

Licensing Team
Town Hall
Castlefield Road
Reigate
Surrey
RH2 0SH



**Application for a 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 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.

We [REDACTED] Environmental Protection Team Leader on behalf of Environmental Health apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Cloony's 85 Bell Street Reigate Surrey RH2 7AN	
Post town Reigate	Post code (if known) RH2 7AN

Name of premises licence holder or club holding club premises certificate (if known)
Mr [REDACTED]

Number of premises licence or club premises certificate (if known)
R&BBC 23/02734/LICDPS

Part 2 – Applicant details

I am

- | | | | |
|----------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------|----------------------------------|
| 1) An individual, body or business which is not a responsible authority
(please read guidance note 1) | <input type="checkbox"/> | Please tick ✓ | please complete (A) or (B) below |
| 2) A responsible authority | <input checked="" type="checkbox"/> | | please complete (C) below |
| 3) A member of the club to which this application relates | <input type="checkbox"/> | | please complete (A) below |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title <input type="checkbox"/> (for example, Rev)
Surname			First names	
<input style="width: 100%;" type="text"/>			<input style="width: 100%;" type="text"/>	

Please tick ✓

I am over 18 years old or over

Current address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name Environmental Health
Address Townhall, Castlefield Road, Reigate, Surrey, RH2 0SH
Telephone number (if any) 01737 276000
E-mail (optional) environmental.protection@reigate-banstead.gov.uk

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

Please tick one or more boxes ✓

- | | |
|-----------------------------------------|-------------------------------------|
| 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 1)

Public Nuisance:

Environmental Health have received 3 formal complaints from residents in nearby area surrounding 85 Bell Street, Reigate in relation to noise nuisance from within the licensed boundary of Cloony's bar. These are as follows:

- 23/04299/ENCOM noise from Cloony's Bar (shouting and loud music) received on 26.10.23
- 23/04647/ENCOM noise from Cloony's Bar received on 20.11.23
- 23/04995/ENOIPA noise from Cloony's Bar (excessive music volume) received on 17.12.23

In addition to the above, I am aware other complaints have been made to our Licensing Department regarding the exterior noise and behaviour of patrons entering and leaving the premises, which have reportedly been disturbing local residents.

After diligent investigations, and plenty of forewarning about the noise issues occurring to the licence holder, both in writing and via site visits. Environmental Health were duty bound to issue a noise abatement notice against the licence holder, which occurred on 11th January 2024 under Part III of the Environmental Protection Act 1990. This notice was subsequently deemed to have been breached/ not complied with on numerous occasions. (please note at the time of writing Environmental Health are still analysis noise data and there is the potential for future breaches to occur also). The below example is based on my own observations and provided as an indication, that I could hear the song and lyrics were clearly audible inside residents properties and or communal flat areas.

- 27th January 2024 loud music clearly audible in a bedroom and around residents properties throughout the evening e.g. Officer could clearly hear Shaun Paul 'Gimme the Light' playing at 21.41 and Estelle 'American Boy' playing at 2156.

As such given the complaints, Environmental Health serving a noise abatement notice and this notice subsequently being contravened/ breached and ancillary information about noise and antisocial behaviour that have been reported to the council. I am of the opinion that the music noise from the licensed premises is having a disproportionate and unreasonable effect on persons living in the area which demonstrates that the premises licence holder is not promoting the licensing objective - the prevention of public nuisance. Therefore, I feel I have no option now but to formally call for a licence review at the aforementioned licenced premises.

I must add that the licence holder has verbally stated on several occasions they are looking into noise mitigation measures such as sound proofing to dampen down the noise, they have engaged somewhat with Environmental Health and Licensing by Voluntarily restricted the use of the rear garden and rear smoking area by closing the access to patrons after 22:00 hrs).

Please provide as much information as possible to support the application (please read guidance note 2)

Environmental Health have received 3 formal complaints from residents in the area surrounding 85 Bell Street, Reigate in relation to noise nuisance from within the boundary of Cloony's bar. These are as follows:

- 23/04299/ENCOM noise from Cloony's Bar received on 26.10.23
- 23/04647/ENCOM noise from Cloony's Bar received on 20.11.23
- 23/04995/ENOIPA noise from Cloony's Bar received on 17.12.23

In addition to the above concerns have been expressed to Environment al Health and other council departments regarding the exterior noise and behaviour of patrons entering and leaving the premises, which have been disturbing local residents.

Following on from the above, the council investigated the noise complaints for the residents under Part III of the Environmental Protection Act 1990 (statutory Nuisance). As part of our investigations the licence holder, Mr [REDACTED] was written to by Environmental Health about the above complaints either via letter and or via email on at least Eleven occasions as detailed below:

- 27.10.23 Letter sent to Premises re noise complaint.
- 31.10.23 Follow up letter to premise sent offering advice re noise complaint.
- 9.11.23 Email correspondence with the premises about the noise issue.
- 10.11.23 Case Officer visit to premises met and discussed noise issues with Mr [REDACTED] bar manager.
- 20.11.23 email correspondence with premise re noise issues.
- 23.11.23 new complaint letter sent to premises.
- 1.12.23 Section 16 notice sent to premises addressed to Mr [REDACTED] – 14 days to respond noted didn't respond within timeframe.
- 19.12.23 email follow up to premise following failure to reply to Section 16 Notice within response time.
- 22.12.23 Letter sent to Premises re noise complaint.
- 11.1.24 Noise abatement notice issued to licence holder.
- 1.2.24 Breach of Notice any reasonable excuse letter to premises.

In relation to Environmental Health noise investigations, given the evidence provided by local residents (diary record sheets, noise recordings and videos) and coupled with late night officer observations of the reported noise nuisance first hand on 5th January 2024, Environmental Health were duty bound to issued a noise abatement notice against the licence holder on 11th January 2024 under Part III of the Environmental Protection Act 1990 as a statutory noise nuisance had been substantiated.

Communications from residents indicated there hadn't been any noticeable improvements since the serving of the abatement notice. In response to this, a residents meeting with Licensing

Environmental Health and the licence holder was called and occurred at 7pm on 17th January 2024. Local residents had the opportunity to outline what issues were affecting them and how it was impacting on their use and enjoyment of their home. In my opinion it was made very clear the noise and bass levels from within the bar was too loud, the noise from the rear garden area was too loud and the garden was open too long into the night/ early morning and noise and antisocial behaviour from patrons entering or leaving the bar were explained to the licence holder.

To assist in trying to find a generally acceptable noise level that wouldn't usually be capable of breaching the abatement notice it was agreed all parties would participate in a noise listening exercise, whereby the level of noise and bass would be varied (under the oversight of council officers) to identify a volume level that wouldn't be deemed a statutory nuisance i.e. wouldn't usually be capable of breaching the abatement notice. This exercise occurred on 18th January 2024.

During this exercise on the 18th January I was able to identify a setting on the DJ equipment whereby music couldn't be audible at a level in residents properties that would breach the notice. Residents and I made several recordings at this level, so we have evidence to benchmark and compare any potential breaches too.

It was made very clear to the licence holder ~~the~~ which recommended setting on the DJ equipment should not be exceeded, but anything lower would be better though. I also emphasised that it is the licence holders responsibility to ensure the abatement notice isn't breached and our assist was just a guide only.

In my professional opinion the noise in the bar whereby the music was loud and would be considered a breach of notice compared to the suggested level whereby the noise wouldn't usually be considered being capable of being a breach (and could be clearly distinguished with the human ear). The area to local residences are open to the public, as such there wouldn't have been anything stopping representatives from the bar walking the surrounding area, going inside communal areas of the adjacent flats to listen to see if the noise could be audible or not or even doing further checks or engagement with local residents to see how noise levels in their properties area. I note in the licence holders application they stated there would be regular noise checks, if these were done then surely we wouldn't be in this position now?

Following numerous noise recordings supplied to Environmental Health by local residents and coupled with Environmental Protection Officer on site observations in and around residents properties on the evening of 26th and 27th January 2024, Environmental Protection Officers had obtained sufficient evidence which confirmed the notice has not been complied with, whereby music emanating from the premise has been clearly audible causing a nuisance to local residents that goes against the requirements of the abatement notice.

At the time of writing this statement, Environmental Health were aware of the following breaches of notice (Table 1 below) whereby evidence/ observations were sufficient to demonstrate that the requirement of the notice in that "no noise nuisance to be caused from amplified, live or recorded musical entertainment or other amplifying equipment to any adjoining or neighbouring residential occupiers" was deemed to be breached/ not complied with.

Table1: List of reported contraventions of noise abatement notice (note times are to provide examples of context)

Date	Noted Example Times	Narrative
18.1.24	2334hrs 2356hrs	Loud music, identify song as Peggy Gou – Nanana Can hear thumping music, recognise song as Sing it Back – Moloko

	2357hrs	Loud thumping base heard, can hear lyrics - Upside down, inside our and round and round
19.1.24	0007hrs	Music identified as Arman Van Helden – You Don't Even Know Me
	2204hrs	Can hear repetitive base, clearly hear song and lyrics of Please Don't Stop The Music - Rihanna.
	2234hrs	Can hear base and lyrics to a song – Hey Brother - Avicii
	2346hrs	Loud music with base, song identified as Worth it – Fifth Harmony
20.1.24	0027hrs	Clear music heard with base, song Who Runs The World – Beyonce
	2150hrs	Identify song as Electricity – Dua Lipa. Voices heard in background talking.
21.01.24	0048hrs	Very loud thumping base music hard, people heard cheering and talking in the background
25.1.24	2152hrs	Loud music heard, identify two songs where lyrics can clearly be heard. SWV – Into You, Jade - Don't Walk Away.
	2256hrs	Loud base heard, song lyrics identified as Becky Hill – Loose Control and Becky Hill Crazy What Love Can Do
	2354hrs	Loud base and lyrics heard, identify song as Soulja Boy – Kiss Me Thru The Phone
26.1.24	0002hrs	Clearly hear music and lyrics, identify song as Dilemma – Nelly

	0006hrs	and Kelly Rowland Identify song as Rude Boy – Rihanna
27.1.24	2025hrs 2157hrs 2328hrs 2332hrs 2336hrs	Loud music heard playing, song recognised as Murder On The Dancefloor – Sophie Ellis-Bextor Can hear people talking and singing in parts of recording. Loud music playing with song clearly identified as American Boy – Estelle Can hear people talking and song loudly in background, music identified as Freed From Desire – Gala People heard talking and cheering. Music identified as Arman Van Helden – You Don't Even Know Me Can hear music playing loudly , song Show Me Love – Robin S

I believe the information detailed above confirms that we have given the premise ample notice, warning and guidance both in writing and verbally but they continually seem unwilling to lower their music levels as to not cause a noise nuisance to their neighbours. I feel this review process could have been avoided if the premise were doing regular noise checks as they had stated in their initial application and were being proactive and adjusting their volume down as to not impact local neighbours.

I am of the opinion that the music noise from the licensed premises is having a disproportionate and unreasonable effect on persons living in the area which demonstrates that the premises licence holder is not promoting the licensing objective - the prevention of public nuisance. Therefore, I feel I have no option now but to formally call for a licence review at the aforementioned licenced premises.

Enclosed
See copy of Abatement Notice

Please tick ✓

Have you made an application for review relating to this premises before?

If yes please state the date of that application

Day		Month		Year			

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

N/A

Please tick ✓

- 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 3)


Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature ... 

Date1.2.24.....

Capacity ...Environmental Protection Team Leader.....

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)


 Environmental Protection Team Leader
 Reigate and Banstead Borough Council
 Townhall
 Castlefield Road
 Reigate
 Surrey
 RH2 0SH

Post town Reigate

Post code RH2 0SH

Telephone number (if any) 01737 276000

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Environmental.protection@reigate-banstead.gov.uk

Notes for guidance

1. The ground(s) for review must be based on one of the following licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.