

## APPENDIX B

### Carioca Bar and Kitchen 88 Clarendon Road

#### Background information

Carioca Bar and Kitchen 88 Clarendon Road is situated adjacent to four other commercial premises, a cafe, a chip shop and a small retail shop (see plan attached). There is also a nightclub called Moon and Shine opposite on the corner of Granada Road. The majority of other properties in the area are residential. This location is not classed as part of the night time economy area for Portsmouth.

At this present time it is unclear as to whether planning permission has been granted for permitted use for the bar and kitchen at 88 Clarendon Road, however the owner does have a premise licence which permits them to sell alcohol until 02:00hrs and also allows them to provide regulated entertainment under the Live Music Act until 23:00hrs.

The applicant has applied for a variation to their premise licence to extend the opening hours until 03:00hrs including the sale of alcohol and the provision of entertainment.

Prior to this the Premise Licence Holder has applied for Temporary Event Notices (TEN's) to extend the opening hours as proposed by the variation application, however both the Police (10<sup>th</sup> December) and Regulatory Services (19<sup>th</sup> November 23:00 to 20<sup>th</sup> November 04:00hrs) have made representations for late TEN's under the grounds of the likelihood of public nuisance and public safety. These events have not taken place.

#### Complaint History

Three noise complaints were received by Regulatory Service in July 2022; this was approximately two months after the initial premise licence was granted. Complaints are continuing to be received concerning loud music escaping from the building and from noise from customers smoking outside. Below is a summary of complaints received by Regulatory Services:

On 22nd July 2022, an officer visited the premise in relation to a complaint concerning loud music and spoke with the premise licence holder. She was notified of the complaints and requested to keep the door closed whilst she was having entertainment.

On 23rd July 2022, a local resident contacted the duty out of hour's officer 21:05hrs reporting that there was loud music emanating from Carioca 88 Clarendon Road. When the officer arrived at the complainant's property, the music had been reduced and the door to the premise had been closed.

On 31st July 2022, an officer visited the area at 23:11hrs and witnessed folk music emanating from Carioca Bar. The music was escaping from the bar when customers entered and left the building. The music from the premise was still on going at 23:20hrs when the officer left the area. The music was therefore witnessed beyond the permitted licensable hours.

A complainant contacted the duty out of hour's officer on 12th August 2022 and the officer visited the area at 23:30hrs. The music was audible in both complainant's living room and bedroom with the windows open. A female was singing on microphone and the music was very loud at times. The volume was likely to be increasing when the door to the bar was opened. The officer visited the bar where it was identified that two females were singing on microphones. The entertainment was set up close to the window at the front of the restaurant. The officer requested for the volume of the microphone to be reduced. The officer also recommended the music be moved away from the window and closer to the bar. The premise licence holder said she would rearrange the restaurant the following day.

A further call was made to the duty out of hours on 13th August 2022 at 21:00 by the time the officer arrived in the area (21:35) the volume of the music had been reduced at the restaurant due to the doors being closed.

On 14th August 2022, a complainant left a voice message on the night noise mobile at 00:47 alleging that they had been woken up by music from the restaurant.

On 28th October 2022, the duty out of hours officer received two calls from residents concerning loud music from Carioca. The officer arrived in the area at 22:55hrs. There were 20-30 people stood drinking outside the Carioca Bar. Music was breaking out of premises particularly whenever door opened. However, most of the noise was caused by people stood outside. The officer visited the restaurant and customers were entirely blocking the highway. The officer had to walk into the road to get round the customers. There was also a group of about 20 stood on the opposite side of the road by the strand mural. The officer spoke with the premise licence holder and explained that all the customers standing outside her premise were causing a noise disturbance, the Premise Licence Holder she said that she would bring them back inside.

The officer identified that the music was coming from the Carioca Bar and also that there was music coming from 86 Clarendon Road - Moggys Cafe. The officer saw the premise licence holder enter 86 Clarendon Road. It was later discovered after the event that premise licence holder had extended her Halloween party into Moggys Café (an unlicensed premise) as her venue was not large enough for the event she had organised.

#### **Suitability of structure of the building**

In relation to the last TEN's for the 10<sup>th</sup> December the applicant had advertised for an event which had proposed a live DJ - Anjunaesque. This was advertised as a night club event - see advert from Facebook.

Also a Facebook post has proposed that the bar is aiming to provide live bands on a Friday night and a DJ on a Saturday night next year.

The structure of the building is not suitable for these type of events as the majority of the front façade is single glazed and music played with a high bass content can travel through the glazing. Customers also have to enter and leave through the glass door on the front façade to the smoking area which is on the pavement outside the bar. There is no lobby on the door to the bar to prevent music noise from escaping from the building.

#### **Variation to extend opening hours with the provision of entertainment**

The premise already has a licence for the sale of alcohol until 02:00hrs and under the Live Music Act they are permitted to provide entertainment until 23:00hrs. Since the licence was granted complaints have been received by Regulatory Services and these are still under investigation.

The applicant has been spoken to on numerous occasions when entertainment has been provided and requests to reduce the volume of the music has been made. Due to the confined space of the bar and the provision of entertainment the music escapes through the single glazing and the door when it is opened and closed. This has caused a disturbance to local residents in the area, along with noise from the congregation of customers outside smoking.

The premise licence holder has not demonstrated that they have any measures in place to control the noise from either customers or the music escaping from the building under the existing premise licence operational hours (entertainment to finish at 23:00hrs). Events have been advertised on

Facebook promoting entertainment by a DJ that clearly aimed to increase the volume of music after 23:00hrs (if this event had been allowed to go ahead). It is therefore likely that to allow the provision of entertainment to continue from 23:00hrs to 03:00hrs will cause significant disturbance and sleep deprivation to local residents in the area.

It is unlikely that conditions on the premise licence will prevent a nuisance from being caused if permission was granted for the operational hours to be extended with the provision of entertainment until 03:00hrs. There would also be significant cost implications if the building were to be altered to make it suitable for the provision of entertainment until the early hours of the morning.

It is therefore recommended that the provision of entertainment remains under the Live Music Act and concludes at 23:00hrs.

## Anjunaesque Opening Night

Sat 10th Dec at 8:00pm-Sun 11th Dec at 2:00am

Carioca Bar & Kitchen, Portsmouth

Free + Booking fee (see below)

Age restrictions: 25+

**Anjunaesque**

25 Followers

### Tickets

Free Entry [More](#)

Sold Out  
Free

Qty

Nothing selected yet  
Get Tickets

## Anjunaesque Opening Night

Organic deep melodic progressive.....

2am close, 50 capacity, real intimate venue, FREE entry

Great sound system

Smoking area outside

Drinks/food available

Tunes played/mixed at a volume that you can chat to others till 11, then we go for it for 3 hours.

Opposite Moonshine...

**Location of Carioca Bar and Kitchen - 88 Clarendon Road**



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right time I introduced myself. Name's Mark Percy and I live just round the corner from Carioca. Going to be helping the great little venue in a little bit of promotion / marketing.

Next month we're hosting our first sold out club night on the 10th <https://www.facebook.com/anjunaesque> there, plus hopefully more in the new year.

Please let us know if there's any other type of night you'd like put on and we'll try and cater for it. Next year we're aiming for live bands on a friday and dj's on a Sat. And if one night is gunna be 100% South American, then so be it!!

In the short term, not only can you watch Brazil play down there in an amazing atmosphere, but all of the



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So...we have a venue.

Full details to come.

However, keep December 10th free.

Southsea location!

2am close,

50 capacity, real intimate venue, FREE  
entry

great sound system

smoking area outside

drinks/food available

tunes played/mixed at a volume that you  
can chat to others till 11, then we go for  
it for 3 hours.

Watch this space...!!

  14

18 comments



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**Hernan Cattaneo b2b Guy J Stereo**  
**Montreal 20171216 Part 2 of 2**

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**Anjunaesque**



6 Nov · 🌐

Just over a month away, Who is excited ? I know we are. Out of interest , what style of music would people prefer from 1-2 am? To go slightly higher, trance vibe , bit darker , heavier bass, more melodic, classic style , What are you thoughts as we would love to know ?



3 comments

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