



Public Protection

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memo

From: Marc Gasson-Noise Specialist

To: Licensing Team.

My Reference : MDG/013047

Your Reference :

Date: 26 September 2013

Licensing Act 2003-Application To Vary Premises Licence. KC's Bar, 155 Billet Lane, Hornchurch, Essex.

I refer to the above application and would advise that I object to any extension in the hours of licensable activities above that which already exists for the premises on the following grounds:-

1. Ongoing noise issues from the premises.

Noise from KC's Bar has been the subject of a prolonged investigation by the Public Protection Service and despite numerous interventions made this culminated in the service of Abatement Notices in respect of Noise Nuisance upon the then owners premises dated the 8th August 2011. The main issues are the noise from loud amplified music played at the premises and the noise from patrons raised voices/shouting whilst outside in the seating area at the front of the premises. Despite the service of the abatement notice and working with the owners of the premises in terms of sound reduction measures and management controls the Council has continued to receive complaints from nearby residents. The premises is still the subject of noise monitoring on the Council's Out-Of-Hours Noise Service. The enclosed database records, reference NOU1928 details the ongoing issues with noise from KC's Bar (see document MDG1). The records show both officer evidence and that of residents of the ongoing problems with regards to noise from the venue and public orders issues witnessed.

2. Removal of conditions from annexe 2 of the existing licence raise concerns regarding the owners commitment to the licensing objective "the prevention of public nuisance".

The applicant has looked to remove conditions 10,39 and 40 which raises concerns regarding their commitment to protecting the amenity of nearby residents.

3. The application to allow off sales from the premises will expose nearby Public Protection Bringing together Environmental Health & Trading Standards

residents to increased noise levels of noise to much later hours.

Off sales will encourage larger number of people to attend the premises with the associated increase in noise from vehicles and raised voices.

4. Application to vary the premises licence is contrary to the Council's Licensing Policy 12-Hours with respect to "mixed use" areas

Under this guidance Licensing Policy 12 the LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated activities will normally be permitted:

- *until 11.30 pm in residential areas*
- *until 00.30 am in mixed use areas*
- *no limits in leisure areas*

We can see that an application to vary a premises' existing hours which is outside the policy's guidelines will be considered on its merits. An application which seeks to go beyond these guideline hours must successfully demonstrate that it should be considered an exception to licensing policy 12's guidelines. In other words, an application must provide compelling evidence to support the view that policy 12 should **not** apply to the application and that *the amenity of residents and businesses in the vicinity of the licensed premises* would not suffer adversely should the application be granted.

It is my view that this application has failed to demonstrate this for the reasons provided previously.

Further to this, KC's Bar lies in a vicinity comprised of commercial and residential properties. This renders it a *mixed use area*. As such the guideline terminal hour for the provision of licensable activity is 00:30. The premises licence already permits licensable activity to be provided beyond this guideline hour.

An exception to licensing policy 12?

What might reasonably commend an application to be considered an exception to the general guidelines of licensing policy 12?

Licensing policy 12 begins with the statement that the *LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises*. It is this sentiment which governs the policy, particularly in this SPA, although Havering is always keen to support business ventures wherever possible. The question which necessarily follows when considering the application is therefore: what steps has the applicant taken to protect the amenity of residents and businesses in the vicinity of the premises and are those steps sufficient to enable the application to be considered an *exception* to the principles of policy 12?

- Should we consider that extending the premises' operational hours to 02:30 in a partially residential area *protects* the residents' amenity?
- Should we consider that removing 3 existing conditions relating to noise and which govern activities at the premises elevates the application to an *exceptional* status?
- Should we consider that permitting anyone over the age of 18 to frequent the premises until 02:30 will *protect* residents' amenity when the rest of the SPA is restricted to over-21's, particularly as complaints from nearby residents have

identified noise from private functions as the main source of the problems they experience, and in particular noise younger age parties.?

- Will the introduction of alcohol off-supplies enabling alcohol consumption to take place in the street outside the premises or in the car park to the rear of the premises *protect* residents' amenity?
- Will the removal of door supervisors on Thursday evenings *contribute* to residents' amenity?
- Does the removal of a noise-related condition, coupled with the absence of any voluntarily offered conditions to address potential noise nuisance issues until the extended terminal hours, help us to define this application as an *exception* to licensing policy 12?

I would suggest that none of the above would, define the application as exceptional in fact they are more likely to exacerbate an already unacceptable situation.

I trust this clarifies my position.

Marc Gasson
Noise Specialist

Enc-Document MDG1

Paul Jones

From: Andrew Watts
Sent: 01 October 2013 14:26
To: Paul Jones
Subject: Monty's Bar Ltd, Application to vary premises licence at KC's Bar

Dear Sirs,

I wish to make representation on the application to vary a premises licence by Monty's Br Ltd, at KC's Bar, 155 Billet Lane, Hornchurch, Essex RM11 1UR.

I am making representation with regard to public safety.

The venue is located in a residential area and next to a busy road with a side access drive leading to the rear of the premises. Should off sales be permitted this could encourage a number of people to congregate around the external of the premises, to the front, side and/or rear, and staff may not be capable of controlling any such situation. There may be an increased risk of road traffic incidents and there could also be an increased risk of violence and associated injury to staff and/or the public.

I would be grateful if you would record this representation and carefully consider public safety in determining the application.

Yours faithfully,

Andrew Watts
Environmental Health Officer
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