

Environmental Protection Team Representation

King David Public House, Newnham Road, Northampton, NN2 7RE

Northampton Borough Council Environmental Protection Team as the responsibility authority for the prevention of public nuisance licencing objective, wish to provide the following representation based on a history of noise nuisance complaints received by this team from local residents since January 2018.

Overview

- On the 13th January 2018 Environmental Protection received an e-mail from a local resident wishing to complain about loud amplified music, noisy customers in the beer garden until 02:00am and regular fighting. Contents of this e-mail alleged noise issues and associated anti-social behaviour started earlier in December 2017.
- On 16th January 2018 a meeting was held with the Designated Premises Supervisor (Sarah Lovell), regional manager of the licence holder (Ei Group), representation from NBC Environmental Protection Team and Licencing Team and the Police Licensing Team. Emerging concerns were outlined and measures discussed to assist in upholding the licencing objectives. Ei group made an agreement to vary the premises licence to ensure the issues identified by the Police would be addressed. The DPS also agreed to withhold any future discos until the licence had been varied. It was agreed in principle at the meeting that the weak point in the building structure was the single rear set of doors leading out into the beer garden when left open. The creation of a lobby area and additional doors to act as a noise barrier was discussed and it was expressed that Environmental Protection were keen for this to be progressed, subject to a determination if planning permission would be required. An e-mail was sent to the area manager on 18th January 2018 advising planning permission would be required. We received no further correspondence from Ei Group on this point.
- On the 19th January 2018 a separate complaint from another household was made. The complainant alluded to noise from loud amplified music and customers using the beer garden after midnight. The complainant was advised of the meeting and did not wish for letters to be sent out in light of the DPS agreeing to have no further discos until police issues had been resolved.
- On the On 23rd January 2018 Environmental Protection received a complaint regarding the DPS's 2 dogs barking and potential to escape from the pub garden due to the condition of the fence. The complainant was advised we could investigate the dog barking issue and informal advice given regarding the condition of the fence and legalities of the Dangerous Dogs Act 2014. As no dog/ person had been physically attacked the Local Authority could not investigate.
- On the 29th March 2018 the Environmental Protection Team were requested to comment on a Temporary Event Notice (TEN) for a drum and bass night between 19:00 to 02:00 scheduled for the 7th 2018 as a statutory consultee. An objection was lodged by the

Environmental Protection Team (Appendix 1). As the TEN was a late submission no hearing was required. The Counter Notice prohibiting the event is enclosed as Appendix 2.

- On the 1st May 2018 Environmental Protection received a complaint from a local resident regarding loud music becoming a problem again. The complainant alleged the drum and bass night of the 7th April 2018 went ahead. The complainant was advised the DPS could legally do this under the existing premises licence until midnight.
- On the 4th May 2018 a letter was hand delivered to the King David regarding this event (Appendix 3) on the back of a meeting with the DPS and Licensing Sgt O'Connell. The meeting mainly focused on two breaches of the premises licence with no drugs policy in place and door staff not being signed in on the register. Advice was given on management controls that could be used to effectively control noise from the establishment better. CCTV footage was viewed on a separate occasion with the DPS Son which concluded that the DJ had stopped playing before 00:00 (midnight) which is permitted under the existing premises licence.
- On the 4th May 2018 noise diary sheets were sent to the complainant.
- On the 25th June 2018 Environmental Protection received an e-mail from the complaint with an audio file attached. No mention of date and time the file was created was provided. The file could not be opened due to an error.
- On 18th June 2018 Environmental Protection received an e-mail from PCSO Barber requesting an update with the Councils noise investigation. PCSO Barber was advised the complainant had not submitted logs, so no noise visits or commitment of installation of noise monitoring equipment to the complainant was been made. No logs were ever returned from this complainant.
- On the 9th July 2018 Environmental Protection received an e-mail from a complainant regarding signage posted around the pub directed at them for patrons to reduce noise. The complainant was advised to report the issue to their Local Policing Team.
- On the 6th August 2018 a new complaint was made by another complainant regarding noise nuisance from discos on Friday nights, karaoke on Sundays and private party on 4th August 2018 that started at 17:00 and ended at 00:00 (midnight).
- On the 8th August 2018 Community Protection Warning Notices were served under Sec 43 of the Anti-social Behaviour, Crime and Policing Act 2014 on the DPS, Senior Regional Manager of Ei Group and the Company Secretary of GI Group for the continuing noise nuisance having a detrimental effect on the quality of life of those in the area (Appendix 4, 5 & 6). This action was deemed proportional, as there was no reduction in complaints, two separate household were sporadically complaining about noise nuisance and the informal approach taken by Environmental Protection was not working.
- On the 14th August 2018 Environmental Protection received an e-mail from Jo Lockart (Licencing Manager at Ei Group) acknowledging receipt of the CPW and the matter has been passed to Kate Allaway (Regional Manager) to provide a full response with 14 days (Appendix 7), To date no response has been received from Ei Group.
- On the 17th August 2018 a pre-arranged noise monitoring visit was made to subjectively assess the overall noise levels from the King David. Monitoring took place at the front of the pub on Newnham Road outside the shops between 21:02 to 21:10. It was noticed that the front door was open with around 10 people drinking and smoking around the entrance. Lyrics were audible and the song 'Turn Around' by the Clinical Gangster squad was playing. Monitoring then took place in the street behind the beer garden. At 21:12 no people noise or amplified music was noted to be audible. At 22:51 we returned to the King David and

drove passed on Newham Road. No amplified music or customers congregating outside in the car park at the front was noted. Overall, the level of intrusion to local residents at the time of the 1st visit was deemed to be having a detrimental effect on the quality of life in the area for residents residing in and around the King David at the front. (A redacted copy of the monitoring report is attached as Appendix 8).

- On the 30th August 2018 completed logs sheets were returned from the latest complainant. Three dates of the 10th & 12th August 2018 were highlighted as having significant intrusion. Appendix 9 is a redacted copy of the diary sheet.

Conclusions

- There has been a history of sporadic noise complaints from two separate complainants since January 2018.
- Despite a concerted effort by both Police and Environmental Protection to work on a proactive informal basis with both the DPS and Ei Group as the Licence Holder, noise complaints have persisted.
- Environmental Protection have taken appropriate action against both the DPS & Ei Group for continued noise nuisance proportionate with the level of evidence independently obtained.
- Environmental Protection are of the understanding that local residents have not complained so widely for fear of reprisals from the DPSs family and local residents whom frequent the establishment.
- Environmental Protection are concerned if no consideration is made to reducing times of permitted licensable activities relevant to noise and addition of new noise conditions, any new management team taking over the premises could potentially generate new noise problems for local residents.

There are currently no specific mandatory conditions on the premises licence (PL0259) covering noise control, other than permitted times for various permitted activities contained within the activities schedule section of the licence.

In light of this review, it is requested that the licensing sub-committee be mindful of representation made by the Environmental Protection Team and consider and deliberate on deregulation to be dis-applied to existing permitted licensable activity times currently licensed. In addition, the inclusion of new mandatory conditions are proposed below, which are considered to be appropriate for the promotion of the prevention of public nuisance licensing objective being achievable.

Proposed elements of current licence for deregulation to be dis-applied within activities schedule:

- I) The current premises licence permits under activity E performances of live music (indoors) on Fridays between 19:00 to 00:00, and Saturdays and Sundays from 12:00 to 00:00 with seasonal variations covering public holidays. It is requested this be amended to Fridays from 19:00 to 22:00 and Saturdays and Sundays between 12:00 to 22:30 exclusively. Seasonal variations are requested to remain the same.
- II) The current premises licence permits under activity F playing of recorded music (indoors) on Fridays between 19:00 to 00:00, and Saturdays and Sundays from 12:00 to 00:00 with seasonal variations covering public holidays. It is requested this be amended

- to Fridays from 19:00 to 22:30 and Saturdays and Sundays between 12:00 to 22:30 exclusively. Seasonal variations are requested to remain the same.
- III) The current premises licence permits under activity H entertainment of similar description to that falling within E or F (indoors) on Fridays between 19:00 to 00:00, and Saturdays and Sundays from 12:00 to 00:00 with seasonal variations covering public holidays. It is requested this be amended to Fridays from 19:00 to 22:30 and Saturdays and Sundays between 12:00 to 22:30 exclusively. Seasonal variations are requested to remain the same.
- IV) The current premises licence permits under activity I provisions for facilities for making music (indoors) on Fridays between 19:00 to 00:00, and Saturdays and Sundays from 12:00 to 00:00 with seasonal variations covering public holidays. It is requested this be amended to Fridays from 19:00 to 22:30 and Saturdays and Sundays between 12:00 to 22:30 exclusively. Seasonal variations are requested to remain the same.
- V) The current premises licence permits under activity J provisions for facilities for dancing (indoors) on Fridays between 19:00 to 00:00, and Saturdays and Sundays from 12:00 to 00:00 with seasonal variations covering public holidays. It is requested this be amended to Fridays from 19:00 to 22:30 and Saturdays and Sundays between 12:00 to 22:30 exclusively. Seasonal variations are requested to remain the same.
- VI) The current premises licence permits under activity K provisions for facilities entertainment of a similar description to that falling within I or J (indoors) on Fridays between 19:00 to 00:00, and Saturdays and Sundays from 12:00 to 00:00 with seasonal variations covering public holidays. It is requested this be amended to Fridays from 19:00 to 22:30 and Saturdays and Sundays between 12:00 to 22:30 exclusively. Seasonal variations are requested to remain the same.

Proposed new mandatory conditions:

- I) A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- II) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
- III) The premises shall have a documented noise management plan, which has been agreed between the management and Environmental Health Service. The document will be retained upon the premises and all employees be made aware of its content and controls measures.
- IV) Loudspeakers shall not be located in any entrance lobby or outside the premises building.
- V) The external licensable area to the rear of the premises should not be used after 21:00.

- VI) All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- VII) Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- VIII) No waste or recyclables materials, including bottles, shall be moved, removed from or placed in outside areas between (23:00) hours and (08:00) hours on the following day.