



**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 Keith Neil Moorhouse, on behalf of Gravesham Borough Council Environmental Protection

(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 The Cricketers Public House 47 Arthur Street	
Post town Gravesend	Post code (if known) DA11 0PR

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

Number of premises licence or club premises certificate (if known) 18/00657/LAPL04
--

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

Keith Moorhouse
Regulatory Services
Environmental Protection Team
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
DA12 1AU

Telephone number (if any)

01474 337308

E-mail address (optional)

ep@gravesham.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)

The actions below were taken by the Environmental Protection Team following complaints from 3 separate households that they are unreasonably disturbed by loud music from this premises on a frequent basis.

- 16th June 2021 – First letter to premises advising them of noise complaint, following receipt of diary sheets and requesting that they consider if the complaint has merit, to take action to prevent possible noise nuisance and warning of monitoring by our service if further complaints are made.
- Noise complaints continued to be made by residents so in response one of our recorders was installed at the complainant most affected. This picked up an unacceptably loud level of music from 19:30 to midnight on Saturday 25th September 2021 that could be clearly heard above the complainant's TV.
- On the evidence of the recorder a noise abatement notice under the Environmental Protection Act 1990 was served on Mr Mandeep Manik as the Premises Supervisor and DPS, on 5th October 2021. The notice required an immediate cessation to further noise nuisance, and the accompanying letter explained the process and possible consequences of breaching the notice.
- Mr Manik was also emailed the same day, advised of the notices served and requested to withdraw his TEN for 30th October 2021 as our service would object on the grounds of meeting the prevention of public nuisance license objective. Mr Manik did withdraw his TEN but insisted that he was the victim.
- Myself and Piotr Pisarczykoski, Environmental Health Technician, carried out

an out of hours visit to assess the level of disturbance from the Cricketers on 30th October 2021. We arrived at the location at 23:40. Music from the premises could be heard as we turned onto Arthur Street from Wrotham Road, approx. 130 meters from the PH and was loud enough to be an unreasonable disturbance as far away as Brandon Street approx. 60 meters from the PH. I recorded video/audio on my work iPhone as we walked past the premises and also in the nearest complainant's home. In my 14 years of investigating noise complaints this was the loudest music I have heard, with the music from the premises being even louder than witnessed on the Highstreet in the town centre later the same night. The complainant's wall vibrated with the bass music when touched. The level of disturbance was a very clear breach of the noise abatement notice. It would have been very easy for Mr Manik and staff at the Cricketers to have gauged that the volume of music was excessive and would have been heard clearly by large numbers of residents in the vicinity of the PH, by simply walking up one of the streets as we did. This demonstrates in our opinion a continuing lack of consideration for local residents, and/or poor management of the venue as well as a disregard for the noise abatement notice that had been served.

- Mr Manik was written to on 3rd November, and advised that a breach of the notice had been witnessed by officers of our service. He was formally cautioned.
- Mr Manik has emailed our service on 4 occasions regarding this matter. The first two emails being on 5th October in response to service of the noise abatement notice and our request he withdraw his TEN for the 30th October, and the forth time on 4th November in reply to our letter advising him he had breached the notice. Mr Manik throughout has considered himself the victim of malicious neighbours and that he follows 'all the rules'. He considers that not playing music every night until midnight shows that he considers his neighbours.

Complaints have continued to be made and video/audio files provided by residents appears to show that the premises continues to play unreasonably loud music.

- The EP Team are currently compiling a case to put to legal services for breach of the legal notice. However such action would not guarantee the nuisance ceases even if a fine is issued.
- It is the opinion of the Environmental Protection Team that Mr Manik has been given ample notice and opportunity to cease causing local residents a noise nuisance, has being advised of the possible consequences should he continue and yet has demonstrated in his communications with our service that he does not accept he is doing anything wrong. He considers himself the victim of malicious and jealous neighbours that do not wish to see him succeed as a business, and that writing to let neighbours know of music events and not playing music until midnight Monday to Thursday is sufficient to show he respects his neighbours. For the event witnessed by officers on 30th October he said that he took everything into consideration for his neighbours and the music was less then what it normally is. He also said in his email of 4th November that in future he will turn down the music even further. Despite this the EP Team have continued to receive noise complaints regarding events on 4th Nov, 6th Nov, 7th Nov (which also included allegation of playing music past midnight), and 11th Nov. Videos provided by the complainant appear to support the allegations with the exception of playing music past midnight.

- The property is within a predominately residential area surrounded by suburban residential streets and shares a party wall with one of those residential properties, and as such it is unlikely to be able to meet the licensing objective of preventing public nuisance if operated as a music/party event venue.
- Mr Manik has not changed the way his premises is operated and has failed to prevent further unreasonable disturbances. We therefore believe the only actions that will prevent an unreasonable level of disturbance to residents and promote the core licence objective of the prevention of public nuisance, is for the condition of music as a licensable activity to be added back to the license and for the activity to be denied.

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

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


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 
.....

Date 16.11.21
.....

Capacity
N/A.....
...

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.

Gravesham Borough Council processes personal data consistent with the General Data Protection Regulation and Data Protection Act 2018. For more information about how the Council processes your personal data please see the privacy notice on our website at: www.gravesham.gov.uk/privacy