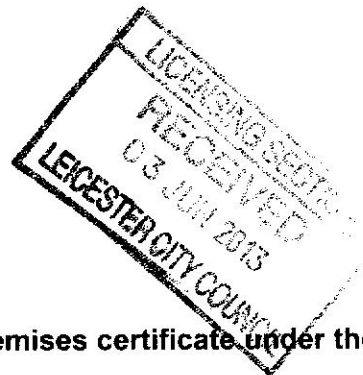
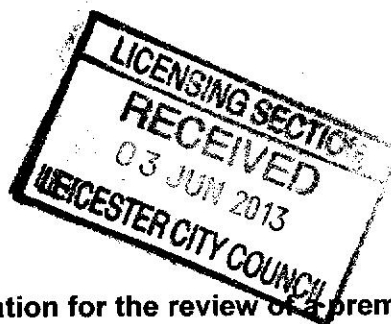


051755



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 Team, Leicester City Council

Apply for a 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 Plant Room,
63 Humberstone Gate

Post Town: Leicester

Post Code (if known): LE1 1WB

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

Tracey Maxwell

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

LEIPRM1123

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)

YES

3) A member of a 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

I am 18 years old or over

Please tick yes

☐

**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

Email Address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and Address

Andrew Sansome
Leicester City Council
Environmental and Enforcement Services
New Walk Centre
Welford Place
Leicester
LE1 6ZG

Telephone number (if any)

0116 252 6387

E mail address (optional)

andrew.sansome@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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the grounds for review (please see guidance note 1)

The Plant Room, 63 Humberstone Gate is a licensed premises situated over two floors, the second floor being an open roof top area.

"Live" music events have been held on the roof top under the Live Music Act. (Under the Live Music Act 2012, a DJ mixing recorded tracks to create something new may in some circumstances be classed as 'live' music). Currently there are no conditions on the premises licence relating to the playing of live music at the venue.

Since April 2013, a number of noise complaints have been received from residents living close to the premises in respect of amplified music from the roof top area of the Plant Room.

In May 2013, a noise nuisance from very loud amplified music with intrusive bass was witnessed coming from the roof of the premises. The music could be heard throughout the area.

To prevent public nuisance recurring, I therefore formally request a review of the premises licence for the Plant Room, 63 Humberstone Gate, Leicester to add the following condition to the licence.

No live music shall be played on the roof top area.

Please provide as much information as possible to support the application

A number of Temporary Event Notices (TENs) have been applied for by Mr Tim Sturgess for the indoor and outdoor areas of the Plant Room. Events that have taken place inside the premises have not generated complaints but those that have occurred outside, on the roof have.

A TEN was received on the 13th March 2013 in respect of an event to take place on the roof of the Plant Room on Sunday 31 March 2013 (Easter) 12.00 – 20.00 hours. In his application, Mr Tim Sturgess stated that he and a sound engineer would limit / control the sound system to ensure the level of music was reasonable. The Noise Team did not object to this TEN. Unfortunately on 2 April 2013 the Noise Team received a noise complaint in respect of noise from the roof of the premises during the event.

A further temporary event notice (TEN) was received on the 10 May 2013 in respect of an outdoor event at the premises on Saturday 25 and Sunday 26th May 2013 between 14.00 and 20.00 hours and an indoor event on Saturday 25th and Monday 27th May 2013 between 02.00 and 05.00.

The Noise Team objected to the TEN under prevention of public nuisance as it was believed noise from the outdoor area was likely to cause noise nuisance to residents in the vicinity. The applicant withdrew this TEN as he stated the planned outdoor events would come under the Live Music Act and therefore be exempt from any conditions etc on the Premises Licence. He submitted a modified TEN for indoor events only.

[Note: Home Office guidance states that 'A DJ who is merely playing tracks would not be a performance of live music, but might if they are performing a set which largely consisted of mixing recorded music to create new sounds']

A noise nuisance from very loud amplified music with intrusive bass played by a DJ on the roof of the Plant Room was witnessed on Saturday 25th May at 22.37 hours. The music could be clearly heard throughout the vicinity as well as in the complainant's flat, whether the windows were open or closed.

Informal warning letters addressed to the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) (both Tracey Lee Maxwell) were hand delivered on 28th May 2013 to her home address and 63 Humberstone Gate, Leicester.

Further complaints were also received about amplified music played on the roof area on Sunday 26th May 2013.

Mitigation of nuisance

It is our opinion that the noise caused by music played in the outside area is sufficient to cause public nuisance, due to the proximity of residential flats. Therefore, measures need to be implemented via the licence, to restrict the playing of 'live' music on the roof area.

To prevent the recurrence of public nuisance to nearby residents we request the following condition be applied to the licence:

No live music shall be played on the roof top area.

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

1	1								
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If you have made representations before relating to this premises please state what they were and when you made them

Not applicable

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 Yes
- I understand that if I do not comply with the above requirements my application will be rejected Yes

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

A. Samuel

Date

31 May 2013

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post Town	Postcode
Telephone number for correspondence (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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.