

**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 Iwona Wojszczyk

(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

Postal address of premises or, if none, ordnance survey map reference or description Kaimas Lithuanian Restaurant 561-563 Lincoln Road	
Post town Peterborough	Post code (if known) PE1 2PB

Name of premises licence holder or club holding club premises certificate (if known) Mr Aidas Meckauskas 715 Lincoln Road Peterborough PE1 3HD

Number of premises licence or club premises certificate (if known) 060284

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

Please tick yes

I am 18 years old or over

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 Iwona Wojszczyk Pollution Control Officer Peterborough City Council Business Regulation Team 3 rd Floor Bayard Place Broadway Peterborough PE1 1HZ
Telephone number (if any) 01733 453497
E-mail address (optional) iwona.wojszczyk@peterborough.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

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

Noise disturbance caused by music emanating from the premises and patrons of the premises

(This area contains faint, illegible text, likely bleed-through from the reverse side of the page.)

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

The Pollution Control team are requesting a review of the premises licence for Kaimas Lithuanian Restaurant under the Prevention of public nuisance objective.

The Pollution Control Team have been investigating the premise under the Environmental Protection Act 1990 for allegations that a noise nuisance exists at a residential property on Lincoln Road, Peterborough.

The investigation has provided evidence that a noise problem exists and has the likelihood to reoccur. This conclusion has been established through the collection of evidence from sound monitoring equipment, witness statements and direct observations by officers of the Pollution Control Team.

The premises licence holder was informed about complaints in April 2010 and on other occasions. After witnessing the noise from the restaurant on the 10th December 2010 a statutory noise abatement notice was served on the 13th December 2010 on the licence holder requesting him to abate the nuisance and forbid reoccurrence.

Since 13th of December 2010 the numerous noise incidents have been reported and recorded a chronological list is available in Appendix 1.

On 22nd December 2010 Police Officer Petr Torak visited the restaurant following complaints from residents and requested the restaurant staff to decrease the volume of the music. The request was not complied with.

The Police Officer Petr Torak also witnessed on 22nd December 2010 that people were dancing in the restaurant. This activity is not authorised by the premises licence.

Patrons dancing and singing along with the music caused additional noise nuisance and vibration which can be clearly heard within nearby residential premises.

Noise complaints continued to be received and recordings have been obtained to confirm breaches of the noise abatement notice, live music being played after authorised hours and the premises being open outside authorised hours, in excess of the premises licence authorisation.

On 25th March 2011 Officer Petr Torak visited the restaurant following complaints from residents and requested the restaurant staff to decrease the volume of the music. The request was not complied with. It was witnessed by PC Petr Torak that the first floor was being used for food and the serving of drinks. For information, the first floor has no valid planning permission therefore not allowed to be used until valid planning permission is granted and the conditions applied by building control complied with.

The opinion of Pollution Control Team is that the building is inappropriately located and designed for the type of the activities that are undertaken in the restaurant.

I therefore suggest that due to the continuing complaints and monitoring evidence undertaken, that Kaimas is in breach of conditions 13, 22 and 24 of the current licence as well as operating outside the authorisation. It is also worth noting that conditions 22 and 24 were conditions attached to the licence by the committee after a hearing.

13. Public Nuisance

The premises licence holder will ensure that the volume of any recorded music will be decreased after midnight

22. Public Nuisance

The Premises Licence Holder or the Designated Premises Supervisor to ensure that noise does not emanate from the premises so as to not cause a nuisance.

24. Public Nuisance

Any request from an authorised Officer of the Council, Police Officer or Police Community Support Officer to reduce music to an acceptable level so as not to cause a noise nuisance shall be complied with

Due to continued breach of the noise abatement notice and non-compliance of licence conditions it is therefore recommended that, since activities can not be controlled through the use of conditions that live and recorded music is removed from the licence and opening hours are restricted.

Recommendations

- 1. To remove live and recorded music from the licence
- 2. To reduce opening hours on Sunday to Thursday from 12:00hrs to 23:00hrs
- 3. To reduce opening hours on Friday and Saturday from 12:00hrs to 23:30hrs
- 4. To remove the use of the first floor as part of the licensed area. There is no valid planning permission for use of this floor plus Building Regulations require sound insulation of the first floor party wall with 565 Lincoln Rd before this floor can be used.

If planning permission is granted, the sound insulation works completed and approved by Building Regulation a Variation of the licence could be submitted to once again include the first floor.

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

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

Variation of Premises Licence - Kaimas Lithuanian

Restaurant Licensing Sub - Committee held on Wednesday 15 December 2010

The Pollution Control Team have made a representation for the extension of the licence on the grounds for preventing a public nuisance.

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 M. Wofsyk

Date 2/6/2011

Capacity Pollution Control Officer

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

Day of week event started	Time and date event started	Time and date event finished	Temporary Event Notice	Type of noise	Type of evidence
Friday	10/12/10 22:15	11/12/10 01:12	Yes	Loud customers and music	recorded and witnessed by PCC officers
Saturday	11/12/10 23:28	12/12/10 00:17	No	Loud customers and music	recorded
13/12/2011 Noise Abatement Notice served					
Friday	17/12/10 22:20	18/12/10 00:40	No	Loud customers and music	recorded
Saturday	18/12/10 23:45	19/12/10 00:10	No	Loud customers and music, vibrations	recorded
Wednesday	22/12/10 19:00	22/12/10 21:30	No	Loud customers and music	recorded, PC witness statement
Saturday	25/12/10 13:50	25/12/10 15:00	Yes	Live music	recorded
	25/12/10 19:20	25/12/10 21:00			
Friday	28/1/11 <i>Time not specified</i>	29/1/11 01:00	No	Music and customer loud	log sheet
Saturday	29/1/11 23:30	30/1/11 02:00	No	Loud customers and music	log sheet
	30/1/11 02:00	30/01/11 04:00		Customers loud	
Friday	11/2/11 <i>Time not specified</i>	11/2/11 22:00	No	Customers loud	log sheet
Thursday	3/3/11 23:00	3/3/11 23:30	No	Customers loud	recorded
Wednesday	23/03/11 21:00	24/03/11 00:00	No	Loud music and customers, jumping	log sheet
Thursday	24/03/11 21:00	25/03/11 00:00	No	Loud music and customers, jumping	log sheet
Friday	25/3/11 20:20	26/3/11 0:40	Private event	Live music	recorded, PC witness statement
Saturday	26/3/11 0:40	26/3/11 01:30		Customers loud	recorded
Friday	8/4/11 21:00	9/4/11 00:00	No	Loud customers and noise similar to TV	log sheet
Saturday	9/4/11 22:00	10/4/11 01:30	No	Loud customers and noise similar to TV	log sheet
Saturday	21/05/11 21:00	22/05/11 00:30	No	Loud music and customers, jumping	log sheet