

Appendix B

[Insert name and address of relevant licensing authority and its reference number (optional)]

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

(Insert name of applicant)

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 Pi Bar 1 Norman Street	
Post town Leicester	Post code (if known) LE3 0BA
Name of premises licence holder or club holding club premises certificate (if known) Mr Tom Hodgson	
Number of premises licence or club premises certificate (if known) LEIPRM0639	

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:

Gareth Bowman
Noise and Pollution Control Team
Leicester City Council
Phoenix House
1 King Street
Leicester
LE1 6RN

Telephone number (if any)

0116 454 4327

E-mail address (optional)

gareth.bowman@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

✓

Please state the ground(s) for review (please read guidance note 2)

The Pi Bar, 1 Norman Street is a licensed premises on the corner of Norman Street and Narborough Road, Leicester

Live amplified bands regularly perform at the venue. Information from officer notes, the Interview under Caution and the site visit indicates that the live music is conducted in the rear part of the bar, nearest to residencies on Norman Street, Leicester.

Since September 2017, a number of noise complaints have been received from residents living close to the premises in respect of loud music from live amplified bands. We have witnessed 4 noise nuisances from the premises. We have not received complaints or noise nuisance from recorded music played at the bar

To prevent public nuisance recurring, I therefore formally request a review of the premises licence for the Pi Bar, 1 Norman Street Leicester to remove 'the performance of live music' from the list of licensable activities authorised by the licence

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

A complaint about loud amplified bands at Pi Bar, 1 Norman Street was received by Leicester City Council on 27 September 2017.

We have witnessed 4 noise nuisances from live music playing at Pi Bar, 1 Norman Street.

A noise nuisance from a live, amplified band was witnessed on Saturday 27 January 2018 at 21.24 hours and an informal warning letter was hand delivered to Tom Hodgson, Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) at his home address on 30th January 2018. The letter advised that a noise nuisance had been witnessed and the doors to 1 Norman Street, Leicester were open at the time the noise nuisance occurred, in breach of premises licence LEIPRM0639. Tom Hodgson was also requested to contact me to arrange a mutually convenient site meeting and informed further noise nuisances could lead to a request for a review of the premises licence.

Another noise nuisance from a live, amplified band was witnessed on Wednesday 21st February 2018 at 21.11 hours. Notice of the requirement to abate the noise nuisance from recurring was served under section 80 of the Environmental Protection Act 1990 on 22 February 2018 on the person responsible namely Tom Hodgson of Pi Bar, 1 Norman Street, Leicester. The accompanying letter again advised of the noise nuisance witnessed and the doors to 1 Norman Street, Leicester were open at the time the noise nuisance occurred, in breach of premises licence LEIPRM0639. A further request was made to Mr Hodgson to contact me to arrange a mutually convenient site meeting and informed further noise nuisances could lead to a request for a review of the premises licence.

Mr Hodgson called on 27th February 2018 (after he spoke to a Colleague from licensing on the previous day) to discuss the details of the abatement notice and to arrange a site visit, he stated that he was not present and had been away from the bar during the time of the first nuisance, I explained what the notice required him to do and arranged a site visit for Tuesday 6th March, this meeting was cancelled by Mr Hodgson due to illness on his part.

A further nuisance from a live, amplified band was witnessed on Saturday 10th March 2018 at 21.32 hours.

Mr Hodgson called me on 13th March to rearrange the site visit. I had to inform him that a further noise nuisance had been witnessed and he would be invited to attend an interview under caution, in line with Noise and Pollution Control Team's procedures. (Mr Hodgson was upset that I could not speak with him in detail without cautioning him and could not conduct the IUC by telephone, I had to end the call. Mr Hodgson called back and spoke to a colleague who reiterated this)

As a result of the breach of the abatement notice, a letter was hand delivered to Tom Hodgson, DPS and PLH, on 14 March 2018 requesting he attend an Interview under Caution on 29th March 2018. The letter also advised informed further noise nuisances

could lead to a request for a review of the premises licence with a recommendation to remove live music

The interview under caution did not occur until 4th April as Mr Hodgson telephoned on 22nd March to rearrange so that his solicitor could attend.

Tom Hodgson attended an interview under caution at Leicester City Council offices on 4th April 2018. Mr Hodgson was asked what action he had taken since he had been informed 3 noise nuisances had been witnessed from live bands performing at 1 Norman Street, Leicester. Mr Hodgson advised that he had fixed the faulty door closer to ensure the door to the smoking area remained closed.

On 5th April 2018, I received an email from Tom Hodgson advising me that he had informed his main promoter that all the remaining shows for the next 8 weeks must have the PA lowered by 30% to try to reduce any excess noise. He had also advised bands booked in-house to do the same. He also stated live bands performing at the bar would not end immediately but would do so from 1st of June 2018. Bands were advised that if further breaches of the abatement notice were witnessed by LCC, equipment at Pi Bar (including their own) may be seized.

On 9th April 2018 a colleague and I attended a site meeting with Tom Hodgson at Pi Bar 1 Norman Street, Leicester. We discussed control of bands, booking of bands and noise breakout from skylights, vents and the double fire doors. Mr. Hodgson stated he would have acoustic music only at the venue and would monitor the noise level outside. We again explained we could review the premises license if we continued to witness noise nuisance.

Since the site meeting a further noise nuisance was witnessed on Saturday 28th April 2018 at 22.15 hours. A live amplified band could clearly be heard in the complainant's bedroom performing a number of songs including Highway to Hell, A Town called Malice, Pretty Vacant and Teenage Kicks. The music was loud enough to disturb sleep. Noise levels witnessed in the complainant's home were similar to those witnessed during the previous 3 noise nuisances even though the door to the outside area was closed. The music was still playing when the officer left the area at 22.30 hours.

We have not applied for a warrant to seize noise making equipment from 1 Norman Street as all the noise nuisances witnessed have been from live, amplified bands. It is likely that there would be no equipment to remove from the premises as bands supply their own equipment and had already been informed by Mr Hodgson that equipment left at 1 Norman Street may be seized if further noise nuisance was witnessed.

Mitigation of public nuisance

On each occasion that a noise nuisance has been witnessed Noise and Pollution Control Officers have confirmed that Pi Bar was the source of the music. Noise nuisances have been witnessed between 21.11 and 22.30 hours. The complainant has called the monitoring service as early as 20.36 hours. It would therefore be difficult to restrict the hours live amplified music is played to ensure residents no longer suffer public nuisance from the premises. The structure of the premises is not suitable for the performance of live music due to the skylight and vents allowing noise breakout.

Unfortunately, steps put in place by Mr Hodgson have not prevented noise nuisance from the bar. I am satisfied that the continued use of the bar with live music is likely to continue to cause public nuisance to local residents and modifying the premises licence to remove live music is the only way to prevent this recurrence.

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

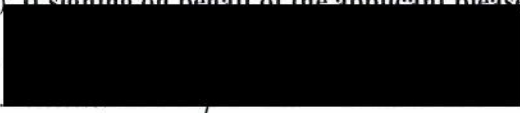
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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

01/05/18

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.

