

**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 Mr Paul Carter,
For and on behalf of the Environmental Health Department of Chorley Council

.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 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	
Applejax Night Club 1 Back Mount Street	
Post town Chorley	Post code (if known) PR7 1EA

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

Number of premises licence or club premises certificate (if known)
PLA0281

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 Mr Paul Carter For and on behalf of the Environmental Health Department of Chorley Council Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL
Telephone number (if any) 01257 515738
E-mail address (optional) paul.carter@chorley.co.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)

This application for the review of a premises licence is being submitted by the Environmental Health Department, acting as a responsible authority.

The licensing objective of The Prevention of Public Nuisance is being undermined at the premises in that there are continuous occurrences of a statutory noise nuisance from the premises from the playing of loud amplified sound. An abatement notice has been served on 17th September 2021 following repeated complaints by many local residents and the installation of noise monitoring equipment at a neighbouring property.

Please provide as much information as possible to support the application

The Environmental Health Department first received several complaints by local residents (11 in total and some being approx. 135m away) regarding noise from Applejax over the weekend starting Friday 23rd July. The complainants stated that they had been kept up by the excessively loud music throughout every night until at least 5am and that it was still going on at 5.30am on Monday morning.

On Tuesday 27th July, I visited the premises with Tracy Brzozowski- Customer Service Manager (Enforcement) to discuss the complaints with the PLH Mr Craig Leeming. We requested to also speak to the DPS but they were unavailable. We attempted to look at the CCTV from the previous weekend and had to operate the system ourselves as the PLH was unfamiliar with it. It was made very clear that he must take more responsibility in managing the noise from the premises and in particular that all doors should be kept shut when it is open and that a responsible person should regularly patrol the boundary of neighbouring properties to assess the noise levels throughout each evening. We went through all the conditions attached to the licence and we both strongly advised the PLH to seek some assistance from either a licensing consultant or an experienced PLH. I wrote to the PLH confirming the issues raised during the meeting on 29th July (copy attached as PC/1).

We continued to receive noise complaints over the following weekends and in particular we received lots of complaints about the excessive noise levels from music and the sound of the person shouting on the microphone on Friday 6th August. The complainants all stated that the music went on until around 5am and then they have to deal with lots of drunken patrons singing and shouting in the streets.

I visited the premises again on 11th August with Nathan Howson- Enforcement Team Leader (Licensing) and met Craig Leeming (PLH) and Chris Candler (Manager). We requested to also speak to the DPS but they were on holiday.

We discussed the further noise complaints and carried out a test of the noise at a typical volume and then went into the car park to see what it was like. We first tested with the upstairs fire exit doors open and it was very clearly audible. We then shut the doors and although it was a bit quieter, the bass and music could still clearly be heard. On their own admission they have purchased a new entertainment system which is very capable of being played at levels that will cause disturbance to local residents at quite a distance away.

It was agreed:

- all the doors (save from the front door when being used to enter / leave) will be closed while the premises is open;
- management will patrol the perimeter on regular occasions throughout any music being played and this will be recorded;
- Chris will look at putting signs on the DJ booth for guest DJs warning them to control the music and secure a limiting block on the system to stop anyone turning it up higher;
- they will apply the same controls to the mic used by the DJ.

I followed the meeting up with an email to everyone who attended (copy attached PC/2).

We then received lots of further angry complaints following the events of the bank holiday weekend. In particular Friday 27th was that bad that a complainant who is a local police officer went round at 5.30am to speak to the DPS. The email describing the scene was quite damning and highlighted that there were lots of people outside and in the street shouting and one man with his top off gesticulating with his arms for a fight. There was no control at all by the door staff, the rear doors were open and people were drinking outside. There were also complaints again about the Saturday night, although they said it wasn't as bad as the previous night, one complainant had to move his son from his bedroom as he couldn't sleep.

I sent the management team another email to update them along with a further letter in accordance with the ongoing noise investigation procedure (copy attached PC/3). I have received no response at all regarding this letter.

I installed the Council's noise monitoring equipment in a property on Queens Road Chorley on 7th September and removed it on 14th. There is a transcript of the recordings made attached as PC/4. As you will see, the Saturday night was particularly bad and I could clearly hear the music, bass and microphone used by the DJ all throughout the night until the recordings stopped at 5.23am.

As a result, I was satisfied that a statutory nuisance existed and was likely to recur, so I was duty bound to serve an abatement notice to require the owner of the company to resolve the nuisance and he was given 7 days to do so. At the time of preparing this statement, I have not had any response at all anyone at the premises.

I have received further very angry complaints from local residents on Monday 20th September claiming that the noise was extremely loud throughout Friday night and was still going on at 5.20am. They then report that there were lots of people singing and shouting in the streets until around 6am.

Some of the complainants have lived there for many years and have never been disturbed by any issues relating to Applejax. Some are professional people who are having to work after having no sleep at all throughout the night and several have young children who they claim are being disturbed.

It is clear to me that the premises is not being managed adequately and that the current conditions relating to public nuisance are not robust enough to prevent regular and excessive disturbances to local residents. I have visited the premises twice giving the management team advice on what is required to control the noise and continually offered further assistance if required which has not been requested.

Please tick ✓ yes

Have you made an application for review relating to the premises before

N/A

If yes please state the date of that application

Day Month Year

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

N/A

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

P.Carter

Date

21st September 2021

Capacity

Environmental Health 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)