

Aylesbury Vale District Council

AYLESBURY VALE
DISTRICT COUNCIL

09 JUL 2018

April 2017 LA17

RECEIVED
ENVIRONMENTAL HEALTH & LICENSING SERVICESApplication 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.

(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
Mirage Night Club, 39A Buckingham Street

Post town Aylesbury

Post code (if known) HP20 2NQ

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

Mirage (Aylesbury) Ltd

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

PR0042

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)



I P	III I
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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐

Other title
(for example, Rev)

Surname

First names

--	--

Please tick ✓ yes

I am 18 years old or over



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)

--

Name and address

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

Please tick one or more boxes ✓

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

☐ ☐ ☒ ☐

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

I am requesting a review of the current licencing hours in relation to Mirage nightclub on Buckingham St, Aylesbury, specifically because of the noise emanating from the club in the early hours of the morning. The nightclub is in the basement of the same building in which I have the misfortune of owning an apartment. I have owned the apartment since the building was developed into residential properties approximately 12 years ago. A short time after purchasing the apartment, a licenced premises was opened in the basement, back then it was opened as a 'gentleman's' club. Had I been aware that this was to happen I would not have purchased the property.

When the club originally opened it was granted a licence as a lap dancing club but once the club was established the owners have sought to vary the licence and its opening hours until it is a fully fledged 'nightclub'. I have previously attended a licencing hearing (date unknown) in relation to the club owner requesting an extension to the operating hours. Although the EHO were present for this hearing and confirmed music was audible in my apartment, the club owner was granted an extension until 3am. To this day I am still baffled as to how the club was granted this variation bearing in mind my objection with supporting evidence from the EHO.

Needless to say the problem has not gone away and continues to make my home life miserable, I commute to and from work 2 hours every day and come the end of the week I have an expectation that I should be able to relax and recharge my batteries in my own home come the weekend. However in reality every weekend I have to try and ensure I am staying elsewhere on Friday and Saturday nights. However, being a single parent this is not always possible. I can hear the music from the club coming up through the building and into my bedroom from about 12.30am until closing at 3am and sometimes beyond this time. I have again requested assistance from the EHO who again recently installed noise monitoring equipment. This confirmed that borderline levels of noise could be heard. This ongoing situation has had an adverse effect on my health and wellbeing.

If this was a noisy neighbour complaint at random times of the day and night and with very little that could be done I could understand but this is a licenced premises sharing floor space with a residential building and their actions can be managed.

I politely request a review of Mirage Nightclub's operating licence and whether it should be allowed to continue to operate, but more realistically at this stage, a review of its opening hours in light of my long term complaint. I have a lovely apartment in the town centre but my enjoyment of living there is ruined and it is actually a miserable existence in the knowledge that every weekend I'm stuck there I will suffer from a lack of sleep and the annoyance associated with lying awake waiting for the club to close.

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

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"/>

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

When the club owner requested an extension to 3am licence I attended a hearing held at Gatehouse Way council offices (date unknown). There was a panel plus solicitor. The club owner (then Jack Michael now deceased) myself and EHO at the hearing.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

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

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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



Premises Licence

Premises Licence Number

18/00064/LAPRE (PR0042)

Date Issued

13 March 2018

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Mirage
39a Buckingham Street
Aylesbury
Buckinghamshire
HP20 2NQ

Telephone number 01296 435690

Where the licence is time limited the dates

Not applicable.

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Monday to Wednesday	12:00 - 02:15
Performance of Dance	Monday to Wednesday	12:00 - 02:30
Performance of Live Music	Monday to Wednesday	12:00 - 02:30
Playing of Recorded Music	Monday to Wednesday	12:00 - 02:30
Other Entertainment of a Similar Description to Music / Dancing	Monday to Wednesday	12:00 - 02:30
Late Night Refreshment	Monday to Wednesday	23:00 - 02:30
Sale by Retail of Alcohol	Thursday to Saturday	12:00 - 02:45
Performance of Dance	Thursday to Saturday	12:00 - 03:00
Performance of Live Music	Thursday to Saturday	12:00 - 03:00
Playing of Recorded Music	Thursday to Saturday	12:00 - 03:00
Other Entertainment of a Similar Description to Music / Dancing	Thursday to Saturday	12:00 - 03:00
Late Night Refreshment	Thursday to Saturday	23:00 - 03:00
Sale by Retail of Alcohol	Sunday	12:00 - 23:00
Performance of Dance	Sunday	12:00 - 23:30
Performance of Live Music	Sunday	12:00 - 23:30
Playing of Recorded Music	Sunday	12:00 - 23:30

Other Entertainment of a Similar Description to Music / Dancing	Sunday	12:00 - 23:30
Late Night Refreshment	Sunday	23.00 - 23.30

The opening hours of the premises

Opening Hours	Monday to Wednesday	12:00 - 02:30
Opening Hours	Thursday to Saturday	12:00 - 03:00
Opening Hours	Sunday	12:00 - 23:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Supply of alcohol from these premises is authorised for consumption on the premises only

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mirage (Aylesbury) Ltd
39a Buckingham Street
Aylesbury
Buckinghamshire
HP20 2NQ

Tel: 01296 435690

Registered number of holder, for example company number, charity number (where applicable)

Company Number 07698110

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Annex 1 – Mandatory conditions

For the purposes of this schedule

"the Act" means the Licensing Act 2003;

"Anti-Social Behaviour" has the meaning given in section 36 of the Anti-social Behaviour Act 2003;

"Disability" has the meaning given in section 1 of the Disability Discrimination Act 1995;

"Relevant Premises" has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act;

"Responsible Person" has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence).

Mandatory Condition - s19 of the Licensing Act 2003 - Supply of Alcohol

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.

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

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014:

Mandatory Condition 1

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory Condition 2

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

Mandatory Condition 3

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or .
 - (b) an ultraviolet feature.

Mandatory Condition 4

The responsible person must ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint; .
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
 - (iii) still wine in a glass: 125 ml; .
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2013 (MANDATORY CONDITIONS) ORDER 2014:

Mandatory Condition 5

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:-
 - (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 amount 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) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
 - (2) 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.

Annex 2 –Conditions consistent with the operating schedule

1. Non-standard timings for all licensable activities (including opening hours)

In this condition, permitted hours mean the hours stated above with the following exceptions:

- a. On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.
- b. On Christmas Eve an extension to the terminal hour by one hour.
- c. Over Bank Holiday weekends, on the Friday, Saturday, Sunday and Monday, an extension to the terminal hour by one hour.

General Licensing Objectives

- a) We adopt strict policies in respect of Dress Code
- b) Searching all customers before entry
- c) Members of Pubwatch
- d) Security staff licensed
- e) CCTV in all key areas of the club

The prevention of crime and disorder

- a) All customers are searched before being allowed to enter the premises
- b) CCTV in all key areas of the club which are monitored by the security staff
- c) Licensed security staff who constantly monitor customer activities whilst in the club
- d) Members of Pubwatch
- e) There shall be no entry or re-entry of patrons to the premises after 02.30 (this is to include patrons wishing to exit out onto the street to smoke) and that this shall be advertised outside the premises.
- f) On Thursdays, Fridays and Saturdays, at least two door supervisors shall be outside at the front of the premises whilst patrons are queuing to enter and at least one door supervisor shall be outside at the front when the premises are closing until the last patron has left.

Public Safety

- a) All customers are searched before being allowed to enter the premises
- b) CCTV in all key areas of the club which are monitored by the security staff
- c) Licensed security staff who constantly monitor customer activities whilst in the club
- d) Members of Pubwatch
- e) Function room and toilets are constantly monitored by security staff and general staff members
- f) The maximum capacity of the licensed premises is: 240 Persons

The prevention of public nuisance

- a) All customers are searched before being allowed to enter the premises
- b) CCTV in all key areas of the club which are monitored by the security staff
- c) Licensed security staff who constantly monitor customer activities whilst in the club

- d) Members of Pubwatch
- e) Function room and toilets are constantly monitored by security staff and general staff members
- f) Customers are refused alcohol if the management feel that consumption of more alcohol will result in nuisance to the general public
- g) There shall be no entry or re-entry of patrons to the premises after 02.30 (this is to include patrons wishing to exit out onto the street to smoke) and that this shall be advertised outside the premises.
- h) On Thursdays, Fridays and Saturdays, at least two door supervisors shall be outside at the front of the premises whilst patrons are queuing to enter and at least one door supervisor shall be outside at the front when the premises are closing until the last patron has left.
- i) A noise limiting device shall be fitted and maintained in such a manner as to control all sources of amplified noise (including music and speech) at the premises to the satisfaction of an authorised officer of the responsible Environmental Health Authority. Specifically, this shall mean that amplified noise (including music and speech) from the premises shall not be audible within any residential accommodation between 21:00 and 09:00 daily. The noise limiting device shall be adjusted as necessary in accordance with any reasonable written requirement from the said officer.

The protection of children from harm

- a) No children are allowed in the premises except on the occasion of a private party
- b) Children are located in one area and monitored by a dedicated member of staff
- c) Children are supervised at all times.

Other Additional Conditions

- (a) To the extent that striptease is permitted by law, it shall be deemed in these conditions to apply to all forms of striptease, or nudity by male or female performers.
- (b) The striptease entertainment shall be given only by performers / entertainers who are engaged exclusively for that purpose and have been provided with a copy of the performance code of conduct by the Licensee.
- (c) Any performance will be restricted to dancing and the removal of clothes, there must not be any other form of sexual activity or the use of sex articles as defined in the Local Government (Miscellaneous Provisions) Act 1982.
- (d) There shall be no physical participation by any member of the audience or any other performer except as detailed in (e) below.
- (e) The only time any physical contact is allowed with a customer, is when the performer introduces him / herself (handshake / kiss on the cheek) at the start of the performance and again at the conclusion of the performance; or when a tip is placed in the garter (females) or arm band (males). There shall be no other form of contact.
- (f) Should a customer touch a performer, the performer may issue a verbal warning. If this happens again the performer shall immediately withdraw, and report the matter to the Duty Manager, who will take the appropriate action. At no time will the performer respond physically to such provocation. The Duty Manager, who if necessary may be supported by a Registered / Licensed Door Supervisor, will deal with the situation.
- (g) No performer shall give or accept telephone numbers from members of the audience.
- (h) To ensure that no performer makes any arrangement to meet a customer, they will be obliged to leave the venue by a separate exit, and utilise safe transport that will be approved or arranged by the management of the premises.
- (i) No performer shall be allowed to work if, in the judgement of the Management, they appear to be intoxicated, or under the influence of illegal substances.
- (j) No customer shall be admitted to the premises if, in the judgement of the Management, they appear to be intoxicated, or under the influence of illegal substances.

- (k) If performers are invited to have a drink with a customer the performer shall remain fully clothed during this period.
- (l) Performers shall be provided with changing room(s), which shall be located so as to be separate and apart from the public facilities.
- (m) Changing rooms are to include make up lighting, mirrors and seating.
- (n) No person other than performers and authorised staff shall be permitted in the changing room(s).
- (o) No spouse, partner, or friend of the performer shall be allowed in the performance area without the management's approval.
- (p) A notice outlining Condition (e) shall be clearly displayed at each customer's table and at the entrance to the premises.
- (q) On arrival each customer shall be made aware of the 'house rules'.
- (r) There shall be no sexually explicit external advertising likely to cause offence as to the nature of the activity being held on the premises.
- (s) Whilst striptease is taking place no customer under the age of 21 shall be allowed on any part of the premises licensed for the sale of alcohol and a notice shall be displayed in clear terms at each entrance that:-

NO CUSTOMER UNDER 21 TO BE ADMITTED (Whilst striptease is taking place)
- (t) The Licensee shall ensure that gratuities are not thrown at any performer.
- (u) A clear copy of these conditions shall be exhibited at all times in or near the performers changing room(s). These conditions shall be protected against theft, vandalism or defacement.
- (v) On those days where the entertainment is by way of striptease, only those dancers engaged by the licensee of the premises or their representative shall be permitted to perform striptease.
- (w) All striptease entertainments shall only be performed in the area of the club as marked on the plans deposited with the Licensing Authority.
- (x) The entertainment / performance shall not be visible from the highway (includes footway).
- (y) Pole, tableside and booth striptease performers are to remain standing during a performance of striptease.
- (z) The premises will be equipped with a CCTV system, installed and maintained to the satisfaction of the Licensing Authority, who will be advised by Thames Valley Police. All cameras will continually record during striptease and nudity performances. The recordings will be kept for a minimum of 28 days, with accurate date and time markings. Recordings shall be made immediately available to a Police Officer or a duly authorised officer of the Licensing Authority.
- (aa) Other than the recordings made in accordance with Condition (z), no photographic, filming, recording or electronic transmission of performances shall take place without the prior consent of the Licensing Authority.
- (bb) The proprietor / director of the company is to ensure that prior to engagement, all performers provide document(s) proving that they are aged 21 years and over and document(s) proving that they are legally entitled to work in the UK. Such documents are to be copied and retained on the performers file.
- (cc) All performer files are to be retained for a period of 6 months after engagement, and made available to the statutory authorities upon request if required for investigative purposes.
- (dd) Where the proprietor / director employs performers from an agency, the performers must still provide the relevant documentation as required in Condition (bb). Details of agencies providing performers are to be made available to the statutory authorities upon request.

Annex 3—Conditions attached after a hearing by the licensing authority

Not applicable.

Annex 4 – Plans

See attached.

Ashton, Kerryann

From: Aylesbury Vale District Council <do-not-reply@aylesburyvaledc.gov.uk>
Sent: 03 August 2018 12:01
To: Licensing Mailbox
Subject: Mirage

Dear Colleagues

I have reviewed the information as part of this licensing appeal and have the following comments to make from an Environmental Health point of view.

Environmental Health (EH) has investigated complaints about noise in Flat 7 which are alleged to have come from Mirage over the last few months. Our initial investigations indicated that Mirage were causing a potential noise problem due them changing their sound equipment.

We have worked with the business to help them understand the issue and they have taken steps to remedy the situation. Environmental Health attended Flat 7 recently following improvements made by the business and this confirmed that there was no significant noise problem that would amount to a statutory nuisance. We have now closed the case based on this evidence.

Best wishes

Brett Warren
Principal EHO

Ashton, Kerryann

From: 
Sent: 30 July 2018 15:38
To: Licensing Mailbox
Subject: Mirage nightclub

I recently submitted a request for a review of the licence of Mirage on Buckingham St, Aylesbury. I have been made aware that the owners have employed a sound specialist in an effort to reduce the noise emanating from the nightclub. I have been approached by the club owner and asked if I can withdraw my review request. In light of the efforts the owners are currently making I would like to withdraw application to review their licence.

Regards
Neil Chapman.

Sent from Yahoo Mail for iPhone

Ashton, Kerryann

From: peter michael <peter@miragevenusclubs.co.uk>
Sent: 30 July 2018 14:54
To: Ashton, Kerryann
Cc: Michael
Subject: Re: Fwd: Noise complaint - our ref: PR201801-186527
Attachments: IMG_1971.PNG; IMG_1970.PNG

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Kerryann

Hope you are well.

I trust you have received the report from Robert Beresford at the EHO. Given the fact that the EHO found levels of 28 - 33db in his flat and based on the evidence, the grounds Mr Chapman is relying on are prone to fail.

In any event we have had discussions with the complainant and he has agreed to withdraw his application to review our licence and review later in the year due to the fact he is "not sure the next time he will be in the flat" and we have assured him we are taking steps to reduce the noise. (see attached texts between Mr Chapman and Michael)



We are still committed to reducing the sound levels and have engaged a sound technician, who has been in contact with the EHO to install new hardware.

Please confirm you have received the same from Mr Chapman and if we can remove the blue notice from our notice box.

Kind regards,



Peter Michael
General Manager

Tel: 01296 435 690
E-mail: peter@miragevenusclubs.co.uk
Web: www.mirageclubs.com
Instagram: [mirage_bar](https://www.instagram.com/mirage_bar)
 [Mirage Bar Aylesbury](https://www.facebook.com/MirageBarAylesbury)
 [@MirageAylesbury](https://twitter.com/MirageAylesbury)

On 12/07/2018 14:25, Ashton, Kerryann wrote:

Hi

Neil

Thursday 16:26

I'm happy to withdraw and review later in the year. Just bear in mind the club has been disturbing me for years. I'll see if the recent reductions make a difference. Re assess after the summer.

Thanks Neil, thats really helpful.

Did you notice any difference on the weekend just gone?

I have a company installing a new noise limiting device soon.

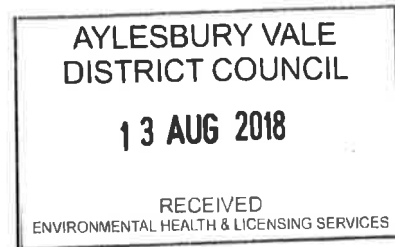
Ill let you know when it is in.

Thank you,

Delivered



Licencing Department
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF



by hand and by e-mail
kashton@aylesburyvaledc.gov.uk

6th August 2018

Dear Sirs,

**Re: Review of Premises Licence PR0042 – Mirage 39a Buckingham St, Aylesbury
Buckinghamshire HP20 2NQ**

Further to the application to review our Premises Licence made by Mr Chapman, we set out our submissions in response to the ground of prevention of public nuisance.

REVIEW

1. Pursuant to the Licencing Act 2003, the Licencing Authority ("LA") in carrying out its licencing functions must take into consideration the Licencing Objectives ("the Objectives") including the Councils' Licencing Policy ("the Policy") which states at 1.8, it will be used as a "*starting point when deciding applications, variations and reviews*".
2. The relevant ground for the purpose of this review is the prevention of public nuisance due to the noise of "*the music from the club coming up through the building*". In order to protect this Objective, Mr Chapman is asking the council to; -
 - Revoke our Premises Licence in its entirety; or
 - Have our licencing hours reduced.
3. Either of these actions would lead to the closure of the venue including any variation to our licenced hours as this would mean the business is no longer commercially viable.
4. The only independent, impartial expert evidence the council has received to date is the Environmental Health Officers ("EHO") report (Appendix 1), which will be discussed in further detail below. Paragraph 7.24 of the Policy states "*much weight will be placed on recommendations made by the Environmental Health Officers in terms of preventing public nuisance.*" We therefore urge the council to give the appropriate weight to the outcome of the EHO investigation, which found no nuisance. As on the evidence there is no nuisance, we submit to the council that no appropriate action need be taken in modifying our Premises Licence.

5. There is already a licence condition at Annex 2 of the Licence, which states we must have noise limiting equipment. Although the equipment itself is now being upgraded, the condition is satisfactory in its current wording.
6. Paragraph 1.14 of the Policy states that the LA recognises that licenced premises are valuable employers.
7. Indeed, Mirage employs, bar staff, DJ's, security staff, cleaners as well as all local sub-contracted businessmen such as, Chill-ton refrigeration who maintain the fridges, Class Act who maintain the sound and lighting equipment, Beacon Alarms who maintain the burglar alarm Aylesbury Fire Systems who maintain the fire equipment and UK Security Group who maintain the CCTV.
8. All these employees would be out of a job and all these contractors would lose a customer if we were to have our licencing hours reduced.
9. Paragraph 1.14 also states that licenced premises are "*valuable in attracting tourists and visitors*" and 1.15 states the need to "*encourage and promote a broad range of entertainment.*" 1.17 further elaborates on the "*development of cultural diversity and live performances.*"
10. Mirage is the longest serving nightclub currently operating in Aylesbury Town Centre. In the 15 years we have been open we have brought a range of live performers, celebrity DJ's and live comedy acts to Aylesbury, which differ to other venues in Aylesbury town centre. We have an average of 550 people attend our club, from Wednesday to Saturday and have done so for 15 years, it would not only be a loss for the stakeholders but also the people of Buckinghamshire who enjoy our venue.
11. Paragraph 4.2 of the Policy states "*flexible licencing hours can help to avoid harm to the licencing objectives caused by simultaneous exit from licencing premises and can help to promote diverse leisure economies*".
12. If Mirage were to close, then the three remaining nightclubs in town would close at 02:30. This would lead to the spill of circa 700 people from Fever and 350 people from Niche onto Kingsbury/Market Square at the same time in addition to any people from Mendoza's. This is more likely to lead to a public nuisance and crime in Aylesbury Town Centre on Friday and Saturday nights.
13. Aylesbury recently received Purple Flag status and the scheme praised the Policy "*that encourages the staggered closing times of venues which would be the envy of other towns and cities*" (Appendix 2). Ultimately, Mirage plays a key role in closing at 03:00 by helping to disperse crowds and break up the evening.

EHO INVESTIGATION

14. As the council is aware, in conjunction with Mr Chapman's application to review, he had also submitted a complaint to the EHO on or about the 25th April 2018. When we were informed of this complaint we took immediate steps to limit the bass frequencies and set out the sequence of events below; -
 - 1) On the 27th April 2018 we sent Mr Chapman a text and asked him to call us and received no response (Appendix 3). — *Removed*

- 2) On the 30th April 2018 we e-mailed Mr Chapman and informed him we had a sound engineer attending site and offered to attend the flat in order to understand the sounds coming into the flat and set adjustments accordingly. Mr Chapman did not reply (Appendix 4).
- 3) On the 1st May 2018 a reputable sound engineer from, Class Act attended the premises to reduce the bass frequencies by adjusting the graphic equalizer.
- 4) On the 5th May 2018 we met with Mr Robert Beresford of the EHO who inspected our equipment and seemed satisfied.
- 5) On or about the 15th May 2018 we had the sound engineer return to again lower the bass frequencies on the graphic equalizer.
- 6) On the 23rd May 2018 Mr Beresford informed us he was still receiving complaints and that these related to the weekend of 11th & 12th May 2018, i.e. before the second adjustment.
- 7) On the 26th May 2018, we informed Mr Beresford that an adjustment had been made and subsequently discovered it was made after receiving the complaint.
- 8) On the 31st May 2018 we submitted a comprehensive report produced by the sound engineer to Mr Beresford (Appendix 5).
- 9) We then heard nothing further from the EHO and assumed the matter was resolved, until we received the application to review our licence on the 7th July 2018.
- 10) On the 10th July 2018 we had Class Act return for a third time to again reduce the sub-bass and resonant frequencies (Appendix 6).
- 11) On the 11th July 2018 we sent Mr Chapman a text asking to discuss the review and met to discuss, he agreed to withdraw the application pending the outcome of further sound checks. The sound checks never took place, as Mr Chapman was not available for the following 3 weeks.
- 12) On the 23rd July 2018 we instructed Leamington Sight & Sound Ltd ("LL&S") to advise on ways to reduce sound levels. LL&S advised that any sound coming into Mr Chapman's flat is a result of "building transfer" and the Formula Automatic Volume Controller 2 ("AVC2") should replace the Formula Sentry Sound Limiter currently in place, as it blocks pre-set levels of sound ever being reached.
- 13) On the 24th July 2018, LL&S contacted the EHO to discuss his advice and request his assistance including reports and sound measurements.
- 14) On the 26th July 2018, Mr Chapman stated that he wouldn't be able to allow us access to the flat to conduct sound checks, as he was going to be away, but was willing to withdraw his application and submit a further review if not satisfied. There is however as we understand, no legal basis to withdraw a application to review a Premises Licence as it is a serious step to take in the first instance.
- 15) Neither we nor LL&S heard from the EHO until the 30th July 2018 when the EHO informed us that it had concluded its investigation and found no nuisance was being caused as sound levels in Mr Chapman's flat were found to be between 28db – 33db. Which is extremely low and witnessed no unreasonable levels of noise that could be isolated to Mirage.

15. We have still instructed LL&S to install the equipment in any case and were recommended a "*best defence approach*" to setting the sound levels. The new AVC2 sound limiter should be installed with 7 working days from the date of this letter.

ST JAMES HOUSE RESIDENTS

16. We have spoken to most of the residents of St James House to ascertain if they also hear music emanating from the club. The residents we have spoken to state they do not hear any music emanating from the premises during our opening hours and three of the residents have written letters in support (Appendix 7).
17. Flat 2 and Flat 1 are two floors below Mr Chapman's and Flat 1 has bedrooms in the same location as Mr Chapman's.
18. As we are also the freeholders of the building, we do have some contact with the leaseholders and occasionally the tenants and receive feedback. To date only Mr Chapman has stated he hears music coming from the club.

SUMMARY

19. We feel it is a shame that Mr Chapman has the "*misfortune of owning an apartment*" that our father built and felt it necessary to take such a drastic measure in applying to review our Premises Licence and ultimately try to destroy the livelihood of a family and a business' employees, especially when he had already taken appropriate steps with the EHO who were in the process of investigating his complaint.
20. At an early stage we had attempted to contact Mr Chapman in the interest of resolving the issue through the use of technology and to come to an arrangement which would leave both parties satisfied and we find it disingenuous of Mr Chapman to say that the music is causing him an issue, yet when presented with the opportunity to resolve the issue, he chose to ignore our e-mail and texts in April and instead preferred to take the heavy handed approach of trying to close our business.
21. Ultimately Mirage has taken many steps, worked with the EHO and tried to work with the complainant. We are confident that the music allegedly entering Mr Chapman's as a result of building transfer will remain at what the EHO witnessed in person and found not to be unreasonable (28db – 33db). We will continue to work with the EHO and inform them when the AVC2 is installed.

Thank you for taking the time to read our letter.

M.J Michael
MIRAGE

From: **Beresford, Robert** RBeresford@aylesburyvaledc.gov.uk
Subject: RE: Mirage
Date: 30 July 2018 at 14:22
To: **Ian Potter** ian@lssuk.co.uk
Cc: **Michael Michael** michaelj_michael@hotmail.com, **Colin Bannister** colin@lssuk.co.uk

Dear Mr Potter

Thank you for your email – I have just updated Mirage (Peter Michael) on my findings into a recent investigation which has not found any significant noise in the complainant's property. I have closed the investigation and I am not taking any further action.

However, I have advised Mr (Peter) Michael to work with you and follow your recommendations to achieve a 'best practical means' defence against any future allegations.

As I am not a professional acoustics or sound engineer, I cannot advise you on the type of installation or agree with what you suggest. During investigations, I am informed by taking recordings and comparing the readings from the complainant's property to recommended levels, and then to witness, where possible, the complained of noise to decide if it is reasonable or not. I have not, nor my colleagues, witnessed any unreasonable noise. Recordings have shown very low levels of volume (normally below 28db / peaks of 33db) where complained of bass frequencies were present.


Please take the actions, with the agreement of Mirage clubs, to achieve the best practicable sound reduction as you suggest doing in your email below – I defer to your professional judgement on the matter.

Regards
Robert

Robert Beresford
Enforcement Officer (Environmental Health)

Regulatory Services
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF


Tel: 01296 585 084
e-mail: rberesford@aylesburyvaledc.gov.uk



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- Order new and replacement bins
- Apply for or renew taxi licence

www.aylesburyvaledc.gov.uk/myaccount



From: Ian Potter [mailto:ian@lssuk.co.uk]

Subject Mirage noise complaint - our reference:
PR201801-186527
From Beresford, Robert
<RBeresford@aylesburyvaledc.gov.uk> 
To <peter@miragevenusclubs.co.uk>
Date 30/07/2018 13:57

Dear Mr Michael

Thank you for working with me during my investigation into a noise complaint about alleged bass frequency noise from the Mirage club affecting a local resident.

After my colleagues visited the complainant's home at a time when the complainant would typically be affected by the alleged noise from the club, they returned their reports to me which revealed that they had not witnessed any levels of bass frequency, or otherwise, (from the club) which could be considered to be disruptive to someone's sleep or their enjoyment of the property. Although previous recordings had detected some low levels of bass frequency and overall volume, the subjective perception of my colleagues was that the music was not at a level that would disturb.

In summary – the investigation by myself, and other officers, has been unable to isolate any sound caused by the Mirage club which would likely disturb the sleep of someone as the complainant alleges they have been.

I have closed the case and informed the complainant of this. There is no further action on my part. I have advised licensing of my findings with regard to the recent licensing review that has been called.

Additionally, I have received an email from your sound consultant, Ian Potter, and will advise them shortly. I would advise following his recommendation to achieve a 'best practical means' defence against any future complaints.

Regards
Robert

Robert Beresford
Enforcement Officer (Environmental Health)

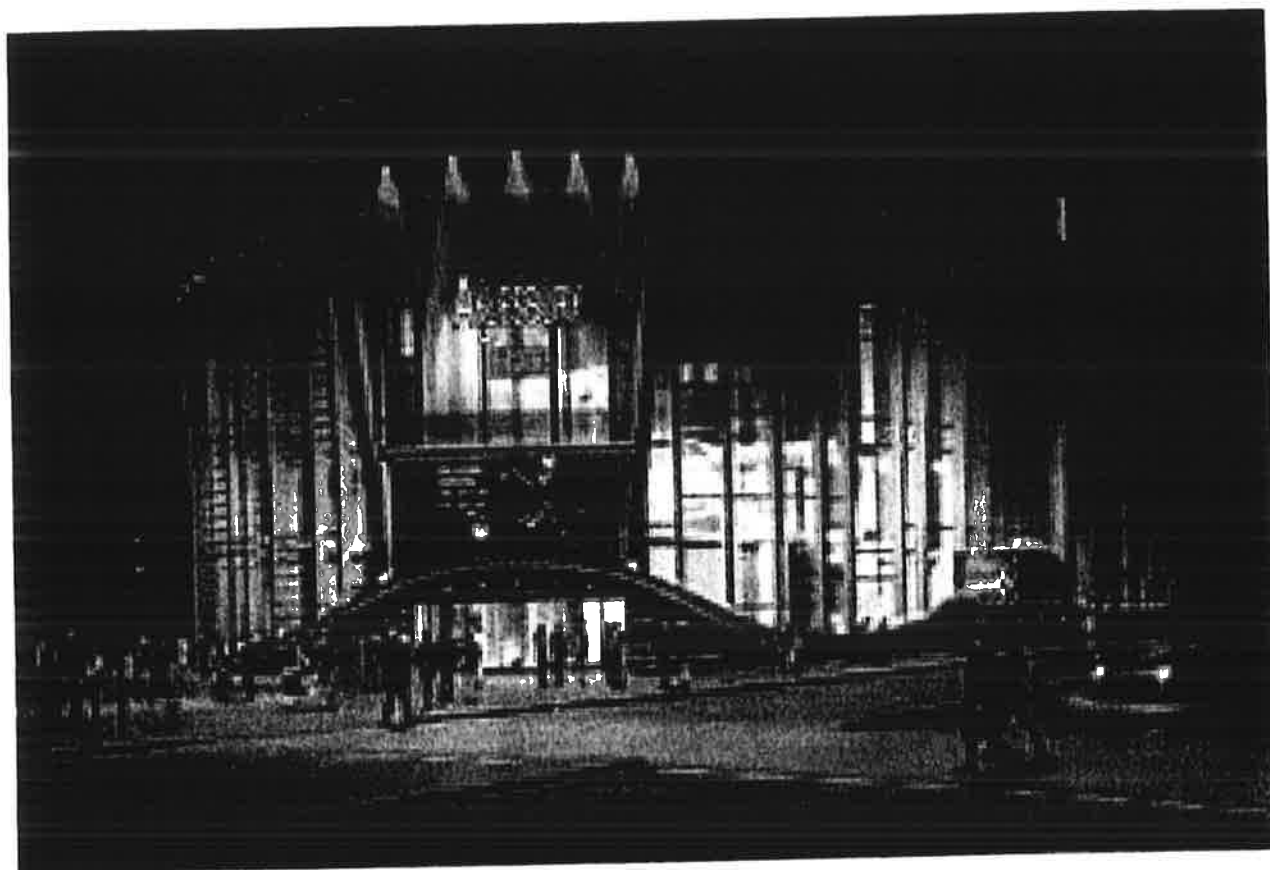
Regulatory Services
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

Tel: 01296 585 084
e-mail: rberesford@aylesburyvaledc.gov.uk



Aylesbury keeps the purple flag flying

21 May 2018



Aylesbury has been awarded a prestigious national award for the fourth time running, marking it out as a great place to go out for a night.

The town centre retained its Purple Flag award following an assessment by the Association of Town and City Management which manages the UK-wide scheme.

Just 70 towns and cities around the UK and Ireland hold the coveted award which recognises a safe town centre that offers a quality night out. Assessors also look at traffic management and the look and feel of the town centre.

Their report heaped praise on the town centre, highlighting key achievements including:

- The policy that encourages the staggered closing times of venues which they said "would be the envy of other towns and cities".
- The positivity and level of co-operation of the Aylesbury Town Centre Partnership and the Night Moves working group participants.
- The much-loved Street Angels service that offers both a listening ear and practical help to revellers, the homeless and the vulnerable.
- The redevelopment of North Exchange which will complement an older part of the town and provide new leisure spaces.

Noise Complaint

Michael Michael

Mon 30/04/2018 14:24

Dear Neil

Further to your recent noise complaint to AVDC, we have a sound technician attending the club tomorrow at 02:00, we were hoping someone would be home so that we could gain access to the flat to test if there is any sound coming into your flat and if so we could limit it to an agreeable level.

Please contact me as soon as possible

M.J Michael

M I R A G E .

www.mirageclubs.com

CLASS ACT

Building 435, Westcott Venture Park, Aylesbury, Buckinghamshire, HP18 OXB
Telephone: 01296 658222 – email info@classact.uk.com

TECHNICAL REPORT - SOUND ADJUSTMENT
MIRAGE - AYLESBURY

31st May 2018

I have visited this location on two locations in an effort to reduce bass noise to a level acceptable to the residents above the club whilst maintaining useable levels within the dance areas.

The first visit report previously sent was as follows:

With the desk master at 12 O'clock and the amplifiers running at full as designed, the initial sound pressure was measured at an Average of: 76db and a peak of: 85db

The main output on the limiter (not accessible to the DJ) was turned back to an Average of: 71db and a peak of 83db

The graphic equalizer was adjusted to reduce the amount of hard Bass/Sub-Bass.

There is obviously a limit to which the system can be turned back as the club has a capacity of 300 and there is a certain level that needs to be reached.

We hope that these adjustments to the system will satisfy all parties concerned.

These changes were correct as of 3pm Tuesday 1st May 2018.

The second visit on or about the 15th May 2018, I was asked to readjust the Graphic Equaliser with a view to lowering the sub-bass and bass elements of the sound system.

After unlocking the Graphic Equaliser adjustments were made bring the overall bass sound down to a hopefully acceptable level. Once complete the Graphic Equaliser was locked to ensure no unauthorised adjustment could be made.

I hope that these adjustments will be to the benefit of all parties.

Yours

Thom Stretton
Technical Manager
admin@classact.uk.com

Appendix (G)



10th July 18.

Building 435
Westcott Venture Park
Aylesbury
Buckinghamshire HP18 0XB
Tel: 01296 658222
Fax: 01296 651616
email: info@classact.uk.com

Audio Adjustment/EQ – Mirage Might Club, Aylesbury

After previous adjustment to the DJ sound system at the above-mentioned venue, I was asked to do a further adjustment to bring down the final 'harsh' frequencies in an effort to lessen any disturbance to neighbours of the club.

Whilst the owners/management of Mirage instruct and (where possible) police the DJ's in their use of excessive volume, they wished to reduce any possible offensive frequencies. To that end:

1. The slope of the sub-bass/bass frequencies between 20Hz and 40Hz were reduced by 2db* over-all.
2. 100Hz, 200Hz & 400Hz (known resonant frequencies) were also reduced 2.5db*
3. Toward the mid to high-end of the spectrum 3.15kHz & 6.3kHz were reduced 3db*
4. The slope of the high frequencies between 10kHz and 20kHz were reduced by 1db* over-all.
5. Once completed the Graphic EQ was Locked to prevent tampering by DJ's.

After all this was done the over-all sound of the club while less loud was still of sufficient volume and quality to enable clients and customers to have an enjoyable night hopefully without nuisance to neighbours.

I hope this report is of use to you, should you have any questions please feel free to call or email as shown below.

Yours

Thom Stretton
Technical Manager
admin@classact.uk.com

*reductions in db are approximate and reported according to the display of the graphic equaliser.

July 17th 2018

To whom it may concern

Regarding a recent complaint to Mirage about the noise levels; For roughly 4 years we have lived on the first floor above the club and have had no issues so far. My roommate and I have never heard any music or noise coming from inside Mirage.

Given that we live in the town centre we expect some level of noise in the street, fortunately the only noise we ever hear is from people after they have left if we happen to still be awake between 3 and 4 am on the weekends. Closing the windows muffles the sound and generally it passes quickly and we are undisturbed.

Should you have any further questions please feel free to get in touch.

Best Regards,

08.08.18

To whom it may concern, I have been asked by the management of Mirage nightclub to conduct a letter explaining any direct effects of noise from Mirage. We moved into flat at St James house towards the end of 2016 and we have had no issues of noise or music coming from the club located below or any disturbances coming from Buckingham street. We are extremely happy and Mirage has no adverse effect on us.

Yours Sincerely

1st August 2018

Aylesbury Vale District Council
Gatehouse Road
Aylesbury · · ·
HP19 8FF

Dear sirs,

I write this letter in support of Mirage Nightclub upcoming licence review.

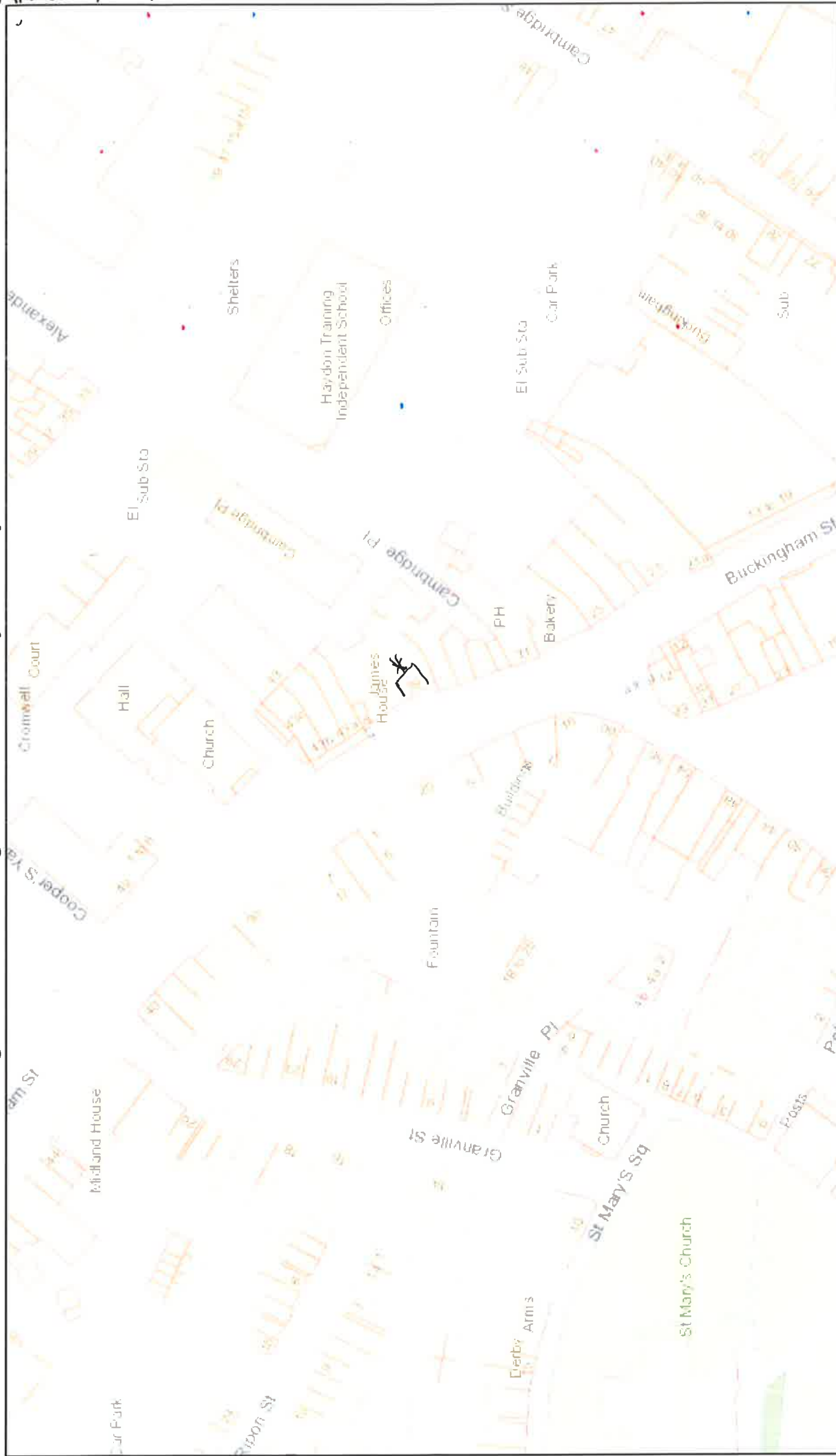
I lived at Flat St James House, which is on the top floor next to for approximately 8 years, from 2010 to 2018 and in that time I have never heard any music or other noise coming from the nightclub into my flat.

Please contact me if you need any further assistance.

Yours faithfully,

Mirage, 39 Buckingham Street, Aylesbury HP20 2NQ

Appendix 7



8/9/2018, 12:00:52 PM

1:1,250
0 0.01 0.02 0.03 0.04 mi
0 0.01 0.03 0.06 km

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