

**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 Dudley Metropolitan Borough Council, Food and Occupational Safety.

*(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**

|                                                                                                                                     |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>Jaipur Wine Bar<br>53-54 High Street |                                     |
| <b>Post town</b> Quarry Bank                                                                                                        | <b>Post code (if known)</b> DY5 2AA |

|                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>Miss Forhana Begum |
|-------------------------------------------------------------------------------------------------------------------|

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| <b>Number of premises licence or club premises certificate (if known)</b><br>DY/51/1237 |
|-----------------------------------------------------------------------------------------|

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises ☐
  - b) a body representing persons living in the vicinity of the premises ☐
  - c) a person involved in business in the vicinity of the premises ☐
  - d) a body representing persons involved in business in the vicinity of the premises ☐
- 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

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<br>Dolores Nellany, Food and Occupational Safety Manager<br>Dudley MBC<br>Food and Occupational Safety<br>Claughton House<br>Blowers Green Road<br>Dudley<br>West Midlands<br>DY2 8UZ |
| Telephone number (if any)<br>(01384) 814611                                                                                                                                                            |
| E-mail address (optional)<br>dolores.nellany@dudley.gov.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

|                                     |
|-------------------------------------|
| <input type="checkbox"/>            |
| <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            |

#### Please state the ground(s) for review (please read guidance note 1)

The grounds for a review are based on the serious undermining of the licensing objective for the prevention of public nuisance. Miss Begum the premises license holder and the Designated Premises Supervisor has not met the objective for the prevention of public nuisance due to the poor management of the premises with respect to noise control.

Several complaints from four different complainants regarding noise nuisance from the premises have been received and investigated by Environmental Health Officers since early August 2010. The complaints have been substantiated by officers of the Council on 31st August 2010, 4th September 2010 and 9th September 2010 when noise nuisance was witnessed from amplified music being played at Jaipur Wine Bar. Officer statements confirm that noise from amplified music being played at Jaipur Wine Bar player was audible at a distance of 60 metres from the premises and was audible within all rooms of a residential property close to the wine bar. The officer who witnessed the noise from the premises on 4th September stated in his witness statement, "the music caused the walls within the complainants' property to shake in time to the music and it was difficult to maintain a conversation within the property without raising voices and was impossible to concentrate". Two written warnings were issued to Mt Intaj Ali, being the person responsible for the noise nuisance and the person in control of the premises, on 9th August and 2nd September 2010. However, further complaints alleging noise nuisance from music at the premises were received. On 7th September 2010 statutory Noise Abatement Notices under Section 80 of the Environmental Protection Act 1990 were served on Mr Intaj Ali and Miss Forhana Begum prohibiting the recurrence of a noise nuisance. On 9th September 2010 a council officer witnessed loud amplified music emanating from the premises as a result of a further complaint. This is considered to be a breach of the noise abatement notice and is currently being investigated with a view to further

action being taken. The officer who witnessed the breach of the notice on 9th September observed that no customers appeared to be present in the wine bar at a time when loud music was emanating from the premises. The alleged breach of the notice appears to be a blatant disregard by Mr Intaj Ali and Miss Forhana Begum for the licensing objective of the prevention of public nuisance. On 8th September 2010, the implication of the notice was explained clearly to Mr Ali by a Senior Environmental Health Officer. However, the next evening a breach of the notice was observed at a time when the wine bar had no customers but was playing loud music which was audible within all rooms of a complainant's residential property.

Should the Committee not be minded to suspend or revoke the premises licence issued they may wish to consider excluding the licensable activity of recorded music from the licence as a proportionate response to the blatant disregard of the licensing objective. Alternatively, the following additional conditions could be considered for inclusion on the licence:

1. The installation of a sound limiting device to be calibrated and set to the satisfaction of Environmental Health Officers in conjunction with residential neighbours.
2. Sealing of the hole in the kitchen wall surface with materials which will prevent the transmission of sound.
3. Replace the self closing device on the front entrance door with a self closing device that ensures that the door always returns to the closed position after being used.
4. In consultation with the Fire Officer, either replace the light weight and ill fitting door leading from the kitchen into the rear yard with a purpose made fire door or alternatively consider removing the doorway by constructing a brick wall (This work must not proceed without consultation with the Fire Officer).
5. A documented policy for the management of noise to be produced and implemented to the satisfaction of Environmental Health and to include staff training, procedures to deal with noise complaints and the monitoring of noise levels by staff at agreed intervals and locations in the vicinity of the premises during regulated entertainment.

These additional conditions should improve the overall sound transmission from the wine bar to residential properties which are in very close proximity. Further structural works could also be considered, such as installing a lobby with a double door entrance to the front of the wine bar and investigating options for improving the sound insulation of the party walls and ceiling but these are likely to be more complicated and costly solutions, which may not be necessary if there was better on site management of regulated entertainment.

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

Food and Occupational Safety is designated a 'responsible authority' for the purposes of the Act

The first complaint alleging a noise nuisance from amplified music at the Jaipur Wine Bar was received on 6th August 2010 from a resident in High Street, Quarry Bank. The initial complainant has made several subsequent complaints and has provided logs of noise incidents from Jaipur Wine Bar affecting the use or enjoyment of his/her property as well as statements from the complainant and his/her partner.

A second complainant, also a resident of High Street, Quarry Bank made a complaint about alleged noise nuisance from amplified music at Jaipur Wine Bar on 31st August 2010 and again on 6th September 2010.

A third complainant, a resident of Victoria Road, Quarry Bank made a complaint alleging noise nuisance from amplified music at Jaipur Wine Bar on 8th September 2010.

A fourth complainant, from High Street, Quarry Bank, made a complaint about alleged noise nuisance from amplified music from Jaipur Wine Bar on 15th September 2010.

To date, one breach of the noise abatement notice prohibiting the recurrence of a noise nuisance has been witnessed by council officers. However, the first complainant's log records and statement allege subsequent breaches in September 2010. Statements from council officers and the complainant will be made available prior to the Licensing Committee hearing and the witnesses who have provided the statements will be called at the hearing.

The Food and Occupational Safety Service raised a representation on 28th October 2009 in relation to the application for the initial Premises Licence for Jaipur Wine Bar on the grounds of meeting the licensing objective for the prevention of public nuisance. This representation was heard by the Licensing Sub Committee on 5th January 2010 when it was agreed that two additional conditions would be placed on the licence, namely :

1. All doors and windows shall be kept closed during regulated entertainment
2. All exit doors within the premises to have signs asking customers to leave the premises quietly and respect local residents and their premises.

During the Licensing Sub Committee meeting in January 2010, the premises license holder and Designated Premises Supervisor, Miss Begum stated the following:

- The catering equipment in the kitchen was unused and would be removed.
- Two door staff would be employed to patrol the area and monitor fire exits.
- The tenant living above the premises would be vacating it in the near future.

On 16th September 2010 Miss Begum attended the Food and Occupational Safety offices and was asked about the statements made at the Committee hearing.

In relation to the catering equipment in the kitchen, this has not yet been removed but would be.

As regards employment of door staff, Miss Begum said that only one security person was employed at present due to the costs involved.

In relation to the tenant in the flat above the wine bar, the tenant was still resident but had written a letter to Miss Begum indicating that the tenant was not troubled by the music from the wine bar as the tenant did not return home until after the music had stopped. (N.B. It should be noted that the tenant residing in the flat above the wine bar is not one of the four local residents who have made complaints to Environmental Health) .

Please tick yes

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**

A representation was raised by the Food and Occupational Safety service on 28th October 2009 in relation to the initial Premises Licence application for Jaipur Wine Bar. The representation was considered by the Licensing Sub Committee on 5th January 2010.

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 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

*Dolores A. Nellany*

Date 22<sup>nd</sup> October 2010

Capacity Food and Occupational Safety Manager

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

Dolores Nellany, Food and Occupational Safety Manager  
Dudley MBC  
Food and Occupational Safety  
Cloughton House  
Blowers Green Road

**Post town**

Dudley

**Post Code**

DY2 8UZ

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** dolores.nellany@dudley.gov.uk

**Notes for Guidance**

1. The ground(s) for review must be based on one of the 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.