

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 RACHEL STANTON

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 described in part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description THE BOARDWALK, 100 MARINE ROAD	
Post town MORECAMBE	Post code (if known) LA4 4DR

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

Number of premises licence or club premises certificate (if known) LAPLWA0395

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not 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

I am 18 years old or over

Please tick ✓ yes

**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

RACHEL STAINTON
SENIOR ENVIRONMENTAL HEALTH OFFICER
LANCASTER CITY COUNCIL
COMMUNITIES AND ENVIRONMENT
PUBLIC PROTECTION SERVICE
MORECAMBE TOWN HALL
MARINE ROAD EAST
MORECAMBE
LA4 5AF

Telephone number (if any)

██████████

E-mail address (optional)

████████████████████

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

- | | |
|---|-------------------------------------|
| | Please mark one or more boxes X |
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

The Licensing objectives of preventing public nuisance is being seriously undermined.

Information on the Public Protection Service database indicates that nearby residents have been impacted by unreasonable noise from these premises since around the summer of 2019.

Investigation of complaints involved numerous assessment and monitoring visits, installation of noise recording equipment and the complainants submitting extensive noise app recordings with supporting information. As a result of the investigation, and on being satisfied that a nuisance existed, a section 80 Abatement Notice was served under Environmental Protection Act 1990 upon the company.

The council is duty bound to serve notice where it is satisfied a nuisance exists. An appeal was not lodged against the notice, and despite it being in place, complaints continued over time about unreasonable noise levels.

Despite written and verbal warnings to both directors advising of continuing complaints, and the potential consequences of non-compliance disturbances persisted and continue to be reported.

Please provide as much information as possible to support the application (please read guidance note 3)

Information on the Public Protection Service database indicates that nearby residents have been impacted by excessive noise since around the summer of 2019. Despite visits from Lancaster City Council's Licensing team and officers in Public Protection, unreasonable disturbance continued to be reported.

The noise complaints received by the council have been made by all occupiers of the 3 flats comprising of 98 Marine Road West Morecambe, which is adjoined to the Boardwalk.

Complaints have also been received from residents in adjoining premises, who have been impacted by noise, although to a lesser degree. This results from the use of the rear balcony area of the Boardwalk, the complainants have been affected by noise from Boardwalk customers and noise egress from amplified music.

I am aware from file records and following case updates with the case officer, that a Section 80 Abatement Notice was served on Upstairs Downstairs Ltd on the 26th August 2021, of which at the time Mr Lee Wallett and Mr Charlie Edwards were company directors.

The notice was not appealed and whilst in place, complaints about unreasonable noise continued.

On the 3rd December 2021 Megan Walder wrote to Mr Wallett and Mr Edwards to bring to their attention that the council continued to receive complaints about noise and advised that they review the speaker and microphone sound levels. However, complaints continued throughout early 2022.

On the 17th March 2022 Megan Walder and Sarah Jones, Licensing Officer, carried out a pre-planned monitoring visit. After witnessing unreasonable noise in the complainants' properties, they went to the Boardwalk where they spoke to Mr Wallett. The file notes provided by Megan Walder describe how the music was so loud within the venue that she had to shout to be heard and she described the music as 'extremely loud'. File notes indicate that during the visit Megan Walder suggested that Mr Wallett come and witness the noise in the complainants' properties and so that they could make adjustments to the sound system to ensure reasonable volumes so that it wouldn't impact on residents – this was dismissed by Mr Wallett as being unnecessary. Following the visit Megan Walder wrote to Mr Wallett and Mr Edwards on the 22nd March 2022 to confirm what she had witnessed on the 17th March and this could be considered a potential breach of the Abatement Notice and in view of this, a review would be considered how the council would proceed. She advised in the correspondence they needed to review and adjust sound levels at their premises.

Despite this, complaints continued. I undertook a full case review and took over the case in June. On the 29th June 2022 I emailed Mr Wallett and Mr Edwards to advise that amongst other things, given continuing complaints that an application to review the Premises Licence was being considered. Following my email, I spoke to Mr Wallett on the 30th of June advising what steps were necessary to

remedy the issue – simply turn the volume down until more effective measures could be determined to minimise any the likelihood of nuisance.

During the evening of the 30th of June, further noise apps were submitted indicating that noise levels continued to be unreasonable. I emailed Mr Wallett on the 1st July 2022 with a noise app recording attached to the email advising of this.

Towards the end of July, I contacted the complainants requesting an update. I was advised that unreasonable noise levels continued, and I arranged an assessment visit on the 30th July 2022. During this visit, I witnessed noise levels that I considered unreasonable and took noise app recordings in flats 3 and 2. Noise apps were submitted by the occupier of flat 1 that same evening at similar times, depicting noise levels what I had witnessed during my visit.

I arranged to undertake further assessment on the 4th August 2022. During this visit I took several noise app recordings on my phone in the living room, kitchen, and bedroom within flat 1. Music noise was clearly audible throughout the flat during my time at the property and remained audible above a reasonable volume of TV sound.

Regardless that an Abatement Notice is in place and following warnings about the possible action the council would consider if nuisance continued, there has been repeated and persistent disregard about causing unreasonable noise disturbance to nearby residents. In view of this, there is no alternative but to apply for a review of the Premises Licence as all other options have been exhausted and residents continue to be unreasonably disturbed and impacted by noise from these premises.

To support the information provided above, noise recordings made by complainants and investigating officers will be submitted.

Statements confirming the above will be submitted.

File case notes will be submitted supporting chronology and actions, including correspondence to Mr Wallett and Mr Charlie Edwards.

Please tick ✓ yes

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

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

Not applicable

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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 **10th August 2022**

.....

Capacity

.....

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)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

