

201582



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.

1 MISS TANYA CARLTON

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

SEAMUS O'DONNELL'S  
28 VICTORIA PARADE

Post town

TORQUAY

Post code (if known)

TQ1

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

STEVE & LESLEY BUTCHER

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

PL0 422

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**

CARLTON

**First names**

TANYA

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

FLAT 3, 29-30 VICTORIA PARADE

Post town

TORQUAY

Post Code

TQ1 2BD

Daytime contact telephone

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
Telephone number (if any)
E-mail address (optional)

**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)

RELENTLESS, EXCESIVE LOUD MUSIC  
EVERY SATURDAY NIGHT UNTIL 2 AM  
CAUSING A PUBLIC NUISANCE AND GREAT  
DISTRESS TO THE NEIGHBOURING  
PROPERTY

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

ON MOVING TO ~~THIS~~ MY FLAT I WAS MADE AWARE OF A PROBLEM WITH NOISE, FROM THE PUB NEXT DOOR, BY THE PREVIOUS TENANT. HE TOLD ME IT HAD CAUSED HIM RELENTLESS PROBLEMS AND ILL HEALTH. I THOUGHT IF THERE WAS A SERIOUS PROBLEM I WOULD BE ABLE TO SPEAK TO THE LANDLORD AND IT WOULD BE DEALT WITH. I WAS MADE AWARE OF THEIR NAMES BY THE MAN WHO OWNS THE ARCADE DOWNSTAIRS FROM MY FLAT, STEVE BUTCHER & HIS WIFE LESLEY INVITED ME & MY BOYFRIEND IN FOR A DRINK ON SEVERAL OCCASIONS BUT I DECLINED AS I FELT IT WOULD MAKE IT DIFFICULT IF THERE WAS A PROBLEM WITH THE NOISE, PLUS I HAVE WITNESSED SEVERAL VIOLENT INCIDENTS OUTSIDE THE PUB BETWEEN THE DOOR STAFF & CUSTOMERS.

WHEN THE MUSIC DID BECOME A PROBLEM I APPROACHED MR & MRS BUTCHER & THEY GOT THE COUNCIL TO COME AROUND TO MY FLAT & ALSO HAD A LIMITER (RESTRICTOR) INSTALLED IN THEIR PUB I WAS HAPPY WITH THIS, EVEN THOUGH I COULD STILL HEAR THE MUSIC, IT WAS NOT A PROBLEM. THEN ~~THE~~ LAST SUMMER THEY (MR & MRS BUTCHER)

P.T.O

I HAVE ENCLOSED <sup>5</sup> FURTHER INFORMATION RELATING TO THIS MATTER

HAD WORK DONE IN THE PUB, REMOVING A KITCHEN WALL SO THEY COULD EXTEND FLOOR SPACE UPSTAIRS IN THE PUB. THIS IS DIRECTLY NEXT TO MY BEDROOM AND THIS IS WHEN THE SERIOUS NOISE PROBLEMS BEGAN. I APPROACHED MRS BUTCHER IN SEPTEMBER, SHE CAME TO MY FLAT AND AGREED IT WAS WAY TOO LOUD, SHE TOLD ME THAT "THE BOYS" (I ASSUME DJ'S) COULD BY-PASS THE LIMITER SET BY THE COUNCIL THAT IS WHY I WAS EXPERIENCING SO MUCH NOISE. SHE THEN TOLD ME TO TEXT HER ANY TIME IT WAS A PROBLEM & SHE WOULD TELL THE DJ TO TURN IT DOWN. AT FIRST SHE DID THIS, I WOULD TEXT HER & THE MUSIC WOULD BE TURNED DOWN. THEN SHE BECAME UNRESPONSIVE TO MY TEXT & CALLS UNTIL ONE NIGHT SHE TOLD ME TO PUT IT WITH IT AND SHE WOULD NOT BE DOING ANYTHING TO RECTIFY THE PROBLEM AS THIS IS HOW THE COUNCIL HAD SAID IT COULD BE.

THE EFFECT THIS HAS HAD ON MY STANDARD OF LIFE IS EXTREME. I CANNOT SLEEP ALL WEEKEND, MAKING ME ANXIOUS AND DISTRESSED, THE PROBLEM IS BEING MADE WORSE BY THE FACT, THEY KNOW THEY ARE CAUSING ME THIS DISTRESS AND ARE CHOOSING NOT TO RECTIFY THE PROBLEM THEIR SELFISH, ILLEGAL BEHAVIOUR NEEDS TO BE ADRESSED. IT HAS ALSO BEEN RECORDED & WITNESSED BY TWO COUNCIL OFFICERS.

THANK YOU

Have you made an application for review relating to this premises before  **Please tick yes**

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**

- 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  **Please tick yes**
- 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 T. Car Hon

Date 19.3.14

Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) <u>FLAT 3, 29-30 VICTORIA PARADE</u>	
<b>Post town</b> <u>TORQUAY</u>	<b>Post Code</b> <u>TQ1 2BD</u>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond at this address (optional)</b>	<b>your e-mail</b>

**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.







SW/WS1

STATEMENT OF WITNESS
C.J.A. Statement

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF

Age of Witness Over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness: U/E

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 14.3.14 day of .....20.....

Signed T. Carlton


I Tanya Carlton live at Flat 3 Harbour View, 29-30 Victoria Parade, Torquay, TQ1 2BD. I moved into this property in September 2012. My flat is next door to Seamus O'Donnell's public house and 'Back to the 80s' nightclub. When I moved into the flat through a house transfer scheme I was told by the outgoing tenant there had been problems with noise from Seamus O'Donnell's. My flat is on the 1st floor adjoining the first floor of Seamus O'Donnell's. They use this first floor as the 'Back to the 80's' night club. When I first moved in the owners Lesley and Steve Butcher approached me and offer me to come for a drink. I was polite and declined the offer in case problems with noise occurred in the future. They gave me their mobile number and said to contact them any time if there was ever a problem. Around Easter 2013 the front part of the back to the 80's nightclub was turned into a dance room. Environmental Health come out and set the limiter with the owners of Back to the 80s. After the limiter was set I could barely hear the music and could live with it. I was away most weekends over the summer 2013 and became aware of music breaking through into my flat on the 7th September. I remember this date clearly because I had friends staying from London. The music was louder than I had experienced before and prevented me from sleeping. The music could be heard throughout my flat. Later that week I contacted Lesley Butcher as they had previously asked me to do so if there was a problem. The following Saturday Lesley Butcher came round to my flat to listen to the music I could hear in bedroom. She agreed the music was unacceptable. Whilst she was in my bedroom she phoned her husband Steve Butcher and asked him to turn the music down. He must have done this because the volume of the music was fine. She apologised and told me the boys had bypassed the

Signed T. Carlton



SW/WS1

limiter, although at this time I did not know what she was referring to. She told me to call her any time if there are any more problems and she would call the DJ to ask him to turn the music down. This continued for a couple of weeks. By October Lesley Butcher started to ignore my calls and text messages. The last communication had from Lesley Butcher was a text message stating 'that's the volume and put up with it'. I considered all friendly ties with the butchers over at this point. I decided to contact Environmental Health in December 2013. I am sick to death of 80's classics every Saturday until 3:00 am in the morning to the point I know all the words to songs I didn't even know before. Dexty's midnight runners and Bon Jovi are particular favourite for the DJ to play. The DJ can continuously be heard speaking over the DJ which gets the crowd singing along to the songs which I can also hear. Certain songs make the customers dance up and down at the same time which sends vibrations throughout my flat. This has happened every Saturday since September 2013 without fail. I'm kept awake until the club closes. This is causing me sleeping problems leaving me feeling tired and stressed and I feel this way until for a few days after a Saturday night. I feel unable to function normally and wasting days because I cannot do the things I would like to do. I find this situation frustrating and stressful. I'm left feeling angry because they have been aware of this problem since September and I do not feel they have done anything to sort the problem out.

Signed..........



URGENT !!

RECEIVED  
04 DEC 2013

Case Reference:  
Community Safety, C/o Town Hall, Castle Circus, Torquay, TQ1 3DR

### Nuisance Diary Sheet

NOTE: PLEASE READ THE ATTACHED GUIDANCE BEFORE MAKING DIARY ENTRIES.

Your name and address	Name and address of person / address being complained about	Date	Start time	Finish time	Description of incident / noise nuisance	How did the incident / noise affect you?
	MISS TANYA CARLTON - 29-30 VICTORIA PARADE FLAT 3, TORQUAY TQ1 2BD					
		SEPT 14 <sup>TH</sup>	9 pm	2am	LOUD music (80's style)	Sleep deprived, agitated, depressed, unhappy, !!! !!
		SEPT 21 <sup>ST</sup>	9 pm	2am	LOUD music (80's style)	Sleep deprived, agitated, depressed, unhappy, !!! !!
		SEPT 28 <sup>TH</sup>	9 pm	2am	LOUD music (80's style)	Sleep deprived, agitated, depressed, unhappy, !!! !!
		OCT 5 <sup>TH</sup>	9 pm	2am	LOUD music (80's style)	Sleep deprived, agitated, depressed, unhappy, !!! !!

URGENT !!

Date	Start time	Finish time	Description of incident / noise nuisance	How did the incident / noise affect you?
12TH OCT	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!! !!
19TH OCT	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!!
26TH OCT	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!!
2nd NOV	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!!
9TH NOV	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!!
16TH NOV	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!!
23rd NOV	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!!
30TH NOV	9 pm	2 am	Loud music (80's style)	Sleep deprived agitated, depressed unhappy, !!!

SEE ATTACHED !!  
NOTE !!

- Some people worry about their spelling, and that puts them off filling in the sheets. Don't worry about that - as long as your entries can be understood there isn't a problem.
- If you are unable to write, we can supply you with a dicta-phone on which you can record your complaints; and
- Under certain circumstances, we may be able to complete the sheets on your behalf. You will just be required to sign them.

What happens next?

Please complete your diary sheets over a period of two weeks and then return them promptly to this department using the pre-paid envelope provided. We will then review your diary and contact you again within 5 days with our assessment of the evidence and whether we feel further formal action can be taken.

Without diary sheets, Torbay Council generally cannot take action against perpetrators.

URGENT !!

I have had regular contact with the Landlady Lesley, she has been in my flat and AGREED !! the music was TOO loud!! She told me that the "BOYS" meaning DJ's have by-passed the restriction level which has been put in place by TORBAY Council. Also the music is PIPPED into the back room which is next to my bedroom, at first she would tell the DJ's to turn it down but now doesn't care about making my life hell --- even though she complained about the BED BAR making noise. HYPOCRITE = HELP !!