



LICENSING COMMITTEE

10 MARCH 2023

SUPPLEMENTARY AGENDA

PART I

4. APPLICATION TO VARY A PREMISES LICENCE - TRANQUIL TURTLE

At the request of one of the local residents who has submitted a representation in respect of the above application, the minutes of a meeting between Symonds Green Residents and Tranquil Turtle representatives held on 17 October 2023 are attached.

Pages 3 - 10

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Alex Marsh

From: [REDACTED]
Sent: 07 March 2023 16:10
To: Licensing; Alex Marsh
Cc: Sharon Taylor; Michael Downing; Jackie Hollywell
Subject: [External] Re: 23/00031/LAPRE2 Hearing - Application for Full Variation of Premises Licence for Tranquil Turtle, Symonds Green Lane, Stevenage, SG1 2HP
Attachments: image002.png; image001.jpg; image002.png; image001.jpg; Symonds Green meeting171022.docx

Dear Alex and Licensing,

Please find attached for your information the full minutes mentioned by Bradley Kelly in his witness statement Section 11. I would be grateful if they could be circulated as per the witness statement of Bradley Kelly to the Licensing Committee as we wish them to have the full picture. I was one of the residents who attended and indeed both of us had serious concerns about the noise levels from the Tranquil Turtle. Please see a subsection taken from the minutes of Monday 17th October 2022 below:

Noise Levels

Concerns

- Noise levels too high, with music heard as far as Scarborough Avenue.
- High noise levels continue late into the evening.
- Base resonance issue – can feel base through walls/windows.
- Concerns breaking environmental/council noise levels

I am a trained engineer and I offered to help measure the sound levels working with the Tranquil Turtle and was verbally accepted at the meeting on the 17th of October 2023 but my subsequent emails to the Tranquil Turtle went unanswered. I had no failure notices sent to me so I can only presume they chose not to reply.

The Symonds Green Community are very unhappy with the Tranquil Turtle, especially with the noise levels. I find it confusing that Environmental/Licensing at Stevenage Borough Council seems more concerned about the noise after 11 pm as if any noise before this does not matter. The sound level can be and has been unbearable, particularly for children and the elderly who are trying to sleep before 11 pm. The music is often accompanied by loud beats and crowds shouting along with the DJ which is well past statutory nuisance levels.

Please see link below showing the noise levels leaving the Tranquil Turtle well before 11pm and on occasions continuing well past 11pm which we do not feel is acceptable. This is not background music as I am sure you will agree.

<https://www.facebook.com/100028134334873/videos/745851136473793/>

I hope this helps to illustrate what the community has been suffering for over 10 months. I trust I have an opportunity to speak on Friday.

Best wishes

[REDACTED]

On Tuesday, 7 March 2023 at 12:25:56 GMT, Alex Marsh <alex.marsh@stevenage.gov.uk> wrote:

Good afternoon,

Please find attached the supplementary agenda for Friday's hearing.

Kind Regards

Alex Marsh

Licensing Officer

Environmental Health and Licensing

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

Email: alex.marsh@stevenage.gov.uk

Direct Line: 01438 242505

Mobile: 07874866433



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Symonds Green/Tranquil Turtle Community Meeting

Date	Monday 17 th October 2022	Chairperson	David Garley (Resident)
Time	7pm	Minute Taker	Emma Garley (Resident)
Location	Tranquil Turtle	Apologies	Stuart Mendelson (Previous Group Admin)

Community Representatives	David (Resident) and Billy (Resident and new Group Admin)
Tranquil Turtle Representatives	Bradley (Owner), Harley (Owner), Kelly (Manager), and Charlotte (Manager). Others were in attendance but did not participate in conversation.

Purpose

This meeting has been arranged to discuss complaints both to the council and on social media platforms from the public regarding noise disturbances and other concerns arising from the Tranquil Turtle, it's purpose to resolve amicably so that all can continue to enjoy living in the Symonds Green area and all that it has to offer.

Please note both Chairperson and Minute taker are both impartial and had no personal agenda at the meeting.

Tranquil Turtle will herein be referred to as TT

Agenda

- Noise Levels
- Alcohol and Music License
- Scaffold Structure
- Car Parking
- Community Integration

Noise Levels

Concerns

- Noise levels too high, with music heard as far as Scarborough Avenue.
- High noise levels continue late into the evening.
- Base resonance issue – can feel base through walls/windows.
- Concerns breaking environmental/council noise levels

Discussion

Music Act/Public Nuisance law was discussed but not in great length or confirmed clarity.

TT confirmed that they had received a complaint following the first event on the 7th August 22, and that they themselves agreed that the noise levels were too high. Following this the owners took Decibel (Db) readings to present to the council when they had a meeting to discuss the complaint. The council members Julie Dwan (Licensing Officer) and Christine Walker-Wells (Commercial and Licensing manager) confirmed to TT that there are no set limits on Db levels to which they have to conform, and that noise is subjective, what one feels is too loud and a nuisance another may not. She had advised them that they should take a boundary walk every hour during upcoming events and make a judgement as to whether they felt that the noise level was acceptable. TT confirmed that they have done this on both the 1st October 22 and the 8th October 22. During these occasions they themselves had concerns and requested the DJ to turn down the music volume. The DJs on 'event' nights, whether promoter or private party are brought in by the organiser and are not house DJ. They (DJ's) tend to edge the levels up as they see fit, and therefore TT have had to consistently tell the DJs to manage the noise levels better. The TT also called a resident in Eastbourne Avenue to ask whether the music was too loud, to get a second opinion.

It came as a shock to both residents and the TT that there was no upper limit on Db, and it was agreed by all that if there were it would make this much easier to resolve.

David Garley, who was both an engineer and previous band member, confirmed that base resonance carries further than that of the higher frequencies and that this would be the reason that residents could feel a consistent 'thud' of noise and that it could potentially be reaching Scarborough Avenue.

It was stated by a resident that in Scarborough the noise was not heard inside of the home but outside in the garden.

Following the councils visit, an event that took place on the 1st October 22 where the police were called out to the TT by a resident advising them of a fight that was happening at the TT. Upon arrival the manager was doing a noise boundary walk and they asked the police whether they had found the noise level to be an issue, to which the police confirmed they did not. It was confirmed that no fight had taken place at the venue. The owners also confirmed that since opening that they have had no trouble at the venue.

The TT has engaged with a sound engineer to support them in being able to reduce the noise levels, and the impact on the residents. The output of this is that speakers have been strategically positioned to support the sound to travel away from the residents and towards the A1M.

It was suggested by a community representative that the TT set their own upper Db limit, but concerns again about subjectiveness arose, as TT felt that they could agree an upper limit with one person, but the next may find that set level unacceptable – putting us back to square one. However, this option was not completely dismissed.

The minute taker asked the residents to confirm whether the noise that they deemed to be a nuisance was on specific nights or every weekend or every evening. It was established from this, that the noise levels seem to only be an issue on event nights. This supports the complaints that have been raised specifically on those event nights.

It was questioned whether the councils licensing team and the environmental team were liaising accordingly as concerns from a community representative is that they are not, and this may be more of an environmental issue than that of a licensing one.

Suggestion of equipment that could shut the music off/auto reduce if the level reached a certain Db, however it was discussed whether this would be viable and would work with base resonance which seems to be the main concern. The community representative David felt that it could be possible. No further discussion on this was had.

The TT felt disappointed that the resident that felt some of the residents had not reached out to them to discuss, as they do want to resolve this issue, and provide an establishment that the residents would want come to and enjoy. It was raised by Billy that he had tried to call but there was no answer. The TT apologised for not answering, and that they have since set up a voicemail, which goes to email addresses so that the management can pick these up during the evening. Prior to this they have found it difficult during event nights to be next to the phone due to other work duties.

Actions

- TT to have a generic Facebook profile with the Symonds Green Community Group so to be able to advise of upcoming events, and another avenue to message directly to them.
- Continued work with the council, who are planning a visit during an event to establish whether they feel the levels are a concern.
- Owners and an attending resident arranging a boundary walk together to take Db readings.
- TT implementing an inhouse disclaimer to all visiting DJs which states requirements on noise levels, situation of kit, the right to reduce the noise levels or shut the music down if management deem inappropriate.
- A review will be had following the above.

Alcohol and Music License

Concern

- Residents have expressed concern that there is a speculation of the venue requesting to change their license to a Nightclub, and the impact this will have on the local area.
- TT operating outside of current license, for example music played later than set licensing hours.

**Please note that this was not raised at the meeting by any in attendance but was discussed due to the comments posted on the Symonds Green Community Facebook Group.*

Discussion

The TT confirmed that no request has been made to change the license to a night club, and that they still operate under the license that was approved before opening.

Currently Music can be played:

Outside until 11pm

Inside until 1am

All patrons must leave site by 1:30am

The TT invites anyone in to view the license that is on the wall inside the venue.

No further discussion was had on this topic.

Actions - None

Scaffold

Concerns

- Conservation area. Has it met the environmental/ legal requirements? Local residents struggle to carry out building works and must meet specific requirements/legalities, how has this been allowed at the TT?
- Eyesore.

Discussion

TT confirmed that they have erected the scaffolding whilst they carryout works on the outside of the venue. TT confirmed it is not a permanent structure, and they do have intentions to remove in the future but cannot at this stage confirm when. It was pressed whether if kept for long enough it would become a permanent structure? Again, confirmation from TT is that it will be taken down at some stage.

TT have confirmed that they have followed the necessary channels for the erection of the scaffolding and that the council are aware of its presence.

Due to it being non-permanent it does fall outside of the legal requirements that a permanent structure would need to adhere to, and therefore the TT feel that they have done nothing wrong, as they have followed the requirements for scaffolding and non-permanent structures. The TT also stated that it is on their land, and they have the right to be able to erect the scaffolding for as long as required. It was questioned that if it had been on a neighbouring home would it be an issue?

Concerns that it is an eyesore were raised, with residents feeling that it detracted from how nice the venue looks from the outside. TT agreed that it isn't the nicest and are open to suggestions on how to make the structure aesthetically pleasing, and in keeping with the area. A suggestion in keeping with like inside décor the venue could use foliage on the outside of the scaffolding which would help to blend it into its local environment.

Actions

- TT to implement foliage or similar on the outside of scaffold struct as suggested.

Car Parking

Concern

- Residents expressed concern of cars parking on the green

**Please note that this was not raised at the meeting by any in attendance but was discussed due to the comments posted on the Symonds Green Community Facebook Group.*

Discussion

TT believe that this issue arose from a promoter event that was held, whereby attendance by vehicle was higher than usual, but the TT had expected this to be the case and had arranged for a parking marshal to support and ensure that cars did not park in residential parking areas. They agreed that

cars could park along the road leading up to the entrance if a vehicle could access the road without issue.

As no attendee of the meeting had seen the parking concern or had not been affected no further discussion was had.

Actions – None

Community Integration

Concerns

- **None**

Discussion

TT want to highlight they do not wish to be against the community but instead want welcome you to the venue. They have many plans to integrate within the community and felt that the Jubilee Party was a success, and everyone went away happy.

They have implemented a new management team, and chef and have plans to introduce kids eat free on a Sunday, new menus, continue the work with Starlight and Turtle charities, as well as the continued offering of discount to NHS staff.

Christmas they will have a Santa grotto and mini winter wonderland for all the family to enjoy as well as the waffle house that will be opening.

It was raised that the venue from the outside seems very dressy and that a local dog walker wouldn't think 'oh I'll stop in with my muddy boots and dog for a drink'. The TT appreciates this and have implemented the dog water barrels outside to show that they would welcome all those in. TT management have asked that people please do visit, have a tour of the venue and get to know them, as they would like to know their local community.

Actions – None

No other concerns meeting was adjourned.

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