APPENDIX C

The Royal Borough of Greenwich
Licensing Department, Floor 4 The Woolwich Centre, 35 Wellington Street, London, SE18 6HQ
- 020 8921 8018 licensing@royalgreenwich.gov.uk -

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.

1. Louise CONNOLLY (Environmental Health Officer - Royal Borough of Greenwich)
   (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 |
| City Buzz B 135-137 Trafalgar Road |

| Post town | London |
| Post code (if known) | SE10 9TX |

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

Number of premises licence or club premises certificate (if known)
LN/000003539

Part 2 - Applicant details
I am

1) an interested party (please complete (A) or (B) below)
   Please tick yes
   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
   □
ITEM 5 (Appendix)

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<th>d) a body representing persons involved in business in the vicinity of the premises</th>
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<td>2) a responsible authority (please complete (C) below)</td>
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<td>3) a member of the club to which this application relates (please complete (A) below)</td>
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(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

- 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)
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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Louise CONNOLLY
Environmental Health Pollution (Noise) Team
4th Floor
The Woolwich Centre
35 Wellington Street
London
SE18 6HQ

Telephone number (if any)
020 8921 8172

E-mail address (optional)
louise.connolly@royalgreenwich.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 1)
For several months, the premises has been the subject of numerous complaints from local residents regarding both loud music being played at the premises and patrons gathering in the rear garden area to the annoyance and disturbance of neighbouring properties.

Following these complaints, warning letters were sent to the Licence holder, Trevor Bailey, advising of the problem and of the fact that the Borough's Environmental Health Pollution (Noise) Team would work with him to try to sort the issue out.

The Borough's Licensing Team have also engaged with Mr Bailey and given him a plan of action to follow to try to mitigate and minimise the noise problems.

On 23rd March 2017, the Environmental Health Pollution (Noise) Team served a Notice on Mr Bailey under Section 80 of the Environmental Protection Act 1990 - also known as a Noise Abatement Notice - requiring that the noise issues stop and explaining the consequences should that Notice be contravened.

Since the service of that Notice, noise issues from the premises have continued and been witnessed by members of the Borough's Environmental Health Pollution (Noise) Team on several occasions which constitute breaches of the provisions of the Notice. As a consequence of this, a letter advising of these breaches was served on Mr Bailey on 23rd June 2017.

It is felt that the current Premises Licence conditions and hours are insufficient to deal with the noise issues resulting from the current operation of the premises and the Review application seeks to remedy that.
Please provide as much information as possible to support the application (please read guidance note 2)

The premises has run as a restaurant and late night venue for several years and has a history of noise issues resulting from its operation by previous operators.

In November 2016, Trevor Bailey took over the premises as a new operator and immediately attracted complaints regarding noise coming from the premises. Whilst being visited by a member of the Environmental Health Pollution (Noise) Team at this time it was noticed that there were very large speakers throughout the premises. Mr Bailey claimed that all of the speakers could be independently set from the bar and that there was a noise limiter fitted. The rear doors were seen to be used as a Fire Exit, which had been lobbied to prevent sound escape, but a concern was raised that as the doors would not be locked during the hours of operation, there was a possibility of patrons using them and causing noise breakout.

On 26th November 2016, a complaint of noise coming from the premises was received from a resident of Orlop Street. This complaint has subsequently been followed by several others over the following months from both the same resident and others resident in both Orlop Street and Trafalgar Road.

On 15th December 2016 at 16:15 hours, a member of the Borough's Licensing Team visited the premises following a complaint of loud music coming from inside. On their arrival, there was no audible noise outside the venue, but advice was given regarding playing music quietly whilst renovation works were being carried out at the premises.

On 12th February 2017 at 01.23 hours, a complaint of noise coming from the premises was received from a resident of Orlop Street. Unfortunately, the Noise Call-Out Team was unable to visit on this occasion, but a warning letter was sent to the premises operators, Mr & Mrs Bailey.

On 26th February 2017 at 01:45 hours, following a complaint from a resident in Orlop Street, a member of the Borough's Environmental Health Pollution (Noise) Team witnessed the fact that music from the premises was loud and audible on both Orlop Street and Trafalgar Road, and that such noise was disturbing and intrusive to residents. As a result of this observation, a letter was sent from the Borough's Environmental Health Pollution (Noise) Team to the manager at the premises advising of the noise complaint and asking that such noise cease. The letter also detailed possible action that could be taken should the noise issues not be resolved.

The Borough's Licensing Team also sent a letter to Mr Bailey on 27th February 2017, reminding him of a meeting that they had held with him at the premises prior to the date of this complaint and detailing concerns about noise escape from both the premises and patrons using the rear garden area of the premises. This letter also contained a warning of the consequences should noise complaints regarding the premises continue to be received and suggested a meeting to discuss and implement an Action Plan to try to ensure that further issues were avoided.

On 6th March 2017, a member of the Borough's Licensing Team met with Mr Bailey at the Premises and discussed an Action Plan with him of actions that could be undertaken to try to resolve the noise issues being caused. A copy of that Plan was left with Mr Bailey at the premises.

On 13th March 2017, another complaint of noise from the premises was received. A member of the Borough's Environmental Health Pollution (Noise) Team witnessed
this noise at 00:52 hours and advised that it was a statutory noise nuisance.

As a result of this, a Notice under Section 80 of the Environmental Protection Act 1990 - also known as a Noise Abatement Notice - requiring that the noise issues stop and explaining the consequences should that Notice be contravened, was served on Mr Bailey at the premises on 23rd March 2017.

On 26th March 2017, members of both the Borough's Environmental Health Pollution (Noise) Team and the Licensing Team visited the premises to try to speak to Mr Bailey regarding the Notice and the progress of the Action Plan but, unfortunately, when they arrived there was no-one at the premises.

On 2nd April 2017, at 00:45 hours and 01:10 hours, two complaints of excessive music noise from the premises were received from residents of Orlop Street but, unfortunately, no-one from the Borough's Environmental Health Pollution (Noise) Team was available to visit the premises at the time, but both complainants were advised to keep diaries of when they were disturbed by such noise.

On 9th April 2017 at 03:10 hours, a member of the Borough's Licensing Team saw a crowd outside the premises and witnessed uniformed Police enter the premises. There appeared to be no noise issues, but the venue was still open and people were walking in and out at 04:00 hours - well past the closing time for the premises.

On 12th April 2017, a member of the Borough's Licensing Team met at the premises with Mr & Mrs Bailey and again discussed issues regarding noise from both music and patrons of the premises, as well as the dispersal of patrons from the premises at the end of each night's operation. Another copy of the Action Plan was served and acknowledged by Mrs Bailey.

On both 21st and 23rd April 2017, further complaints were received from local residents of loud music coming from the premises and, at 23:20 hours on 23rd April, the music noise was witnessed by a member of the Borough's Environmental Health Pollution (Noise) Team resulting in further warning letters being sent to the premises.

On 25th April 2017 at 00:48 hours, a member of the Borough's Environmental Health Pollution (Noise) Team witnessed a statutory noise nuisance in the form of music escape from the premises whilst inside a neighbouring residential property. This resulted in a warning letter being sent to the premises on 2nd May 2017.

On 6th May 2017, the premises was visited by a member of the Borough's Licensing Team at 02:00 hours, who found no loud amplified music coming from the premises but did witness three smokers in the rear garden.

On 16th May 2017, a member of the Borough's Licensing Team met with Mr & Mrs Bailey at the premises to discuss the progress of the Action Plan as well as the dispersal of patrons from the premises at the end of the permitted hours. Both Mr & Mrs Bailey advised that they had been working to the Plan and were not aware of any issues.

On 21st May 2017, two complaints of excessive music noise from the premises were received but, at the times when the premises were visited by a member of the Borough's Environmental Health Pollution (Noise) Team, at both 00:45 hours and 02:25 hours, this was found not to be a statutory noise nuisance.

On 18th June 2017 at 00:55 hours, following a complaint, a member of the Borough's Environmental Health Pollution (Noise) Team witnessed loud amplified music coming from the premises and decided that such noise constituted a statutory noise nuisance.
nuisance.

On 23rd June 2017, an officer from the Borough’s Environmental Health Pollution (Noise) Team delivered a letter to the premises advising Mr & Mrs Bailey that statutory noise nuisances had been witnessed at the premises on 29th April 2017 and 18th June 2017, and reminding them that the Abatement Notice previously served was still in force. The letter also reminded them that failure to comply with the Notice could make them liable for prosecution.

As can be seen by the complaints detailed above, it appears that, despite the service of a Noise Abatement Notice and the continual reminders of the consequences of breaching that Notice, the operators of the premises, Mr & Mrs Bailey, continually fail to ensure that there is no excessive noise escape from their premises.

The Environmental Health Pollution (Noise) Team invite the Licensing Committee to consider all options available to it, particularly with regard to paragraphs 2.17 and 2.19 of the Guidance Document issued under Section 182 of the Licensing Act 2003 on 5th April 2017 and Sections 3.25, 11.3 and Appendix C of the Royal Borough of Greenwich Statement of Licensing Policy dated 7th January 2016.

It is important to note, however, that the current Premises Licence was initially granted in October 2006 and contains very few conditions relevant to the four Licensing objectives. As the breaches of the Noise Abatement Notice appear to take place after midnight the Environmental Health Pollution (Noise) Team would especially ask that consideration be given to reducing the permitted hours for licensable activities at the premises to midnight.

It is also suggested that, in line with those proposed within the Action Plan given to and agreed by Mr & Mrs Bailey, the following matters be added to the Premises Licence as conditions:

An Incident Book is used to record such things as ejections from the premises, complaints received (both of noise and otherwise), noise checks, CCTV faults and visits from Responsible Authorities. This book should be kept for a period of at least 12 months and should be produced and made available for inspection upon request by any authorised person (e.g. Police Officer, Local Authority Officer etc.);

All customers wishing to smoke should be directed to the front of the premises in Trafalgar Road;

Customers shall not be permitted to take or consume their drinks in any external or outdoor area of the premises;

Customers and staff shall not be permitted to use the rear garden area of the premises for any purpose after 10:00pm;

No music shall be played externally at any time;

All external doors and windows to the premises shall remain closed, except for access and egress, whilst amplified entertainment is being provided;

An alarm shall be installed on the rear Fire Exit door - with a warning light visible behind the bar of the premises - to alert staff should the door be opened;

The operators shall conduct regular patrols around the perimeter - especially after 10:00pm with regards to the rear garden and Orlof Street area - to ensure that no noise coming from the premises can be heard there. The times and details of these
patrols should then be recorded in the Incident Book;

There shall be no emptying of bottles and similar items into bins in the rear garden area of the premises between 10:00pm and 8:00am;

The music volume shall be gradually reduced from 30 minutes prior to the end of permitted hours.
Have you made an application for review relating to this premises before  

Please tick yes

If yes please state the date of that application

Day Month Year

If you have made representations before relating to this premises please state what they were and when you made them
ITEM 5 (Appendix)

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

Capacity

Environmental Health Officer - Noise

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

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<th>Post Code</th>
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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. 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.