

Breese, Robert

From: Seal, Garry
Sent: 14 December 2016 11:21
To: M&CP - Licensing
Cc: Davenport, Peter; Sambells, Rachel
Subject: Madison Representation

Representation from the Pollution Team

Introduction

I note that an application has been made by the Police responsible authority to review the premises license of Madison, One New Change, London EC4M 9AF. The review application, dated 25th November 2016 has been made on the grounds that the premises has been associated with serious crime and serious disorder. On behalf of the environmental health responsible authority, I would like to make a representation in support of the Police review. This is because the environmental health responsible authority believes that the public nuisance licensing objective is adversely affected by loud amplified music played on the terrace at the premises. The City of London Pollution Team has been seeking to promote the prevention of public nuisance from the time of the development of One New Change. Unfortunately the actions taken and the advice given by the Pollution Team have not prevented the amplified music from Madison causing nuisance the residential occupiers of 2 New Change.

The chronology laid out below shows that frequent intervention has been required by the Environmental Health Responsible authority. The management of Madisons have been unable to consistently maintain control of the amplified music so as not to cause a nuisance to neighbouring occupiers despite many undertakings to do so.

The Pollution Team is reporting to the Licensing Sub-Committee.

Chronology:

7/6/2006 Planning permission for redevelopment includes condition 15 that no live or recorded music that can be heard outside the premises is permitted. This condition was requested by the Pollution Team to protect neighbours. (document 1)

17/1/2012 Pollution Team consulted on minor variation to premises licence for Madison (wk201200761). Applicant agrees to amend the operating schedule so that music will not be audible outside St Paul's Choir School which has residential accommodation for school staff and for boarders. (document 2).

17/7/2014 Complaint received of loud music (wk201409175). Out of hours officer observed drum and bass type music in New Change at 22.55. Simon Hands approached who asked if the complaint was from the Choir School. Agreed to request to turn down the volume of the music.

18/7/2014 Complaint received of loud music (wk201409234). Simon Hands again advised music too loud and could be heard at ground floor level. Bass level of music reduced when requested.

22/7/2014 Garry Seal, Environmental Health Officer met with Simon Hands and advised volume of music should be controlled so that it is not audible outside the Choir School and regular checks must be made and a record kept.

25/7/2014 Simon Hands confirms actions to be taken. (document 3).

26/7/2014 Intermittent loud bass observed at ground level in New Change following receipt of complaint (wk201409510) at 00.20 on 27/7. Manager Rabah was not aware of the level that could be played. Music level reduced by 00.40 so that it could only be faintly heard at ground floor level.

28/7/2014 Simon Hands notified by email of further justified complaint. (document 4).

22/8/2014 Complaint received at 23.03. Music again turned down on request by Simon Hands (wk201411137). Adam Spencer, Environmental Health Officer follows up with meeting and suggestion to install noise limiting device. (document 5).

3/10/2014 Michelle Vancayseele, Environmental Health Officer visits to advise setting of noise limiter. (document 6).
9/10/2014 Report from Vanguardia Consulting on setting of noise levels at premises (document 7)
17/10/2014 Above report also submitted by Simon Hands (document 8).
27/10/2014 Response to report and further advice from Pollution Team. (document 9).
16/2/2015 Rachel Sambells, Pollution Team Manager gives advice re proposed change in sound system. (document 10)
21/5/2016 Complaint received at 15.57 (wk201605711) of loud music. Complainant advised the music level had been reduced to an acceptable level at 16.50 when visited by out of hours officer.
24/5/2016 Simon Hands advised of complaint and reminded of relevant planning condition. (document 11).
4/6/2016 Out of hour officer witnessed loud music inside complainant's premises at 18.24 on receipt of a complaint (wk20166292). Although there was a high level of ambient noise at this time there was significant penetration of the bass into the complainant's premises. The high bass level was drawn to the attention of the General Manager, Greg Botelho.
8/6/2016 Follow up visit to Greg Botelho by Garry Seal, Environmental Health Officer who advised that a statutory nuisance was witnessed on 4/6/2016 and any further recurrence would mean the service of a statutory nuisance notice. Further reminder to make checks outside and liaise with Head Teacher. Email to Greg Botelho re planning condition (document 12).
17/6/2016 Greg Botelho forwards email regarding liaison with Choir School (document 13).

Conclusion

The pollution team is concerned that the management of Madison have not effectively taken the advice given to prevent public nuisance due to the persistent playing of amplified music at excessive levels of volume.

Recommendation

The Environmental Health Responsible Authority requests the Committee to consider attaching the following control as a condition to the license:

The prohibition of amplified music within the premises between 2300 and 0700 and the prohibition of amplified music on the outside terraces at any time should ensure the licensing objective of the prevention of public nuisance in so far as amplified music affecting the nearby residents in New Change.

Regards

Garry

Garry Seal

Environmental Health Officer
Pollution Team

Dept. of Markets & Consumer Protection
City of London, PO Box 270,
Guildhall, London, EC2P 2EJ

