominant noise.	44dB
27/09/21	14:04	14:06	just detect conversation of vicky thompson and resident in next room. Background. some traffic noise.	34dB.

times slot.

20:01 - 20:05.

20:42 - 20:43.

22:58 - 22:59

14:04 - 14:06.

Quiet reading.

Officers Signature: V. Thompson

Date: 28/09/21

Operator
Silhouette
38 Alexandra Road
Cleethorpes
North East Lincolnshire
DN35 8LE

Our Ref.: Din2-EPA/WK/

Your Ref.:

When Calling Please Ask for : Mrs Vicky Thompson

Direct line telephone number : (01472) 324833

e-mail address : vicky.thompson@nelincs.gov.uk

1st October 2021

Dear Mr Desouza,

Formal Warning: Noise Nuisance - Environmental Protection Act 1990 / Licensing Act 2003. Location: Silhouette, 38 Alexandra Road, Cleethorpes

I write further to inform you that the Council has received multiple complaints alleging that a noise nuisance is being caused by the above premises. I would also refer you to the email issued on the 16th August 2021 to remind you of the volume setting of the sound system agreed back in November 2019.

A further letter was issued to you on the 20th September 2021 informing that this team would be required to investigate the alleged reports of a noise nuisance caused by amplified entertainment held at the premises.

Indicative noise monitoring was undertaken between the 23rd and 27th September 2021. During this period evidence of excessive noise from amplified music was identified. Officers of North East Lincolnshire Council were also present on the 23rd September and witnessed excessive music from the above premises and also noted doors open during regulated entertainment, which is a breach of your premises licence condition

You have been warned about breaching this condition several times in person and finally in writing in a letter sent to you by Iain Peck, Senior Licensing Enforcement Officer, dated 12th September 2019, copy enclosed with this letter.

Having reviewed the information above a Formal Warning is hereby given. The Council position is now that unless immediate action is taken to control the noise from the premises enforcement action in the form of service of a noise abatement notice under the Environmental Protection Act 1990 and/or a review of the premises licence would have to be taken. In addition you need to be aware that the residents have the power to review the premises licence and that there is evidence to support such action if requested.

To be clear, if **IF** without reasonable excuse you contravene or fail to comply with any requirement of this such a 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, together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale 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.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

I appreciate this is a complicated issue and I acknowledge the work that has been undertaken to get to this stage, but in order to prevent on-going issues the final steps of the remedial work need to be taken within the set deadlines, hence this formal warning.

Should you wish to discuss the matter further, please do not hesitate to contact me at the address below or by telephoning me on direct dial (01472) 324759.

Yours Sincerely,

A handwritten signature in blue ink that reads "V. Thompson". The signature is written in a cursive style with a large 'V' and a clear 'Thompson'.

Vicky Thompson
Licensing and Environmental Protection Officer

Form 1B Nuisance from Other Sources

Precis and Analysis

MKA Ref Number:	Redacted.	Date Received:	13/8/21
Complainant Name:		Source Name:	Silhouette
Address:		Address:	38A Alexandra Rd.
			Cleethorpes.
Tel Number:		Tel Number:	

Record Form Sent:	16/8/21	System Used:	Cirrus Trojan 2.
Record Form Received:	15/9/21	Serial Number:	
DAT Installed:	21/10/21	DAT Collected:	25/10/21
Analysis:			

Objective Results

Event	Level	Date	Time
Noise Event 1	46 LAEQ	21/10/21	20:01 - 20:05
Noise Event 2	51 LAEQ	22/10/21	23:37 - 23:39
Noise Event 3	44 LAEQ	23/10/21	00:36 - 00:38
Noise Event 4	45 LAEQ	23/10/21	22:03 - 22:07
Background	34 LA90	27/10/21	14:04 - 14:06

Fothergill Amendments – see page? In Noise Procedures.

Appropriate Corrections.

Subjective Opinion:	Excessive volume of music detected
	within flat emanating from amplified
	entertainment held at Silhouette.
Conclusion:	At time sound level when amplified
	music from Silhouette is up to 10dB above
	the Quiet readings taken.
	Reduction in volume required sound
	travelling through adjoining walls.
	V. Thompson.

2 Form 2236 Placement Sheet

Civica Ref Number:		Date Received:	
Complainant Name:		Source Name:	
Address:		Address:	
Tel Number:		Tel Number:	

DAT Installed:	21/10/21.		
Date & Time to Collect:	25/10/21		
SD Card Project Number:	NIA.		
MATRON Installed:	(number on case 1/2/3/4) Cirrus Trojan 2.		

Comments:

Room in which Matron placed:	front spare bedroom.		
Any obvious noise sources:	Silhouette below.		
Type of property:	Redacted.		

Form 3: Checklist for Matron Placement

*Cirrus Trojan 2
used*

Part 1

Operation:		Office Check	Site Installation	Site Collection
Turn On	Ensure previous logged results have been deleted & then reset			
	FSD	20-100		
	Freq. W	dB(A)		
	Time W	F		
	Displayed Parameter	SPL		
Press Show	Autolog	30s		
	Time on DAT & SLM	Note it here:		

Part 2

Calibration before + After no drift.

Calibration Tone	94	dB(A) ✓	dB(A) ✓	dB(A) ✓
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Part 3

Peak Level on DAT	-10(1, 2, 3) -12 (4)			
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Site Installation

Officer Signature:	<i>V. Thompson</i>
Officer Name:	<i>Vicky Thompson</i>
Date:	<i>21/10/21</i>

Site Collection

Officer Signature:	
Officer Name:	
Date:	

Note: SLM measurements are given in dB(A) & the DAT recordings are made in dB(L).

Form 7 Laboratory Playback Sheet

MKA Ref Number:	
Complainant Name:	
Address:	
Subject Name:	Silhouette,
Address:	

Background / Quiet reading 34dB. Background on 27th 10/21 = 34^{dB}
 Background 25/10/21 = 38 dB 18:25 - 18:26 (we are talking!)

Date:	Start:	Finish:	Comments:	Noise Event:
21/10/21	20:01	20:05	Vicky Thompson and Kate Brooks in flat could detect bass from music/silhouette below excessive.	46dB
22/10/21	23:37	23:59	Loud music and heavy bass	51dB
23/10/21	00:36	00:38	(early Saturday morning). loud bass + music. Video killed the radio star	44dB 53dB
23/10/21	22:03	22:08	Saturday Night. Loud music (you're a superstar)	45dB

Officers Signature: V. Thompson Date: 26/10/21

At times levels over 10dB above quiet reading - indication of nuisance.

Laura Cowie (NELC)

From: Louisa Hewett (NELC)
Sent: 20 September 2021 13:54
To: [REDACTED]
Cc: Vicky Thompson (NELC)
Subject: Alleged Noise Nuisance - Silhouettes
Attachments: DIN 2 - Silhouettes.doc

Tracking:	Recipient	Delivery
	[REDACTED]	
	Vicky Thompson (NELC)	Delivered: 20/09/2021 13:54

Dear Mr Desouza,

Alleged Noise Nuisance - Environmental Protection Act 1990
Re: Silhouettes

I am writing to inform you that the Council has received a number of complaints alleging that a noise nuisance is being caused at the above premises. The nuisance complained of is alleged to be caused by amplified entertainment held at the premise.

You need to be aware that the Local Authority has a statutory duty under the provisions of the Environmental Protection Act 1990 to investigate all complaints and determine whether formal action should follow if a noise nuisance is proven.

At this stage, and as per our complaints procedure, the complaint is being drawn to your attention while the complaint is investigated. I would be grateful if you could give this matter your attention and take any appropriate measures to ensure that any amplified entertainment played on site remains at a reasonable level as not to cause a noise nuisance. Also as per your licence conditions that when regulated entertainment takes place all windows and doors will be kept closed.

It is our preference that complaints are resolved informally as far as possible. Should you wish to discuss the matter further, please do not hesitate to contact me at the address below or by telephoning me on direct dial (01472) 324215.

Regards

Louisa Hewett (NELC)

Louisa Hewett, Environmental Protection Officer, North East Lincolnshire Council
Doughty Road, Grimsby, DN32 0LL
Telephone 01472 324215 | louisa.hewett@nelincs.gov.uk | www.nelincs.gov.uk



Stay alert. Control the virus. Save lives.

Do your bit to
keep North East
Lincolnshire
SAFE and **OPEN**



Keep your distance



Wash your hands and use hand gel



Avoid crowds and wear a face covering if it's not possible to social distance



If you have even mild symptoms, self-isolate and visit www.nhs.uk/ask-for-a-coronavirus-test or ring 119 to book a test.

----- Forwarded message -----

From: [REDACTED] <[REDACTED]>

Date: Thu, 16 Dec 2021, 13:01

Subject:

To: <[REDACTED]>

Dear Sir,

I am writing regarding the licence application for Silhouettes Bar, Alexandra Road, Cleethorpes. I would like to object to the licence on the grounds that I am a shift worker who lives in one of the flats above the premises adjacent to Silhouettes. I often need to go to bed early due to my working patterns, and there are times when I find it impossible to sleep due to the noise of customers and the music coming from the bar.

Not only does this extreme tiredness mean that I am not fully concentrating on my job, but it causes additional stress, affects my moods and is detrimental to my mental health.

Many thank. [REDACTED]

To whom this may concern,

I am writing to you regarding an incident of noise disturbance coming from Silhouettes night club on Alexandra Road Cleethorpes. I moved into my property in January 2021 and during lockdown at the time the silence in the area was calming. When restrictions were raised the night club next door opened its doors to the public, literally. They have had all the windows in the venue open from 7 o'clock until 1 or 2 o'clock in the morning during the week and weekends. They have played the same playlist since I moved in at the end of January.

They leave the front doors wide open so that the sound and the noise resonates through the whole local area and through my property. I believe this is unreasonably and substantially interferes with the use and enjoyment of my home. Consequently, this has been impacting on my mental health as I work a 9 to 5 and sometimes overtime on the weekend. As the club is opposite my bedroom this is causing unbearable sleep disturbance. This is beginning to impact my quality of life.

I have bought myself a pair of ear plugs but even this is not enough to shut out the noise from next door. They are not following government and local authority regulations when it comes to controlling noise in this venue and have not even attempted to reduce noise pollution in the local area. They should at least soundproof the venue and use sound regulators.

My house is inhabitable when the club is open, and I have had to spend many weekends staying with friends and family. This is now irritating me.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

Dear Council.

My Name is [REDACTED]

ALEXANDRA RORD [REDACTED]

DN 350 [REDACTED] Clee Thorpes

I AM SEND DIS LETTER BECOS THE
DISCO SILO WETH MEAK SO MACHT
NOISE TO 0200 IN THE NIGHT THAT
SLEEPING IS NOT POSSIBLE

IN THE EVENING HE IS NOT POSSIBLE
TO LET THE WINDOW OPEN THE MUSIC
START ABOUT 20.00 AND STOP 0200

I AM WORKING AND STAND UP 04.30
I HEFF AN HEART PROBLEM AND DIABETIC.

I NEED TO WORK 10 HRS. A DAY

I HOOP YOU CAN DO SOMETHING ABOUT
THE NOISE

[REDACTED]

Written by Joe Remsden. Dictated by

[REDACTED] of Flat [REDACTED]

Alexandra Road. This is because I am registered blind.

The noise from Silchester is terrible. It goes on till 2pm every weekend. You can hear fighting & screaming outside all night. I have to stay somewhere else at the weekends.

It is affecting my mental health. I get very worried about the fighting and not be able to sleep is affecting me very badly.

The front doors are always open and the pavement covered in glass & sick

signed

[REDACTED]

11/4/12/21

----- Forwarded message -----

From: [REDACTED] >

Date: Wed, 22 Dec 2021, 08:27

Subject: Silhouettes

To: [REDACTED] >

Dear sir / madam

I write regarding public nuisance issues at silhouettes on Alexandra road Cleethorpes.

Myself & my partner have lived at [REDACTED] Alexandra road for 8 years now living directly above 2 restaurants. Approximately 2 1/2 years ago silhouettes acquired the premises of 38 Alexandra road of which was going to trade as a night club. They open Thursday till 12-30am, Friday 3am, Saturday 3am & Sunday 12am. It soon became apparent that the owners were going to play their music as loud as they possibly can with no regard for any of the residents living above or in the vicinity of the club. This would then attract passing trade. Now without going into every single detail of all the noise & nuisance issues that have occurred since opening I would like to bullet point what my partner & myself have endured & witnessed on a regular basis.

Very loud music from 8pm - 3am fri / sat, 8pm - 12am thurs / sun

Customers congregating outside drinking, smoking, shouting and being boisterous

Owners never cleaning pathways of cigarettes ends, broken glass / bottles. We awake to this every weekend.

On quite a few occasions people have been urinating and been sick in our doorways.

There has been endless fights and drunken rowdiness at all times of the night.

We now live [REDACTED] Alexandra road and the noise is horrendous all night so god knows how bad it is for those neighbours living directly above the club. We have our grandkids staying over regularly and their sleep patterns are disturbed as are ours.

Yours sincerely

[REDACTED]

Sent from my iPad

Sophie Pickerden (NELC)

From: [REDACTED]
Sent: 23 December 2021 09:34
To: Michael Kheng
Subject: SILHOUTES LICENSE REVIEW



Dear Michael

I am emailing you as joint owner of 36 and 37 Alexandra Road Cleethorpes. The above property consists of ten very nice one and two bedroom apartments. The residents are a mixed group of people, comprising of couples and singles of various ages. We also have a blind tenant and a couple more with fairly serious health issues.

Until Silhouettes opened a few years ago it was a nice quite residential area. This is despite bring above two restaurants and adjacent to bars and takeaways . I put this down to the responsible way all the business were operated.

However since Silhouettes opened its doors it has been a story of an area that is rapidly becoming a place where it is impossible to live

It started with mere noise from inside the bar , but over the last two years has grown to include the following on a regular basis.

Very extreme noise inside and out
High level of violence between customers and staff.
Intimidation of local residents by staff and customers.
Vomit and broken glass etc outside at all times.
After ours parties.
Unnecessary cleaning and refuse removal activities between 2 and 4am.

This has led to some of our tenants moving out due to the problems, and has affected the remaining tenants very badly .

I would like to point out that I was the Chairman of the Grimsby and Cleethorpes Pub Watch for a number of years and have never come across a business that operated with such total disregard for its neighbours or the rules laid down by the local authorities.

I fully support the application to review the premises licence PM000170 for Silhouette lodged by environmental protection. I feel that the premises are unable to adhere to the conditions on their premise licence and as a result is causing problems with public nuisance in the area. I have no trust in the premises that they will adhere to conditions following this review and this is confirmed within the application to review the premises licence as there is a history of visits following complaints which have resulted in the problems continuing. If the operator was responsible they would have taken action to operate as a responsible operator over 2 years ago when first approached by the environmental protection team.

I feel that the only solution for the problems would be for the hours of licensable activities to be curtailed until 10pm on any day of the week.

Best Regards

Joe Ramsden

North East Lincolnshire Council form details

Representation on a licensing application, reference number NELC387901175

Summary of form:

Do you agree to your contact details being made public?: Yes

Do you intend to attend or be represented at any hearing?: No

Date: 23/12/2021

Customer name:

Title	First name	Last name
Miss.	Charlotte	Robinson

Contact details:

Contact telephone number	Email address
Redacted	

I would like to receive the notice of hearing by email:

address details:

House	Street	Town	Postcode
	Redacted		

I make my representation as:: An individual

Name of applicant: Silhouette 38A Alexandra Road

Premises address:

Is the address in North East Lincolnshire?	Please enter your postcode or street name	Please select your address from the list
Yes	DN35 8LE	Steak It Easy, 38 Alexandra Road, Cleethorpes, DN35 8LE

Application details: To support Silhouette of 38A Alexandra Road in favour of their licence.

Last date for representation (if known):

Which of the licensing objectives does your representation refer to? (Select all that apply):

Prevention of Public Nuisance

Prevention of public nuisance: They have door staff on and run a good establishment that is safe for many. They do not cause public nuisance.

If possible please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the licensing objectives: They do not cause public nuisance.

Declaration:

Declaration
I accept