



Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	Neil Cooper
Your Address:	Environmental Health Officer Noise and Pollution Control Leicester City Council Phoenix House 1 King Street Leicester LE1 6RN

Details of premises representation is about	
Name of Premises:	2Funky Bar & Kitchen
Address of premises:	23 New Park Street Leicester LE3 5NH
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/> No
Public Safety	<input type="checkbox"/> No
Prevention of public nuisance	<input type="checkbox"/> Yes
Protection of children from harm	<input type="checkbox"/> No

Please summarise your concerns about this application:
<p>On several occasions the premises has operated with music outside, which resulted in many complaints about noise from the premises. In August 2019 two consecutive noise nuisances were witnessed from the premises when speakers were used outdoors. I am satisfied that it is likely that music outdoors, as proposed, will cause a noise nuisance to local residents.</p>

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

The venue held two events in 2019 that have caused a noise nuisance, and one which resulted in a complaint and was likely to have caused a noise nuisance, although other calls prevented officers from witnessing a nuisance. On each occasion music was played through speakers outside of the premises, in contravention of the premises licence.

On 4th August 2019 at 0130 music from 2funky Bar and Kitchen was sufficiently loud to cause a noise nuisance in an apartment over 300m from the venue. Bass was particularly intrusive, but the volume of music alone, measured in the complainant's bedroom was sufficient to prevent sleep. The source was confirmed as 2funky Bar and Kitchen, where doors and windows were open, and at least one speaker was located outside of the premise. A Temporary Event Notice had been granted for this date, to extend hours beyond existing licenced hours, but had not yet commenced, and at the time that the nuisance was witnessed the premises was operating under then Premises Licence.

On 10th August 2019 at 2130 music from 2funky Bar and Kitchen was again sufficiently loud to cause a noise nuisance in an apartment over 300m from the venue. Bass was intrusive in the complainant's bedroom, dominating the noise from the venue, sufficient to prevent sleep. The source was again confirmed as 2funky Bar and Kitchen, where the source of music was outside of the premise, in contravention of the Premises Licence.

On 31st August 2019 a further complaint was received about loud music from 2funky bar and kitchen. Although other calls prevented officers from visiting the complainant while the noise was allegedly causing a nuisance, brief observations were made outside the premise at 2150, and it was noted that again music was being played outside of the premise, in contravention of the Premises Licence.

I appreciate that no nuisances have been witnessed since 2019, which I presume is because music has been restricted to indoors, in compliance with the exiting licence.

I am satisfied from the above observations that the Premises Licence Holder/Designated Premises Supervisor is unable to manage noise levels from music played outside of the venue. It is clear than any music outside of the premise, other than background music, will cause a noise nuisance to local residents.

The applicant has not proposed any measures in the application to prevent public nuisance from loud music played outdoors.

I therefore recommend that this application, as submitted, be refused.