



## Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	Neil Cooper
Your Address:	Noise and Pollution Control Team Phoenix House 1 King Street Leicester

Details of premises representation is about	
Name of Premises:	The Grapevine
Address of premises:	33-37 Belvoir Street Leicester
Application No. (if known)	Review being made by Leicestershire Constabulary

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 checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> No

Please summarise your concerns about this application:
<p>Complaints were first made about loud noise from this premise, originally called Bar Sirius, in 2008 when the Noise Team received repeated complaints about loud music with an intrusive bass preventing residents of the flats above from sleeping. Since that time the premises has been managed by five Designated Premises Supervisors (DPS), and in every case complaints have continued and noise nuisances have been witnessed. Noise Abatement Notices have been served on each of the DPSs, and three of the DPSs have been required to attend interviews under caution. The sound system from the bar has been seized on two occasions. A condition on the Premises Licence states that music should be played through a sound limiter to prevent causing noise nuisance. A number of sound checks were therefore also undertaken between the bar and the flats affected by the noise to try to ensure that music from the premises was kept to a level so as not to disturb residents. Unfortunately, these levels were not always kept to. Despite this extensive enforcement action by the Noise Team complaints have continued and further noise nuisances have been witnessed.</p>

Between 2008 and January 2013 thirteen noise nuisances were witnessed by the Noise Team. This number of noise nuisances would normally have instigated at least one seizure of the sound system in the bar, but due to a succession of three consecutive Designated Premises Supervisors between October 2011 and 2013, legal abatement notices had to be re served on each before the procedure leading to a seizure could be implemented. As a result local residents suffered ongoing noise nuisances that otherwise would have been abated by the seizure of the sound system, subject to a Magistrates warrant. Nevertheless after four consecutive noise nuisances witnessed between June 2012 and January 2013, during which period the premise remained under the management of the same DPS, the Noise Team successfully applied for a Magistrates Warrant and on 17<sup>th</sup> January 2013 the premise was entered and the sound system seized.

No further complaints were received until June 2014, by which time the premise had been refurbished and renamed The Grapevine. We believe complaints were no longer received because the flats above the bar were being rented out by the owners / management of the premises. During a sound check to set the noise limiting device in the bar on 6<sup>th</sup> November 2014 the bar management stated the flats above were occupied by "our friends" and consequently they didn't expect music from the bar to be a problem.

Between June 2014 and October 2014 complaints were received from occupiers of other flats in the area, and on 19<sup>th</sup> October 2014 a noise nuisance from excessively loud music was witnessed, principally because the door onto Belvoir Street was open, in contravention of the conditions of the Premise Licence. The DPS and Premises Licence Holder (PLH) were the same as at the time of the seizure of sound equipment in January 2013. Both received a written warning and a request that the DPS contact the Noise and Pollution Control Team to arrange a sound check to set the installed noise limiting device at a level that will prevent a noise nuisance, as required by the Premises Licence. Despite the written warning a further nuisance was witnessed on 2<sup>nd</sup> November 2014, and a noise abatement notice was served on both the DPS and PLH on 4<sup>th</sup> November 2014 (the previous notice served in 2012 was no longer in effect, since the 2012 notice referred to the premise as Bar Sirius, its name at that time). A sound check was undertaken on 6<sup>th</sup> November 2014, when the installed noise limiter was set at a level that would prevent the volume of music in the bar from causing a noise nuisance to local residents.

Despite this further noise nuisances were witnessed on 9<sup>th</sup> November 2014, 22<sup>nd</sup> November 2014 and 23<sup>rd</sup> November 2014. On each occasion the doors to the Belvoir Street façade of the premise were wide open, in contravention of the premises licence, and it is clear that the limiter was no longer set a level that will prevent a noise nuisance. On 2<sup>nd</sup> December 2014, after a successful application for a warrant, the premise was entered and the sound system seized.

Following the seizure there was another change of Designated Premises Supervisor, when Steven Podesta became both DPS and premises Licence Holder. Mr Podesta reclaimed the keys from the premises, when he was accompanied by Mr Merry, previously involved in the management of the premises. I am satisfied that Mr Podesta was fully aware of the potential for noise nuisances from the premises. Despite this, further complaints have been received, including from occupiers of flats above the premise, and a noise nuisance have been witnessed on 4<sup>th</sup> December 2014. A letter was delivered to Mr Podesta on 8<sup>th</sup> December 2014 advising him that

he must ensure that there were no further noise nuisances from The Grapevine. A further noise nuisance was witnessed on 22<sup>nd</sup> February 2015 and a Noise Abatement Notice was served on Mr Podesta on 25<sup>th</sup> February 2015. Another noise nuisance was witnessed on 8<sup>th</sup> March 2015, and the DPS/PLH has been invited to attend an interview under caution on the 31<sup>st</sup> March 2015 to explain this breach.

On every occasion that a noise nuisance has been witnessed the volume of music from the bar has been significantly louder than the level of noise from people in the street. On every occasion that a noise nuisance has been witnessed Noise Officers have confirmed that The Grapevine was the source of the music. Noise nuisances have been persistently witnessed from the premises irrespective of the management arrangements, and I am satisfied that the continued use of the bar with live or amplified music is likely to continue to cause noise nuisances to local residents.

In January 2013 I applied for a review of the Premises Licence with a view to having amplified music removed from the Licence. At a hearing held on 14<sup>th</sup> March 2013 the Licencing Authority Panel rejected the review application, but made a recommendation that within three months the bar shall "carry out such acts and works as may be necessary to prevent further noise nuisance. This could include specialist advice on structural noise control and liaising with the Noise Team on preventing noise nuisance". The premise management failed to comply with the Panel's recommendation.

There continues to be management issues with the premise. Following the nuisance witnessed on 9<sup>th</sup> November 2014 I attempted to enter the premises using my powers of entry under the Environmental Protection Act 1990, to investigate why noise levels exceeded those set during the previous sound check, and in particular to see whether the sound system had been changed. A male who continues to be involved with the premises, who I believe is [REDACTED] the current manager, advised Jill Merry, the DPS at the time, that I should not be allowed to enter. Subsequently two unidentified males physically blocked my access to the bar. Although both appeared to be acting as doormen, neither displayed any form of identification.

On 6<sup>th</sup> November 2014 the noise limiter in the premises was set such that amplified music played through the limiter would not cause a nuisance to local residents. Since then noise nuisances have been witnessed on six occasions, three of which occurred under the management of the previous DPS, and three under the management of the current DPS. Both the previous DPS and current DPS have assured me that there has been no change to the sound system, and consequently the only possible reason for the noise nuisances witnessed is that either the noise limiter has been adjusted to allow the volume of music to exceed the agreed level, or has been bypassed.

On every occasion that a noise nuisance has been witnessed since June 2014, at times when both the previous and current designated premises supervisor were in place, the front doors to the premises have been open, at times held open by doormen, even when no customers were entering or leaving the premise, in breach of the premises licence. The resultant noise breakout has caused noise nuisances to occupiers of flats in the vicinity of the bar. In November 2014 Mr Podesta, then involved in the management of the premise and now the Designated Premises Supervisor, gave me an assurance that internal lobby doors would be fitted that would remain closed when amplified music is played. To date no internal lobby doors have been fitted.

All breaches of the Premises Licence have been referred to the City Council Licencing Enforcement Team, who I understand are taking statutory enforcement action.

The history of this premise clearly demonstrates that noise nuisances have occurred under the management of every DPS since 2008, and consequently I am satisfied that future nuisances are likely to occur if live or amplified music, inside or outside, remains as a licenced activity on the Premises Licence.

To ensure that the premise achieves the Licencing objective of the prevention of public nuisance, **I request that the Licencing Authority Panel remove live or amplified music as licenced activities from the Premises Licence.**

Should the panel consider that this is too onerous for such a city centre location, I would request that no live or amplified music is permitted after 2300 hours. Although this is still likely to cause a nuisance to local residents, the Panel may consider that this not unreasonable at this location. In these circumstances I would ask that amplified music outside of the premises at any time is removed from the Premises Licence, and that a condition be added to the Licence requiring that all external doors and windows remain closed, other than for access and egress, when amplified music is being played.

These conditions may mitigate noise nuisances from music before 2300 hours, but since the Premises management has persistently failed to use the noise limiting device to control the volume of music, this condition would not be sufficient to prevent an unacceptable level of music affecting local residents.

**Please give further details of why you support the request for a review of the Premises Licence, and how this may achieve the licensing objectives**

Provided that live or amplified music are removed as licenced activities from the Premises Licence, it is likely that the bar can operate without causing a Public noise nuisance provided that the Licence is complied with. However, should the Panel decide that the Licence be revoked, clearly this will be more effective in preventing any further noise nuisance. Experience with the Premise demonstrates that even when restrictions are placed on the Premises Licence, previous and current Designated Premises Supervisors have consistently ignored the restriction, allowing ongoing noise nuisances. I therefore support the application to revoke the Premises Licence.

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Return your completed form to:

By Post:

Licensing Authority Office  
Leicester City Council  
New Walk Centre  
Leicester  
LE1 6ZG

By Email:

[licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)