

15/08/2019

Application for a review of a premises licence or club premises certificate under the Licensing Act
Ref No. 1283427

Please enter the name of applicant who is applying for the review of a premises licence under section 51/
applying for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the
premises described in part 1

	Richard Earis on behalf of Southwark Council's Environmental Protection Team
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Postal address of premises or club premises, or if none, ordnance survey map reference or description

Address Line 1	THE BRUNEL PUBLIC HOUSE
Address Line 2	47 SWAN ROAD
Town	LONDON
County	
Post code	SE16 4JN
Ordnance survey map reference or description	

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

	Punch Partnerships (PTL) Limited
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Number of premises licence or club premises certificate (if known)

	869233
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I am

	2) a responsible authority
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Personal Information

Title	Mr
If other, please specify	
First names	Richard
Surname	Earis

Address

Address Line 1	160 TOOLEY STREET
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Address Line 2	
Town	LONDON
County	
Post code	SE1 2QH

Contact Details

Telephone number (if any)	(020) 7525 2469
E-mail address (optional)	richard.earis@southwark.gov.uk

Personal Details

Title	Mr
If other, please specify	
Forenames	Richard
Surname	Earis

Address

	SOUTHWARK COUNCIL
Address Line 1	160 TOOLEY STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 2QH

Contact Details

Daytime contact telephone number	(020) 7525 2469
E-mail address (optional)	richard.earis@southwark.gov.uk

This application to review relates to the following licensing objective(s)

	Please select one or more as appropriate
	3) the prevention of public nuisance

Please state the ground(s) for review (please read guidance note 2)

	It has become clear the current License fails to provide sufficient controls to ensure the
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	<p>Prevention of Public Nuisance Licensing Objective. In particular that conditions relevant to live and amplified music (conditions 309,310,315) are not currently enforceable prior to 23:00 owing to S.177A of the Licensing Act (as amended by the Live Music Act 2012). This has been shown to result in a nuisance on 14/7/2019, as witnessed by an Officer from The London Borough of Southwark Noise Team. There is also substantial evidence of previous nuisance from loud amplified music from this premises. The aim of the review is to amend the License to add sufficient controls to ensure the Prevention of Public Nuisance Licensing Objective.</p>
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Please provide as much information as possible to support the application (please read guidance note 3)

	<p>That at 21.09 on 14/7/2019 an Officer from The London Borough of Southwark Noise Team attended a complaint regarding loud amplified music from the premises. The Officer found that loud music was emanating from the premises and the door to the premises was open. The Officer determined that the music amounted to a Statutory Nuisance. The Officer spoke to the premises manager who then closed the door. An abatement notice was subsequently served under S.80 of the Environmental Protection Act 1990. This notice is currently subject to challenge on the grounds that it was not served on the person responsible for the nuisance, although the facts of the nuisance are not at this stage disputed.</p> <p>The current License contains conditions relevant to live and amplified music (conditions 309,310,315) however these are not currently enforceable prior to 23:00 owing to S.177A of the Licensing Act (as amended by the Live Music Act 2012).</p> <p>Prior to events on 14/7/2019, there was a history of complaint in relation to the premises as follows:</p> <p>22/6/2019: Licensing Enforcement Officers witnessed breach of License Conditions and loud amplified music emanating from the premises. A warning letter was sent to the DPS</p> <p>23/9/2018: Complaint from local resident of noise from loud music and door being propped open.</p> <p>1/4/2018: Resident complaint of loud music coming from pub.</p> <p>7/10/2016: NTE visit found loud music audible from outside and sound limiter did not appear to be working.</p> <p>30/9/2016: NTE Visit music audible from outside premises. Sound increased as doors opened.</p> <p>28/9/2016: Warning letter sent to manager</p> <p>24/9/2016: NTE visit found 'music was blaring out loud' and sound limiter not working correctly. Advice given to manager.</p> <p>18/9/2016: Resident complaint of loud music and breaching License Conditions</p> <p>9/9/2016: Resident complaint of loud music coming from premises</p> <p>28/8//2016: Resident complaint of loud music coming from premises</p> <p>29/7/2016: Resident complaint of loud music coming from premises. Noise Team visit found music audible but not loud</p> <p>(Complaints prior to 2016 not detailed)</p> <p>The Licence holder and premises management have responded positively to our recent involvement in this case and have offered a number of voluntary measures to reduce the risk of further nuisance. However, the Environmental Protection Team consider that the events and complaint history above have highlighted an ongoing risk of public nuisance which could be suitably controlled by application of existing and enhanced License conditions to live and recorded music prior to 23:00. As a result of this, and in order to ensure suitable controls on the License, we request the following amendments to the</p>
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	<p>License:</p> <ol style="list-style-type: none">1. Deletion of condition 3092. Amendment and additional conditions as follows: <p>Section 177A of the Licensing Act 2003 shall not apply to the following Conditions:</p> <p>310. That all exterior windows and doors excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whenever public entertainment is being provided upon the premises</p> <p>315 - That while entertainment is being provided members of the public will not use the beer garden after 2200 hours</p> <p>Premises management shall regularly monitor outside the premises to ensure that the volume and bass of any entertainment does not cause nuisance. A written record of such checks shall be kept on the premises and made available to Officers of the Local Authority or Police upon request.</p> <p>A sound limiting device shall be installed, set and maintained, to control maximum levels of amplified sound inside the premises so as to ensure entertainment noise from the premises does not cause a public nuisance in the vicinity of the premises, and in particular is not audible inside any nearby noise sensitive premises.</p> <p>All audio and musical equipment used in the premises, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be played through the installed sound limiting device at all times.</p> <p>Any additional amplification equipment imported on to the premises by third parties, permitted under the Licensing Act 2003 or the Live Music Act 2012, shall be connected to and use the installed sound limited device/circuit at all times.</p>
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Have you made an application for review relating to this premises before?

	No
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If yes, please state the date of the application

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

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Checklist

	I understand that if I do not comply with the above requirements my application will be rejected
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Declaration (please read guidance note 5)

Applicant Full Name	Richard Earis
Applicant or Applicant's solicitor	Debra Allday Southwark Legal Services

Application for a review of a premises licence or club premises certificate under the Licensing Act

or other duly authorised agent	
Date	15/08/2019
Capacity	EHO - Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Full name	Richard Earis
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Address (please read guidance note 6)

Address Line 1	160 TOOLEY STREET
Address Line 2	
Town	LONDON
County	
Postcode	SE1 2QH
Telephone number (if any)	
Email	richard.earis@southwark.gov.uk