

**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 Mrs Lesley Miller,
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 descriptio

**Cosmopolitan,
30/30a St Georges Street,**

Post town
Chorley

Post code (if known)
PR7 2AA

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

Vanda ROME-TANKUT

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

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 Mrs Lesley Miller 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 515299
E-mail address (optional) Lesley.miller@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 24th September 2021 following repeated complaints by many local resident, the installation of noise monitoring equipment at a neighbouring property and a site visit made by Licensing colleagues on 10th September 2021.

Please provide as much information as possible to support the application

Environmental health received the first complaint about noise from a resident in Halliwell street, the street behind the premises, in late April 2021. This was following the reopening of premises, where this was restricted to outdoor areas. A visit was made on 29 April 2021 to the premises where we met with the DPS, Mr Recep 'Reggie' Tankut, to discuss the noise complaint and an adjustment was made to the graphic equalizer to reduce the bass frequencies in the speakers, as these carry further. The matter was dealt with informally by myself and Nathan Howson, Licensing Team Leader, and it was hoped that with some advice to the premises they could control the noise outside and when the premises could open inside then the matter would resolve.

Unfortunately, over the summer complaints continued to be received from residents, although some were reluctant to pursue the formal process. Many had approached the premises directly before contacting the Council having been reassured that their concerns would be addressed but still experiencing disturbance. Most reported issues of sleep disturbance from music and people shouting until 2am Thursday through to Sunday night. A number had advised that they were unable to have windows open during the summer months due to intolerable levels of noise. A summary of the complaints and actions is attached as a separate document.

One complainant was able to provide some written evidence of the ongoing issues that supported progression of our noise procedure. The recording equipment was installed on 26 August 2021 and the recordings made substantiated the complaints of noise disturbance and included recordings with windows open and closed for comparison and also with the TV on to demonstrate that the music was still audible above the volume of the TV. The recorder log is attached for information.

In addition, a report was received from a customer that had dined in the premises between 19.30 and 21.30 on the Saturday evening, saying that they could not hold a conversation over their meal due to the excessive volume of the music.

A visit was made to the premises with Nathan Howson on 2 September 2021, where we met with the DPS, Mr Recep 'Reggie' Tankut, also a Director of the Company. This was to discuss the evidence obtained from the noise recordings and provide a final opportunity to resolve the matter informally.

The results of an evening visit made by Nathan Howson, Licensing Team Leader and Tracy Brzozowski, Customer Services Manager (Enforcement) on 10 September 2021 at 23.45 were reported to me verbally on my return from leave. A submission has been made by the Licensing Authority detailing their findings, but Nathan reported that he was shocked at the volume of noise from the premises and was willing to provide a written statement to that effect.

The resident that had used the noise recorder, also reported by email the noise disturbance, relating to the same date and time, and again was willing to provide a supporting statement if required.

Based on the evidence previously obtained and the additional reported from the resident and licensing colleagues an abatement notice was served on 24 September 2021. These were delivered by hand during a meeting with the DPS, Mr Recep 'Reggie' Tankut, also a Director of the Company, the Premises Licence Holder, Vanda Rome-Tankut, also a Director of the Company. A copy was also issued to the Company and the Company Secretary. A copy of the certified copied of the notices and the covering letter for the PLH are attached.

The threshold for determining the existence or likely occurrence of a statutory nuisance is higher than that for public nuisance. Therefore as I am confident that a statutory nuisance exists it is likely to occur then it is only reasonable to also determine the existence of a public nuisance and the consequential failure to meet the relevant licensing objective set out in the Licensing Act 2003.

I believe there is an ongoing failure by the premises to protect the public from nuisance and that residents in the vicinity of the premises are suffering from a noise nuisance associated with the

music and the noise from patrons of the premises raising voices, shouting and singing as a directly associated activity.

The management of the premises have received numerous visits to try and resolve the ongoing issues, providing practical advice and solutions to help them control the noise and operate without impacting on nearby residents. However, these informal actions have been unsuccessful and therefore more formal proceedings are required to provide that essential protection for residents.

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



Date

30th 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)