

LICENSING ACT 2003

REPRESENTATION FORM – Responsible Authorities

Responsible Authorities are requested, where possible, to forward to the Licensing Authority all relevant evidence in support of their representation at the time of submitting this form.

Your Details

Your Name:	Matt Cloke
Name of the organisation you represent:	Gloucester City Council
Position held:	City Centre Improvement and Environment
Postal Address of the organisation or body you represent:	Herbert Warehouse The Docks Gloucester
Post Code:	GL1 2EQ
Daytime contact telephone number:	01452 396317
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address.</i> Matt.cloke@gloucester.gov.uk
Full correspondence address if different to above:	

Premises Details

Name of premises you are making representation about:	Olympus Café,		
Full Postal Address of premises you are making representation about:	162-170 Barton Street, Gloucester		
Post Code:	GL1 4EU	Application Ref. Number. (If known)	unknown

Representation Form - Responsible Authorities

ENVIRONMENTAL HEALTH

LA01/VR2008

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GLOUCESTER
CITY COUNCIL

Representation details

(Note: Your representation **must** relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to).

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		Public safety	
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

I make this representation in regards to the application received from Gloucestershire Constabulary to review the Premises Licence at Olympus Café Bar, Barton Street, Gloucester and would advise as follows:

Directly opposite the Olympus Cafe are numerous residential flats that are approximately 10 metres from the full glass front facade and entrance doors of the premises. Furthermore, immediately to the rear of the premises lies Blenheim Road and Vauxhall Road. There are a considerable number of sensitive receptors within a distance of approximately 150m of the Olympus Café that have been and are likely to be adversely affected by regulated entertainment taking place within the premises.

The Olympus Café has been the cause of concern to the Environmental Protection Team of the City Council since approx. 2015. In March of 2016 a premises licence variation was submitted to the Licensing Team to request an extension of licensable activities on a Friday/Saturday night until 03:00 hours. As a result of complaints of Statutory Noise Nuisance arising from amplified sound emanating from within the premises it was agreed however that the applicant would except a termination point of 01:00 hours in regards to this application. I understand the Licensing sub-committee upon hearing this variation further reduced the hours of licensable activities on a Friday/Saturday night until 00:00 hours so as to ensure the premises operated within the four licensing objectives, specifically Prevention of Public Nuisance.

In April 2016 (during a temporary event) as a result of an Albanian party taking place within the premises an officer of the Council witnessed the likely occurrence of a Statutory Nuisance resulting from amplified sound emanating from within the premises. It was noted in the witness statement provided by the officer that the amplified sound emanating from within the Olympus Café could be clearly heard approximately 50 metres away where the officer was stationary outside the Beacon of Light, 177 Barton Street. This incident resulted in the service if an Abatement Notice, under the provision of the Environmental Protection Act 1990, upon the Premises Licence holder (PLH) which clearly stated the nuisance must be abated with immediate effect.

Further, site meetings took place with the PLH in March/April 2016 to identify methods of improving the acoustic qualities of the premises so as to prevent future incidents of public nuisance. Several recommendations so as to improve the attenuation of the building fabric were identified at this time, in which the PLH was made aware of as it was my opinion the premises was not fit for the purpose it was intended for.

On the 6 September 2016 I was informed, by the Licensing Team, of a late TEN application in respect to this premises and also informed that the Premises Licence had been transferred to a Mr Arben Ndreu. In regards to this application I spoke to Mr. Ndreu on 7th September 2016 to discuss if any of the proposed mitigation measures recommended to the previous PLH during the meeting in March 2016 had been installed in the premises, so as to restrict the complaints of public nuisance that have been linked to regulated entertainment taking place within the premises.

Mr. Ndreu confirmed that an internal lobby had been built around the front door to prevent the escape of noise when the door is opened, however no other proposed mitigation measures had been introduced to prevent the escape of amplified sound from within the premises. As a result it was advised that all future TEN applications submitted to this authority would likely be refused on grounds of prevention of public nuisance until such time that mitigation measures have been introduced to reduce the impact of regulated entertainment on localised sensitive receptors.

Mr Ndreu then opened lines of communication with the Environmental Protection Team to discuss the above meeting and recommendations made in respect to improving the acoustic qualities of the premises. Further works were undertaken by Mr Ndreu that improved the acoustic qualities of the building fabric. Additionally Mr Ndreu agreed with an officer of the Council that only a specifically identified PA system would be used, in addition to agreeing a maximum noise level being emitted from the premises.

As a result of the above agreement being in place and the physical improvements being made to the building fabric it was agreed that no further objection to TEN applications would be made by the Environmental Protection Team unless or until further complaints were received.

On the 10th February 2018 and as a result of a private party within the Olympus Cafe an officer of this Authority witnessed a statutory nuisance at Olympus Café, 162-170 Barton Street, Gloucester, GL1 4EU arising from loud amplified sound emanating from within.

This incident was witnessed on two separate occasions on the 10th February 2018 at 00:15hrs and again at 01:35hrs whilst the City Council Officer was on duty in the area. It is noted in the witness statement provided by the officer that the amplified sound emanating from within the premises could be clearly heard approximately 91 metres away when the officer was in the area of Gothic Cottages, Barton Street. Due to the time that had elapsed since April 2016 and as a result of the Premises Licence being transferred to Mr Ndreu an Abatement Notice under the above Act was issued upon Mr Ndreu as the PLH, which again clearly stated the nuisance must be abated with immediate effect.

I understand after further discussions with Mr Ndreu, since the enforcement notice was issued, that the Olympus Café has remained closed as he no longer wishes to retain any responsibility to the premises, I have also been made aware that Mr Ndreu wishes to transfer the Premises Licence to an individual known to be his cousin, Mr Armondo Gjoka.

With the above borne in mind it is still my opinion that the Olympus Café is not fit for the purpose it is proposed to be used for i.e. live bands/recorded amplified sound, as such I strongly recommend that the Licensing Authority fully revoke the Olympus Café Premises Licence on grounds of prevention of public nuisance.

Please suggest suitable conditions that the committee could add to the licence (if granted) to remedy your concerns or if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or enter details of any other matters, not commented on elsewhere relating to your representation that you would like the committee to take into account. (Please continue on a separate sheet if necessary).

Should the Licensing Authority choose to disregard the above recommendation I would ask that additional restrictive conditions be imposed upon any reviewed premise licence that further restricts the use of live/recorded amplified sound within the premises. The conditions are outlined below;

- Noise from music and associated sources shall not be audible in noise sensitive premises at any time.
- Automatic door closers shall be fitted and installed to all external and internal sound trap lobby doors within the premises to the satisfaction of the Licensing Authority by the 14th June 2018
- A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.
 - The noise limiting device shall be installed and set at a level approved by the Council through its authorised environmental health officer prior to the opening of the premises in conjunction with the premises licence.
 - The noise limiting device shall be properly secured so that it cannot be tampered with.
 - The noise limiting device shall only be reset with the authority of the Council through an authorised environmental health officer
 - If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised environmental health officer within 14 days of notification.
- The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas (such as terraces, beer gardens and smoking areas) do so in a quiet and orderly fashion.
- Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
- Clear notices must be displayed at prominent points in all outdoor areas requesting that they respect the needs of local residents and behave in a quiet and orderly manner.

If you have any queries in regards to the above representation or recommendation of conditions please come back to me and I will be happy to discuss further.

Signed:	Matt Cloke	Dated:	28/03/2018
Position:	City Centre Improvement and Environment		