

LICENSING SECTION
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Leicester
City Council

FORM 20

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Appendix B

LEICESTER CITY COUNCIL

**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 Chloe Roper

(Insert name of applicant)

Apply for the review of a premises licence under section 51 of The Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Reynard, 17-19 Market Street

Post town Leicester

Post code (if known) LE1 6DN

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

Metalic Ltd.

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

LEIPRM0516

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 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

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	
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Post town		Post Code

Daytime contact telephone number	
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E-mail address (optional)	
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(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 Chloe Roper Noise and Pollution Control Leicester City Council Phoenix House 1 King Street Leicester LE1 6RN
Telephone number (if any) 0116 454 1469
E-mail address (optional) Chloe.Roper@leicester.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The Reynard, 17-19 Market Street, is a licensed premise which is situated in the vicinity of residential properties.

Three noise nuisances have been witnessed from amplified music coming from the licensed premises. The noise nuisances have been witnessed between 23.15 and 00.05 hours, when the noise being emitted was at a level which would prevent the complainants from sleeping.

During noise monitoring the doors at front of the premises have been open on all occasions, and the right hand side window has been open on the first two occasions, during warmer weather. The officers who witnessed the nuisances considered the open doors and windows to be causing most of the noise break out.

To prevent public nuisance recurring, I therefore formally request a review of the premises licence, to add the following conditions to the licence:

1. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
2. A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The levels shall be set to the agreement of the Licensing Authority. Once set such a device shall be inaccessible to the licensee or their staff.

The licensee may need to consider providing ventilation or air conditioning in warm weather.

Please provide as much information as possible to support the application
(please read guidance note 2)

A noise complaint was received on 30th August 2016 regarding excessively loud music being emitted from the premises. In response, the complainant was issued with the noise monitoring service callout details, so the complainant could contact The Noise Team directly and arrange for an officer to visit, if the noise continued to affect them.

On 3rd September 2016 at 23.15 hours I visited the complainant's property and witnessed a noise nuisance from amplified music. At this time the right hand side double doors and window were open, resulting in noise breakout.

On the 8th September 2016 I visited the premises and hand delivered a warning letter to the designated premises supervisor, Mr Shahid Rasul. We discussed the noise nuisance witnessed. He advised me that a different DJ to usual was playing at the time when the noise nuisance was witnessed. Apparently the DJ bought their own equipment, which was not played through a noise limiting device. I was advised that the resident DJ normally plays music through a noise limiter and was advised that this was the reason why the levels witnessed were so high. He also said that the doors and windows were probably not closed as early as normal, which is normally 23.00 hours. I recommended they should reduce the volume of the music in future, and shut all doors and windows after 22.00 hours. Mr Rasul informed me that he was leaving the company following week, and, therefore, would no longer be the designated premises supervisor.

On the 9th September 2016, I sent warning letters by recorded delivery to the designated premises supervisors' home address and the premises licence holders, known as Metalic Ltd, 112 Commercial Road, London. In the letter I advised of the noise nuisance witnessed and the outcome of the discussion with Mr Shahid Rasul during the site visit made the previous day.

On 17th September 2016 at 23.50 hours, an officer from The Noise Team visited the complainant's property and witnessed a second noise nuisance from amplified music. Again, the right hand side double doors and window on the front of the premises were open during noise monitoring, resulting in noise breakout.

On the 20th September 2016 visited the premises and spoke with a member of staff, named Damilola Olaopa, who advised that she was the acting premises manager. She confirmed Mr Shahid Rasul had ceased employment at the premises on the 11th September 2016, and the premises had been operating without a designated premises supervisor since that time. Therefore, I discussed the noise nuisances witnessed and the consequences should further noise nuisances be witnessed from the premises. I advised that Mr Shahid Rasul was still registered as the designated premises supervisor on the premises licence, and, therefore, I was required to serve an abatement notice on him at the premises. I also served a copy of the abatement notice on the premises licence holders at the premises. I stressed the importance that she contacted the premises licence holders to discuss the noise nuisances and advised that the designated premises supervisor was updated on the premises licence, as it was a contravention of the Licensing Act for the premises to operate without a designated premises supervisor. On this date, I also sent by recorded delivery an abatement notice to the premises licence holders at their address and a copy of the abatement notice to the designated premises supervisor at his home address.

P.T.O

I contacted the Licensing Team upon returning to the office and they confirmed that Shahid Rasul was still registered as the designated premises supervisor, and, therefore, responsible for the licensed activities. I advised that he no longer worked at the premises.

On the 21st September 2016, I received a telephone call from Rohit Lakhanpaul, who is a director of Metalic Ltd., the Premises Licence Holder. I discussed the noise nuisances with him and advised that the doors and windows on the front of the premises needed to be kept closed and that the volume of the music also needed reducing. I informed that abatement notices had also been served on Mr Shahid Rasul because he was still registered as the DPS on the premises licence. Mr Lakhanpaul confirmed that Mr Rasul no longer worked at the premises and said the company would be making an application the following day to change the designated premises supervisor to a current member of management at the premises.

On the 28th September 2016 I contacted The Licensing Team and they advised that still they had not received an application to change the DPS of the premises.

On the 28th October 2016 at 23.25 hours a third noise nuisance was witnessed from amplified music. The Noise Officer observed that a set of double doors at the front of the premises were, again, open for the duration of the visit, causing most of the noise break out from the premises.

On the 1st November 2016, I contacted The Licensing Department and they advised there had still been no application made to change the designated premises supervisor. Therefore, I served a letter on the registered designated premises supervisor, Mr Shahid Rasul and the Premises licence Holder, Metalic Ltd. at the premises, inviting them to attend an interview under caution. During the site visit, I left the letters with Damilola Olaopa. I advised that I would be sending copies of the letters to the designated premises supervisor and the premises licence holders at their home/ office addresses. Ms Olaopala said that Mr Shahid Rasul has not returned to work at premises and that herself and Joe Chow are currently managing the premises.

On the 9th November 2016 I received a confirmation letter of attendance at the interview under caution from the premises licence holders. Despite the response received to confirm their attendance at the interview, they failed to show on the arranged date of the 15th November 2016. The designated premises supervisor designated premises supervisor also failed to attend the interview.

I have been contacted yesterday morning (17th November) by Joe Chow, on behalf of the premises licence holders, to request to rearrange the interview under caution. However, I am very concerned at this stage that the premises will continue to operate whilst causing continued noise nuisances and, therefore, will not meet the licensing objective of 'prevention of public nuisance'.

It has been considered that another effective way of preventing the noise nuisance would be to reduce the hours that the premise is licensed to play amplified music and speech. However, I am of the opinion that in reducing the hours it would impact trade at the premises. If the recommended conditions (as above) are implemented, I believe it will be effective in controlling the noise being emitted.

P.T.O

Consequently, the following condition on the current premises licence has repeatedly been breached:

Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

In addition, condition 3 of the planning consent (reference number 96/0086/5) for the premises, has also been breached:

There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties (In the interests of the amenities of nearby occupiers)

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them
N/a.

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature

Date 18/11/16

Capacity Pollution Control Officer, The Noise Team, Leicester City Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Noise and Pollution Control
 Leicester City Council
 Phoenix House
 1 King Street

Post town
 Leicester

Post Code
 LE1 6RN

Telephone number (if any) 0116 454 1469

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Chloe.Roper@leicester.gov.uk