



**Licensing Act 2003
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 Shaun Yemm-James (Environmental Health Officer)

(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	
Olde Black Bear High Street Tewkesbury Gloucestershire	
Post town Tewkesbury	Post code (if known) GL20 5BJ

Name of premises licence holder or club holding club premises certificate (if known)
Mr Luke William Haynes 22/00940/LIQPL

Number of premises licence or club premises certificate (if known)
22/02043/LIQVAR

Part 2 - Applicant details

I am

Please tick

- 1) an interested party (please complete (A) or (B) below)
 - a) a person affected by activities at the premises
 - b) a body affected by activities at the premises
 - c) a person involved in business affected by activities at the premises
 - d) a body representing persons affected by activities at 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 Tewkesbury Borough Council Environmental Health Department Tewkesbury Borough Council Council Offices Gloucester Road Tewkesbury GL20 5TT
Telephone number (if any)
E-mail address (optional) ehenquiries@tewkesbury.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 Environmental Health department has received an increasing number of complaints regarding music noise (Internal and external sources), people noise and emptying of refuse in the early morning hours from the Olde Black Bear. Referred to as the "Black Bear" within this application.

Please see the next section for additional information and related evidence.

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

The noise complaints started in July 2023 and continued through to the submission of this application. The Environmental Health Department currently has nine active complainants whom the Black Bear has impacted.

Despite written and verbal contact with the Black Bear, little improvement has been achieved and on the 6^h of October 2023, the Environmental Health Department established a Statutory Nuisance under the Environmental Protection Act 1990.

To fall within the definition of statutory nuisance, an activity needs to be, or likely to be, one of the following:

- a nuisance
- posing a threat to health

A nuisance is something which is unreasonable and causes substantial interference in the use and enjoyment of a person's property or other premises. It is much more than just an annoyance or being aware of something.

Further information can be found at [Statutory nuisances: how councils deal with complaints - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/statutory-nuisances)

The Environmental Health Department has little confidence that the Black Bear is being managed appropriately due to the number of complaints and continued concerns. The Black Bear has only been reopened several months, and, during this time, a substantial amount of distress has been caused to local residents.

The DPS appears to have little regard for the impact of noise created by the Black Bear is having on local residents.

There has been minimal communication from the Black Bear despite letters and verbal conversations with the DPS. There has been little response acknowledging the complaints or correspondence that Environmental Health has sent to the Black Bear.

Before establishing a statutory nuisance, the environmental health department installed noise monitoring equipment into complainant's properties. This evidence is critical in accurately portraying the situation from a complainant's perspective. Following a review of the recordings, there was clear evidence of impactful noise from the Black Bear – Please see exhibit SYJ13 for more detailed notes.

A number of complainants have completed log sheets, and these completed log sheets demonstrate continuing issues with noise from the Black Bear. Please see exhibits SYJ 4 – SYJ6 and SYJ 9 – SYJ 12.

In August 2023, a local resident whom the Black Bear has substantially impacted wrote a letter to the environmental health department. Please see exhibit SYJ3.

In addition to noise log sheets and noise recordings captured using noise monitoring equipment. A complainant submitted video footage of noise from the Black Bear. While these videos recordings do not give sound levels, they help build an overall picture in combination with the other evidence gathered. Please see exhibits SYJ7 and SYJ8.

Below is a summary of notable interactions;

10th July 2023 –

Initial Noise Complaints – See exhibit SYJ1A

Black Bear was written too. No response from the Black Bear

15th August 2023 –

Written Warning from Licensing – See exhibit SYJ2

Written Warning from licensing to Black Bear. Which included concerns about noise.

17th August 2023 –

Phone call Between Luke Haynes and Shaun Yemm-James – See exhibit SYJ15

Conversation with Luke Haynes following Written Warning from Licensing.

23rd August 2023 –

2nd Letter to Black Bear. – See exhibit SYJ1B

Informing of continued concerns and recommended suggested actions to mitigate concerns.

4th September –

Health & Safety Visit with Kathryn Griffiths and Julie Bettridge – See exhibit SYJ16

While the visit was health and safety related, a discussion was had regarding noise.

4th October 2023 –

Email from Licensing to Black Bear – See Exhibit SYJ14

Email from Licensing informing Luke that noise complaints are still being received.

6th October 2023 –

3rd Letter to Black Bear – See Exhibit SYJ1C

Informing the DPS of Statutory Nuisance and intention to review the license.

6th October 2023 –

Phone call Between Luke Haynes and Kathryn Griffiths – See exhibit SYJ7

Conversation with Luke Haynes following service of Statutory Nuisance/Review warning letter

12th October 2023 –

Meeting at Black Bear with Luke Haynes, Shaun Yemm-James and Kathryn Griffiths. – See exhibit SYJ18

Meeting regarding statutory nuisance and intention to review license.

The Environmental Health Department has proposed a number of conditions that would assist in reducing the concerns that both the Environmental Health Department and the local residents have.

Please see exhibit SYJ20 for new proposed licensing conditions and conditions recommended for removal to ensure no conditions contradict each other.

Please see the attached Evidence;

SYJ1A - SYJ1A - 1st Letter - Initial Contact - 10.7.23
SYJ1B - SYJ1B - 2nd Letter - Additional Concerns - 23.8.23
SYJ1C - SYJ1C - 3rd Letter - Established Nuisance & Licence Review - 6.10.23
SYJ2 – Written Warning from Licensing – August 2023
SYJ3 - Letter from JS - August 2023
SYJ4 - Completed Log Sheets by JS - August 2023
SYJ5 - Completed Log Sheets by LC - September 2023
SYJ6 - Completed Log Sheets by CB - September 2023
SYJ7 - Video Recording 1 from LC - 9 September 2023
SYJ8 - Video Recording 2 from LC - 9 September 2023
SYJ9 - Completed Log Sheets by CH - October 2023
SYJ10 - Completed Log Sheet by JS - October 2023
SYJ11 - Completed Log Sheet by NC - October 2023
SYJ12 - Completed Log Sheet by LS - October 2023
SYJ13 – EH Summary Notes of Noise Recordings
SYJ14 - Email from Licensing to Black Bear Regarding complaints - 4.10.23
SYJ15 - Telephone call - 17.8.23
SYJ16 - Health & Safety Meeting - 4.9.23
SYJ17 - Telephone call - 6.10.23
SYJ19 - Site Meeting at Black Bear - 12.10.23
SYJ19 - Site Meeting at Black Bear - 12.10.23
SYJ20 - Licence Conditions

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

Please tick

- 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

19th October 2023

Capacity

Environmental Health Officer, Tewkesbury Borough Council

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.