

Leicester City Council -Licence number LEIPRM1318

**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 Noise and Pollution Control Team.....

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 Natterjacks 52A Braunstone Gate	
Post town Leicester	Post code (if known) LE3 5LG

Name of premises licence holder or club holding club premises certificate (if known) Mr. Manoj Kumar
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Number of premises licence or club premises certificate (if known) LEIPRM1318

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

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Alistair Hollis Noise and Pollution Control Team Leicester City Council Phoenix House 1 King Street Leicester LE1 6RN
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

- 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)

Two nuisances have been witnessed by the noise and pollution control team from both amplified music and people noise due to the use of the rear outdoor seating area and back door leading to it.

The first noise nuisance witnessed on 4th June 2021 at 01:50 hours was from amplified music where the back door was closed and opened briefly where a customers or staff members moved in and out. After a warning letter was served, a meeting was held with the DPS and the bar manager where they agreed to control the music to prevent a further noise nuisance. The second noise nuisance witnessed on 27th June at 01:45hours was not from amplified music, but was from people noise where customers were seated in the rear outdoor seating area.

The rear outdoor seating area has introduced a significant noise source to a residential area, Bede Street. There are two main blocks of flats in close proximity to the Natterjacks and overlook the terrace. Although Bede Street is close to a lively night-time area (Braunstone Gate), it receives very little noise relative to the level on Braunstone Gate.

To prevent public nuisance recurring, I therefore formally request a review of the premises licence for the Natterjacks, 52A Braunstone Gate to limit the use of the rear outdoor seating area to 22:00 hours and the door to it to remain closed except for emergency after this time.

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

The Noise and Pollution Control Team have received complaints regarding noise from Natterjacks, 52A Braunstone Gate, Leicester from 15 properties in the vicinity since the 26th April 2021. We have witnessed two noise nuisances from the premises since then.

On the 8th May 2021 a call to the service was received regarding noise from amplified music at Natterjacks, 52A Braunstone Gate at 01:10. Officers then attended at 01:30, where very loud music was observed in the street behind the premises. Due to the current pandemic guidance, officers were unable to substantiate statutory nuisance from within the complainant's property, so no formal action was taken. However, a meeting was arranged to have an informal discussion with the management at the premises.

I, along with Robin Marston (Team Manager), attended the premises on the 14th May 2021 and spoke to Edgard Estrada (soon to be DPS at the time and Kitchen Manager) and Shaun Doyles (Bar Manager). We discussed the observations made on the 8th May 2021 and the amount of complaints we have received to the service since they re-opened post lockdown. They explained that the fire exit door at the back was kept open and the speaker was placed just behind it facing outside. They agreed at the time to remove the speaker and ensure that the door to the outdoor seating area is not kept open. This visit coincided with the build up to the 2021 FA Cup final which was expected to attract a lot of customers. It was agreed that the outdoor seating area should be closed at 22:00 hours in line with COVID guidelines.

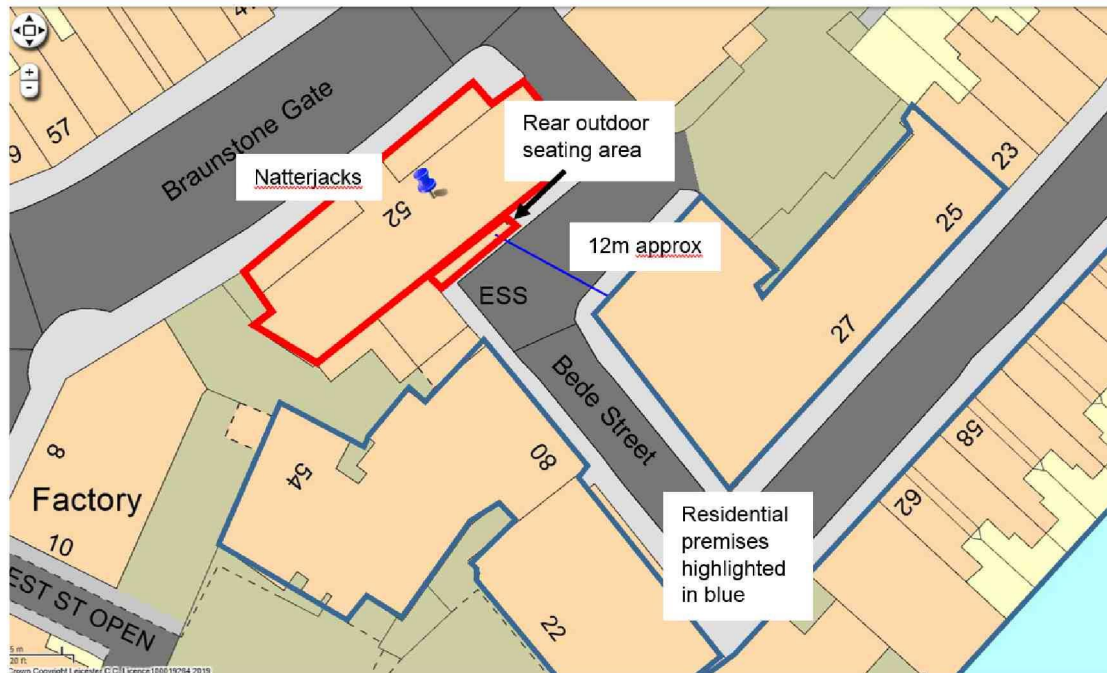
A further complaint was received to the service on 3rd June 2021 at 23:36 hours. An officer attended at 01:50 hours as they were delayed by previous calls. A noise nuisance was witnessed from amplified music and customers. This arised from music being played within the premises and the door being accessible for customers and staff going in and out. This was substantiated in the complainant's bedroom with the window closed. The music was more prominent with the complainant's window open. The officer witnessed customers moving in and out of the premises from the bar to the rear seating area so the fire door to the rear outdoor seating area was in constant use. As a result, a warning letter was delivered by hand to the premises requesting a meeting with the now DPS Edgard Estrada and Shaun Doyle, bar manager on 9th June 2021. Copies of the letter were also sent to Manoj Kumar (PLH) and Edgard Estrada (DPS) to their home addresses.

In the second meeting the noise nuisances were discussed again. It was suggested that the rear fire door to the outdoor seating area should remain closed at all times and the music within the premises should be limited so as not to be clearly audible outside. The Noise and Pollution Control Team offered a sound-check to gauge acceptable levels and for the premises to potentially to install a limiter on the music system. The DPS and PLH were also made aware that further noise nuisances witnessed would result in further action, either in the form of a Statutory Abatement Notice on the DPS and Manoj Kumar as PLH and/or an application to request to review the premises licence.

A further call was made to the service until 27th June 2021 at 01:09hours and officers attended at 01:45hours. A statutory nuisance was witnessed on this occasion from patrons at Natterjacks, 52A Braunstone Gate, using the rear outdoor seating area. The rear outdoor seating area itself had tables set up with patrons both seated and standing. They were drinking and shouting and having loud conversations as if in a noisy bar. Some bass beat from amplified music was observed, however the dominant noise source was the people noise on the rear outdoor seating area. At this time of night, residents are expected to be able to sleep, however this was impossible due to the excessive noise emanating from Natterjacks.

Natterjacks is situated on Braunstone Gate which is a busy night-time area, so noise is to be expected. However, the majority of complainants live in the residential properties at the back of Natterjacks, on Bede Street. Bede Street is a residential area and is very different in nature to

Braunstone Gate. It is a lot quieter at night with a number of blocks of flats as well as terraced houses. The nearest complainants overlook the rear outdoor seating area and are situated less than 15m away from the rear fire door to the outdoor seating area of Natterjacks. The area to the rear of Natterjacks is predominantly residential and premises are occupied by a mix of single residents and families. Please see map below.



Before the numerous complaints since 26th April 2021, there have been relatively few complaints to the service, and none which that were substantiated as statutory noise nuisance. We believe the flurry of complaints began due to the use of the back courtyard when restrictions on hospitality opening were lifted. If the use of the rear outdoor seating area back terrace is limited, and the rear fire doors kept closed then hopefully the issue will be largely resolved.

We are requesting a review of the premises licence to limit the use of the rear outdoor seating area until 22:00 daily. After this time, rear fire door to the outdoor seating area should remain closed at all times and not used for access or egress except in the event of an emergency.

Please tick ✓ yes

Have you made an application for review relating to the premises before **NO**

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

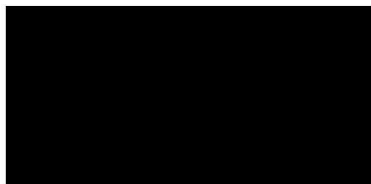
Please tick ✓ yes

- 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 5th July 2021
.....

Capacity Pollution Control Officer
.....

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.