

Our reference WK/009211811

24th January 2019

Spirit Pub Company (Leased) Limited
Westgate Brewery
Bury St Edmunds
SUFFOLK
IP33 1QT

Dear Sir/Madam,

Environmental Protection Act 1990
Licensing Act 2003

RE: Alleged noise nuisance due to the playing of loud music – The Horseshoe, 1214 Stratford Road, Birmingham, B28 9BH

I have very recently been passed a case regarding the above premises. I understand that the Spirit Pub Company (Leased) Limited are the current premises licence of the Horseshoe, 1214 Stratford Road, Birmingham. At this stage I do not know what the arrangements are between your company and the current occupiers regarding the operation of the business at the above premises; however I feel it is important to advise you of the current situation, in order that you can take any appropriate measures.

I have written separately regarding this matter to the Designated Premises Supervisor at the above premises and to Restaurant (Midlands) Limited (applicant business, in relation to Temporary Events Notice that has been served).

Over recent months Environmental Health have received 9 complaints alleging loud music from the above premises is causing a noise nuisance and preventing residents from sleeping. My colleagues have written to the business at 1214 Stratford Road regarding these complaints.

I have become aware over the past few days that a Temporary Events Notice (TEN) has been served by Tanveer Handa (applicant) on the 17/01/19 on behalf of Restaurant (Midlands) Limited (applicant business) for an event to be held at the Horseshoe, 1214 Stratford Road during the 26/01/19 – 27/01/19 from 22:00 – 06:00hrs. I note that regulated entertainment will be provided.

I have written to the Designated Premises Supervisor at the above premises and to Restaurant (Midlands) Limited and explained as I have stated below:

"Please note the following:

1. A statutory or public nuisance can be caused at **ANY TIME OF THE DAY, including within the hours that the business is licensed to play music**
2. A statutory or public nuisance can be caused regardless of whether or not you have a licence permitting the provision of regulated entertainment

Karen Boyal
Environmental Health
PO Box 16977
Birmingham
B2 2AE

Telephone: 0121 303 5543
Fax: 0121 303 9962
E mail: karen.boyle@birmingham.gov.uk
The Place Directorate

3. Having a late TEN or licence of any type **does not** mean that you can cause a noise nuisance
4. One of the licensing objectives is to **PREVENT** public nuisance"

Due to the number of complaints alleging noise nuisance from the above premises I write to advise you that an investigation will now be carried out to establish whether the business is causing a statutory/ public nuisance. **This may involve the City Council installing noise monitoring equipment at the complainant's properties or officers personally witnessing any nuisance.**

As I have stated, at this stage I do not know what the arrangements are between your company and the current occupants, regarding the operation of the business at this premises but please be advised:

If necessary, action may be taken under Section 80 of the Environmental Protection Act 1990 which could lead to a fine on summary conviction if court action is found necessary.

I must also warn that action may be taken to seize any equipment associated with any noise nuisance.

If evidence of a statutory/ public noise nuisance is obtained, then as well as Environmental Health potentially taking enforcement action under the provisions of the Environmental Protection Act 1990, there may be implications for the premises licence, the personal licence holder and any future TEN's may be objected to by Environmental Health.

When holding any event where music is played you should take all reasonable measures to prevent a noise nuisance arising. Below are some examples of steps that can be taken to prevent causing a noise nuisance to your neighbours and preventing them from sleeping:

1. Keep the doors and windows closed at all times and to supervise this throughout the evening/ early hours
2. Ensure the music is played at a suitable level to prevent nuisance arising and check this at **regular intervals throughout the evening/early hours**, by standing outside the nearest residential properties.

If music can be heard when standing outside the nearest residential properties then there is the likelihood that a noise nuisance could arise and the music level should be reduced inside the premises, until it cannot be heard.

3. Consider reducing the number of speakers and/ or changing their positions and settings to try and prevent any further noise nuisance.
4. The bass is reported to be particularly problematic to residents, so consider reducing the number of any bass bins and reducing the bass overall.
5. Inform the DJ that the business is under investigation with respect to alleged noise nuisance and that they must adhere to any noise levels set by the management.
6. Seal any gaps around any doors/ windows that sound could escape through
7. Place clear signs on doors telling patrons to keep them closed
8. Consider seeking the advice of an acoustics consultant

It is imperative that the event this weekend and any future events do not cause a statutory or public nuisance, to avoid enforcement action.

I would request your co-operation in ensuring that no noise nuisance is caused and would encourage you to discuss the matter with the current occupants of the Horseshoe, 1214 Stratford Road, Birmingham. If you wish to discuss this matter, please contact me on the telephone number below.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'KB' with a stylized flourish.

K. Boyal
Environmental Health Officer

Our reference WK/009211811

24th January 2019

Restaurant (Midlands) Limited
2 WHEELAYS ROAD
BIRMINGHAM
B15 2LD

Dear Sir/Madam,

Environmental Protection Act 1990
Licensing Act 2003

RE: Alleged noise nuisance due to the playing of loud music – The Horseshoe, 1214 Stratford Road, Birmingham, B28 9BH

I refer to letters sent to the Horseshoe, 1214 Stratford Road by the Environmental Health Section over recent months concerning the above matter. Environmental Health have received 9 complaints over recent months alleging loud music from the above premises is causing a noise nuisance and preventing residents from sleeping.

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8. Consider seeking the advice of an acoustics consultant

It is imperative that the event this weekend and any future events do not cause a statutory or public nuisance, to avoid enforcement action.

I would request your co-operation in ensuring that no noise nuisance is caused. If you wish to discuss this matter, please contact me on the telephone number below.

Yours faithfully,



K. Boyal
Environmental Health Officer

Our reference WK/009211811

24th January 2019

The Designated Premises Supervisor
The Horseshoe
1214 Stratford Road
Hall Green
Birmingham
B28 9BH

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It is imperative that the event this weekend and any future events do not cause a statutory or public nuisance, to avoid enforcement action.

I would request your co-operation in ensuring that no noise nuisance is caused. If you wish to discuss this matter, please contact me on the telephone number below.

Yours faithfully,



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Environmental Health Officer

Our reference WK/009211811
27th February 2019

Spirit Pub Company (Leased) Limited
Westgate Brewery
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Dear Sir/Madam,

Environmental Protection Act 1990
Licensing Act 2003

RE: Noise nuisance due to the playing of loud music – The Horseshoe, 1214 Stratford Road, Birmingham, B28 9BH
-TEN at banqueting suite 2/03/19 to 3/03/19

I write further to my letter dated 24/01/19. As stated in that letter, I understand that the Spirit Pub Company (Leased) Limited are the current premises licence of the Horseshoe, 1214 Stratford Road, Birmingham. At this stage I do not know what the arrangements are between your company and the current occupiers regarding the operation of the business at the above premises; however I feel it is important to advise you of the current situation, in order that you can take any appropriate measures.

I have written separately regarding this matter to the Designated Premises Supervisor at the above premises and to Restaurant (Midlands) Limited (applicant business, in relation to Temporary Events Notice that has been served).

On the 26/01/19 to the 27/01/19 a late TEN had been served in relation to an event which was being held at the banqueting suite at the above address.

At 02:36 – 02:56hrs on the 27/01/19 officers from Environmental Health witnessed a noise nuisance emanating from the banqueting suite at the above address after being contacted by a resident reporting noise nuisance. Officers confirmed that the source of the loud music was the banqueting suite where the wooden panels on the outside of the building were vibrating.

Following the event at the banqueting suite on the 26-27/01/19, Environmental Health received an additional 2 complaints from residents reporting noise nuisance from the above premises; this takes the total number of complaints regarding noise nuisance from the above premises to 11.

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www.birmingham.gov.uk/eh
Neighbourhoods Directorate

On the 19/02/19, I met with Tanveer Handa, DPS of the above premises and discussed the above matters.

Tanveer Handa informed me that the objections made by Environmental Health to subsequent late TENs that had been served by Restaurant (Midlands) Limited had hit his revenue quite badly and asked for a further opportunity to demonstrate that events held in the early hours of the morning in the banqueting suite can be operated without any noise nuisance arising.

I once again provided advice during our discussion, as I did in the letter dated 24/01/19 on measures that could be taken to try and prevent further nuisance arising from events held at the banqueting suite. Please see overleaf, for ease of reference the measures that could be implemented:

When holding any event where music is played you should take all reasonable measures to prevent a noise nuisance arising. Below are some examples of steps that can be taken to prevent causing a noise nuisance to your neighbours and preventing them from sleeping:

1. Keep the doors and windows closed at all times and to supervise this throughout the evening/ early hours
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6. Seal any gaps around any doors/ windows that sound could escape through
7. Place clear signs on doors telling patrons to keep them closed
8. Consider seeking the advice of an acoustics consultant

I would also reiterate, as I did in my letter dated 24/01/19:

1. A statutory or public nuisance can be caused at **ANY TIME OF THE DAY, including within the hours that the business is licensed to play music**
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3. Having a late TEN or licence of any type **does not** mean that you can cause a noise nuisance
4. One of the licensing objectives is to **PREVENT** public nuisance

Tanveer Handa emailed me on the 22/01/19 informing me that a TEN had been served for an event at the banqueting suite on the 2-3/03/19 and stated the following:

"In regards to your request the other day, I will state below the measures that have been put in place to ensure that no further noise complaints shall occur.

- a) the sound system that the guests are permitted to bring has been halved in size, ensuring that the noise levels are lowered.
- b) every 30mins a member of the security will patrol the premises, to ensure no sound is coming outside of the building.
- c) the fire exit will be manned with a static member of the security to ensure that this is not opened at any time, except in a situation of emergency.
- d) further sound proofing steps are being taken to insulate the doors and single pain windows
- e) people will be asked to leave quietly to make sure our neighbours are not disturbed.
- f) we will make sure that the music is inaudible to the human ear at all times. we appreciate that at that time in the early hours of the morning, the roads are quieter. We will take this into consideration and have the dj's adjust their volume accordingly.
- g) If the dj's don't listen and adhere to our requirements, we will terminate the event instantly."

Environmental Health has not objected to the event at the banqueting suite on the 2-3/03/19. As I explained to Tanveer Handa during my visit, although we have not objected on this occasion, Environmental Health are still investigating any complaints reporting noise nuisance emanating from this premises to establish whether the business is causing a statutory/ public nuisance. This may involve the City Council installing noise monitoring equipment at the complainant's properties or officers personally witnessing any nuisance.

If necessary, action may be taken under Section 80 of the Environmental Protection Act 1990 which could lead to a fine on summary conviction if court action is found necessary.

I must also warn you that action may be taken to seize any equipment associated with any noise nuisance.

If evidence of a statutory/ public noise nuisance is obtained, then as well as Environmental Health potentially taking enforcement action under the provisions of the Environmental Protection Act 1990, there may be implications for the premises licence, the personal licence holder and any future TEN's may be objected to by Environmental Health.

It is imperative that the event this weekend and any future events do not cause a statutory or public nuisance, to avoid enforcement action.

If evidence of a further noise nuisance is obtained during this or any other event held at this premises, then Environmental Health will be serving an abatement notice under the provisions of Section 80 of the Environmental Protection Act 1990.

I would request your co-operation in ensuring that no noise nuisance is caused.

Yours faithfully,



K. Boyal
Environmental Health Officer

Our reference WK/009211811
27th February 2019

Tanveer Handa
The Designated Premises Supervisor
The Horseshoe
1214 Stratford Road
Hall Green
Birmingham
B28 9BH

Dear Mr Handa,

Environmental Protection Act 1990
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-TEN at banqueting suite 2/03/19 to 3/03/19

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Following the event at the banqueting suite on the 26-27/01/19, Environmental Health received an additional 2 complaints from residents reporting noise nuisance from the above premises; this takes the total number of complaints regarding noise nuisance from the above premises to 11.

On the 19/02/19, I met with you, DPS of the above premises and discussed the above matters.

You informed me that the objections made by Environmental Health to subsequent late TENs that had been served by Restaurant (Midlands) Limited had hit his revenue quite badly and asked for a further opportunity to demonstrate that events held in the early hours of the morning in the banqueting suite can be operated without any noise nuisance arising.

I once again provided advice during our discussion, as I did in the letter dated 24/01/19 on measures that could be taken to try and prevent further nuisance arising from events held at the banqueting suite. Please see overleaf, for ease of reference the measures that could be implemented:

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4. One of the licensing objectives is to **PREVENT** public nuisance

You emailed me on the 22/01/19 informing me that a TEN had been served for an event at the banqueting suite on the 2-3/03/19 and stated the following:

"In regards to your request the other day, I will state below the measures that have been put in place to ensure that no further noise complaints shall occur.

- a) the sound system that the guests are permitted to bring has been halved in size, ensuring that the noise levels are lowered.
- b) every 30mins a member of the security will patrol the premises, to ensure no sound is coming outside of the building.
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g) If the dj's don't listen and adhere to our requirements, we will terminate the event instantly."

Environmental Health has not objected to the event at the banqueting suite on the 2-3/03/19. As I explained to you during my visit, although we have not objected on this occasion, Environmental Health are **still** investigating any complaints reporting noise nuisance emanating from this premises to establish whether the business is causing a statutory/ public nuisance. **This may involve the City Council installing noise monitoring equipment at the complainant's properties or officers personally witnessing any nuisance.**

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It is imperative that the event this weekend and any future events do not cause a statutory or public nuisance, to avoid enforcement action.

If evidence of a further noise nuisance is obtained during this or any other event held at this premises, then Environmental Health will be serving an abatement notice under the provisions of Section 80 of the Environmental Protection Act 1990.

I would request your co-operation in ensuring that no noise nuisance is caused.

Yours faithfully,



K. Boyal
Environmental Health Officer

3rd April 2019

Spirit Pub Company (Leased) Limited
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT

Dear Sir/Madam,

Environmental Protection Act 1990, Section 80 - Abatement Notice

RE: The Horseshoe Banqueting Suite, 1214 Stratford Road, Birmingham, B28 9BH- noise nuisance

I refer to my letter dated 27/02/19 concerning the above matter. I have investigated the complaints that have been received and I have established that a Statutory Nuisance is being caused due to the playing of amplified music and the use of a microphone at the Horseshoe Banqueting Suite, 1214 Stratford Road. The enclosed Abatement Notice places a legal requirement on you to prevent a noise nuisance from happening again in the future.

I must advise you that should the complaints of noise nuisance continue the City Council may install noise monitoring equipment at the complainant's properties or officers may attempt to personally witness any nuisance.

If I establish that the Company has breached this Notice I must warn you that action will be taken to seize sound equipment, associated with the noise nuisance. If this action is taken you may apply for the return of your equipment after 28 days. A charge of £100 will be made for the return of the equipment together with any other charges associated with gaining access to your property.

The Company may also be prosecuted under Section 80 of the Environmental Protection Act 1990 which could lead to a fine should you be convicted in the Magistrates Court.

Guidance notes on the reverse of the notice provide information of what you should do if you wish to appeal against the notice.

If you do not understand the requirements of the notice or wish to discuss this matter please contact me on the telephone number below. Alternatively, you may wish to seek the advice of a solicitor or your own legal advisor.

Karen Boyle
Environmental Health
Manor House
PO Box 16977
Birmingham
B2 2AE

Telephone: 0121 303 5543
Fax: 0121 303 9962
E mail: karen.boyle@birmingham.gov.uk
www.birmingham.gov.uk/eh
The Place Directorate

Yours faithfully,

A handwritten signature in black ink, appearing to be the initials 'KB' with a stylized flourish.

Karen Boyal
Environmental Health Officer

REFERENCE: KAB/ 9325842
(please quote in all correspondence
relating to this notice)

BIRMINGHAM CITY COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
ABATEMENT NOTICE

TO: Spirit Pub Company (Leased) Limited
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT

TAKE NOTICE that BIRMINGHAM CITY COUNCIL (The Council) being satisfied that a statutory nuisance by virtue of Section 79 (1) (g) noise

has occurred and is likely to recur at a premises on School Road, Birmingham, B28

arising from the playing of amplified music and the use of a microphone at the Horseshoe Banqueting Suite, 1214 Stratford Road, Birmingham, B28 9BH

so as to be a noise nuisance

THE said council being satisfied that such nuisance is likely to recur HEREBY PROHIBIT its recurrence immediately from the service of this notice

Your attention is drawn to the notes accompanying this notice

If you fail to comply with any of the requirements of this notice you may be prosecuted by the said Council within a Magistrates' Court for an offence under Section 80 of the Environmental Protection Act 1990.

You have the right of appeal against this notice to the Birmingham Magistrates Court as appropriate within a period of twenty-one days beginning with the date of service of the notice.

In the event of an appeal this notice will be suspended.

SIGNED



DATED: 3/04/19

K. Boyle
Duly Authorised Officer
Environmental Health, Regulation and Enforcement, Manor House, PO BOX 16977, Birmingham, B2 2AE

All communications to be addressed to the officer above.

Tel: 0121 303 5543.
Email: karen.boyle@birmingham.gov.uk

ENVIRONMENTAL PROTECTION ACT 1990
NOISE AND STATUTORY NUISANCE ACT 1993
THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(1) Where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the Authority, the Local Authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements:-

- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of these purposes and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

(2) The abatement notice shall be served:-

- (a) Except in a case falling within paragraph (b) or (c) below, on the person responsible for the nuisance;
- (b) Where the nuisance arises from any defect of a structural character, on the owner of the premises;
- (c) Where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.
- (d) Where the person responsible for the vehicle, machinery or equipment can be found, on that person
- (e) Where the person cannot be found or where the Local Authority determines, by fixing the Notice to the vehicle, machinery or equipment.
- (f) Where an Abatement Notice is served on (b) above, and the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the Notice within 1 hour of the Notice being fixed to the vehicle, machinery or equipment, a copy of the Notice shall be served on that person accordingly.
- (g) Where an Abatement Notice is served in accordance with (b) above, by virtue of a determination of a Local Authority, the Notice shall state that, if a copy of the Notice is subsequently served under (c) above, the time specified in the Notice as the time within which its requirements are to be complied with is extended by such further period as is specified in the Notice.

(3) A person served with the notice may appeal against the notice to a Magistrates' Court within the period of twenty-one days beginning with the date on which he was served with the notice.

(4) If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with the requirement or prohibition imposed by the notice, he shall be guilty of an offence. A person who commits such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after the conviction, except in the case where a person who commits such an offence does so on industrial, trade or business premises then he shall be liable on summary conviction to a fine not exceeding £20,000.

(5) Where an abatement notice has not been complied with the Local Authority may, whether or not they take proceedings for an offence for non-compliance, abate the nuisance and do whatever may be necessary in execution of the notice. Any expenses reasonably incurred by a Local Authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person or persons by whose act or default the nuisance was caused.

(6) Where an appeal is brought against an Abatement Notice the notice will be suspended pending the outcome of the appeal, except where the nuisance to which the notice relates

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (iii) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

In such circumstances the notice will not be suspended pending the outcome of the appeal

3rd April 2019

Restaurant (Midlands) Limited
2 Wheeleys Road
BIRMINGHAM
B15 2LD

Dear Sir/Madam,

Environmental Protection Act 1990, Section 80 - Abatement Notice

RE: The Horseshoe Banqueting Suite, 1214 Stratford Road, Birmingham, B28 9BH- noise nuisance

I refer to my letter dated 27/02/19 concerning the above matter. I have investigated the complaints that have been received and I have established that a Statutory Nuisance is being caused due to the playing of amplified music and the use of a microphone at the Horseshoe Banqueting Suite, 1214 Stratford Road. The enclosed Abatement Notice places a legal requirement on you to prevent a noise nuisance from happening again in the future.

I must advise you that should the complaints of noise nuisance continue the City Council may install noise monitoring equipment at the complainant's properties or officers may attempt to personally witness any nuisance.

If I establish that the Company has breached this Notice I must warn you that action will be taken to seize sound equipment, associated with the noise nuisance. If this action is taken you may apply for the return of your equipment after 28 days. A charge of £100 will be made for the return of the equipment together with any other charges associated with gaining access to your property.

The Company may also be prosecuted under Section 80 of the Environmental Protection Act 1990 which could lead to a fine should you be convicted in the Magistrates Court.

Guidance notes on the reverse of the notice provide information of what you should do if you wish to appeal against the notice.

If you do not understand the requirements of the notice or wish to discuss this matter please contact me on the telephone number below. Alternatively, you may wish to seek the advice of a solicitor or your own legal advisor.

Karen Boyle
Environmental Health
Manor House
PO Box 16977
Birmingham
B2 2AE

Telephone: 0121 303 5543
Fax: 0121 303 9962
E mail: karen.boyle@birmingham.gov.uk
www.birmingham.gov.uk/eh
The Place Directorate

Yours faithfully,

A handwritten signature in black ink, appearing to be the initials 'KB' with a stylized flourish.

Karen Boyal
Environmental Health Officer

REFERENCE: KAB/9325810
(please quote in all correspondence
relating to this notice)

BIRMINGHAM CITY COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
ABATEMENT NOTICE

TO: Restaurant (Midlands) Limited
2 Wheeleys Road
BIRMINGHAM
B15 2LD

TAKE NOTICE that BIRMINGHAM CITY COUNCIL (The Council) being satisfied that a statutory nuisance by virtue of Section 79 (1) (g) noise

has occurred and is likely to recur at a premises on School Road, Birmingham, B28

arising from the playing of amplified music and the use of a microphone at the Horseshoe Banqueting Suite, 1214 Stratford Road, Birmingham, B28 9BH

so as to be a noise nuisance

THE said council being satisfied that such nuisance is likely to recur HEREBY PROHIBIT its recurrence immediately from the service of this notice

Your attention is drawn to the notes accompanying this notice

If you fail to comply with any of the requirements of this notice you may be prosecuted by the said Council within a Magistrates' Court for an offence under Section 80 of the Environmental Protection Act 1990.

You have the right of appeal against this notice to the Birmingham Magistrates Court as appropriate within a period of twenty-one days beginning with the date of service of the notice.

In the event of an appeal this notice will be suspended.

SIGNED



DATED: 3/04/19

K. Boyle
Duly Authorised Officer
Environmental Health, Regulation and Enforcement, Manor House, PO BOX 16977, Birmingham, B2 2AE

All communications to be addressed to the officer above.

Tel: 0121 303 5543.
Email: karen.boyle@birmingham.gov.uk

ENVIRONMENTAL PROTECTION ACT 1990
NOISE AND STATUTORY NUISANCE ACT 1993
THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(1) Where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the Authority, the Local Authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements:-

- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of these purposes and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

(2) The abatement notice shall be served:-

- (a) Except in a case falling within paragraph (b) or (c) below, on the person responsible for the nuisance;
- (b) Where the nuisance arises from any defect of a structural character, on the owner of the premises;
- (c) Where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.
- (d) Where the person responsible for the vehicle, machinery or equipment can be found, on that person
- (e) Where the person cannot be found or where the Local Authority determines, by fixing the Notice to the vehicle, machinery or equipment.
- (f) Where an Abatement Notice is served on (b) above, and the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the Notice within 1 hour of the Notice being fixed to the vehicle, machinery or equipment, a copy of the Notice shall be served on that person accordingly.
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(5) Where an abatement notice has not been complied with the Local Authority may, whether or not they take proceedings for an offence for non-compliance, abate the nuisance and do whatever may be necessary in execution of the notice. Any expenses reasonably incurred by a Local Authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person or persons by whose act or default the nuisance was caused.

(6) Where an appeal is brought against an Abatement Notice the notice will be suspended pending the outcome of the appeal, except where the nuisance to which the notice relates

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (iii) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

In such circumstances the notice will not be suspended pending the outcome of the appeal

Our reference KAB/ 9350932
24th April 2019

TANVEER HANDA
3 Abberton Grove
Shelly Crescent
Monkspath
Solihull
B90 4YQ

Dear Mr Handa,

Environmental Protection Act 1990, Section 80 - Abatement Notice

RE: The Horseshoe Banqueting Suite, 1214 Stratford Road, Birmingham, B28 9BH – noise nuisance

I refer to my letter dated 27/02/19 concerning the above matter. I have investigated the complaints that have been received and I have established that you are causing a Statutory Nuisance from the playing of amplified music and the use of a microphone at the Horseshoe Banqueting Suite, 1214 Stratford Road. The enclosed Abatement Notice places a legal requirement on you to prevent it from happening again in the future.

I must advise you that should the complaints of noise nuisance continue the City Council may install noise monitoring equipment at the complainant's property or officers may attempt to personally witness any nuisance.


If I establish that you have breached this Notice I must warn you that action may be taken to seize sound equipment, associated with the noise nuisance. If this action is taken you may apply for the return of your equipment after 28 days. A charge of £100 will be made for the return of the equipment together with any other charges associated with gaining access to your property

You may also be prosecuted under Section 80 of the Environmental Protection Act 1990 which could lead to a fine should you be convicted in the Magistrates Court.

Guidance notes on the reverse of the notice provide information of what you should do if you wish to appeal against the notice.

If you do not understand the requirements of the notice or wish to discuss this matter please contact me on the telephone number below. Alternatively, you may wish to seek the advice of a solicitor or your own legal advisor.

Yours sincerely,


K. Boyle
Environmental Health Officer

Karen Boyle
Environmental Health
Manor House
PO Box 16977
Birmingham
B2 2AE

Telephone: 0121 303 5543
Fax: 0121 303 9962
E mail: karen.boyle@birmingham.gov.uk
www.birmingham.gov.uk/eh
The Place Directorate

REFERENCE: KAB/ 9350932
(please quote in all correspondence
relating to this notice)

BIRMINGHAM CITY COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
ABATEMENT NOTICE

TO: TANVEER HANDA
3 Abberton Grove
Shelly Crescent
Monkspath
Solihull
B90 4YQ

TAKE NOTICE that BIRMINGHAM CITY COUNCIL (The Council) being satisfied that a statutory nuisance by virtue of Section 79 (1) (g) noise

has occurred and is likely to recur at a premises on School Road, Birmingham, B28

arising from the playing of amplified music and the use of a microphone at the Horseshoe Banqueting Suite, 1214 Stratford Road, Birmingham, B28 9BH

so as to be a noise nuisance

THE said council being satisfied that such nuisance is likely to recur HEREBY PROHIBIT its recurrence immediately

Your attention is drawn to the notes accompanying this notice

If you fail to comply with any of the requirements of this notice you may be prosecuted by the said Council within a Magistrates' Court for an offence under Section 80 of the Environmental Protection Act 1990.

You have the right of appeal against this notice to the Birmingham Magistrates Court as appropriate within a period of twenty-one days beginning with the date of service of the notice.

In the event of an appeal this notice will be suspended.

SIGNED



DATED: 24/04/19

K. Boyle
Duly Authorised Officer
Environmental Health, Regulation and Enforcement, Manor House, PO Box 16977, Birmingham, B2 2AE

All communications to be addressed to the officer above.

Tel: 0121 303 5543
Email: karen.boyle@birmingham.gov.uk

ENVIRONMENTAL PROTECTION ACT 1990
NOISE AND STATUTORY NUISANCE ACT 1993
THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(1) Where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the Authority, the Local Authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements:-

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- (c) Where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.
- (d) Where the person responsible for the vehicle, machinery or equipment can be found, on that person
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(5) Where an abatement notice has not been complied with the Local Authority may, whether or not they take proceedings for an offence for non-compliance, abate the nuisance and do whatever may be necessary in execution of the notice. Any expenses reasonably incurred by a Local Authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person or persons by whose act or default the nuisance was caused.

(6) Where an appeal is brought against an Abatement Notice the notice will be suspended pending the outcome of the appeal, except where the nuisance to which the notice relates

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (iii) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

In such circumstances the notice will not be suspended pending the outcome of the appeal

**Birmingham City Council
Environmental Services Department
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s.9;
Magistrates Court Act 1980, s5B)

Name Russell Davey

Age OVER 21 (yrs) Date of Birth _____

Occupation Environmental Health Officer

This statement, consisting of 3 page(s) 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 1 of July 2019

Signed 

My name is Russell Davey, I am employed by Birmingham City Council as an Environmental Health Officer and am authorised to enforce the provisions of the Environmental Protection Act 1990, in particular those which deal with noise and statutory nuisance.

On the 10th March 2019 I was working with my colleague, Russell Dodd, Enforcement Officer on the Department's out of hours noise service. At approximately 1.37 am I received a message from ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~, Hall Green, Birmingham, ~~XXXXXX~~ who had called to advise that she was experiencing problems with loud music from The Horse Shoes, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH. I arrived at ~~XXXXXXXXXX~~ property with Russell Dodd at 2.30am. I would describe the property as a ~~XXXXXX~~ house situated close to a busy main road junction. The house overlooked was situated on the far side of ~~XXXXXXXXXX~~ but faced towards The Horseshoes Public House.

On arrival at the property I was showing into a first floor front bedroom which looked towards the public house. I was advised by ~~XXXXXXXXXX~~ that her property had been fitted with triple glazed windows. Listening in this bedroom with the windows closed I could hear the bass element of what I believe to be

Signed 

Delete as applicable

**Birmingham City Council
Environmental Services Department**

STATEMENT OF WITNESS

(C.J Act 1967, s.9; M.C. Act 1980, ss.5A(3)(A) and 5B, M.C. Rules 1981, r.70)

Continuation Sheet No: 1

Statement of: Russell Davey

Drum and Bass music being played and could also hear a DJ using a PA system. The music was at such a level that I could feel a slight vibration in the room caused by the bass. The bass sound could clearly be heard over the traffic. I was advised that the premises used to be a Wacky Warehouse restaurant but had now changed hands. The building which used to be a children's play area was now being used as a banqueting venue. ~~XXXXXX~~ advised that she was disturbed by the noise most weekends which usually went on until around 5am. ~~XXXXXX~~ advised that the level of music I was hearing was lower than it has been on some occasions. At approximately 2.50am the music increased slightly in volume and I could continue to feel the vibration through the property. The music had a very heavy bass element and the DJ could be heard almost constantly talking over the music. At approximately 2.54am the volume of the music and DJ appeared louder. In my opinion the level of noise coming from the premises would affect my ability to sleep and would constitute a statutory nuisance. At 3am we left the premises and walked around to the front of the public house. The front of the public House appeared empty. All of the music and DJ appeared to be coming from the former Wacky Warehouse play area at the rear. Whilst we were walking past the front of the public house I witnessed a number of people arriving and head down to the building at the rear. A gazebo had been set up on the car park of the public house and was being used to cook and serve food. All of the parking bays in the layby opposite the public house were occupied and as a result patrons had taken to parking on the pavement in front of the public blocking pedestrian flow.

Whilst I was on this call I also received a message from a resident living in ~~XXXXXX~~, Birmingham, B28~~XXXX~~ in a property situated at the rear of the public house. I attended the property at 3am and whilst I did not enter the


Signed  Signature Witnessed by

Birmingham City Council
Environmental Services Department
STATEMENT OF WITNESS

(C.J Act 1967, s.9; M.C. Act 1980, ss.5A(3)(A) and 5B, M.C. Rules 1981, r.70)

Continuation Sheet No: 2

Statement of: Russell Davey

property I could hear the music and DJ from the Horseshoes Public House in
the street outside. 

Signed  Signature Witnessed by

**Birmingham City Council
REGULATORY SERVICES
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, S. 9,
Magistrates' Courts Act 1980 s 5 (B))

Name Pardip Mohan

Age OVER 18

Occupation Environmental Health Officer

This statement, consisting of 3 page(s) 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 26th day of June 2019

Signed 

I, Pardip Mohan, have been qualified as an Environmental Health Officer since May 2005 and have been investigating issues of noise nuisance since December 2004. I am employed by Birmingham City Council as an Environmental Health Officer and I am authorised to enforce the Environmental Protection Act 1990. Part three of that Act deals with statutory nuisance. On the early hours of Sunday 27th January 2019 I was on call for Birmingham City Council's out of hour's noise nuisance witnessing service. At approximately 02:00 ~~XXXXXX~~ of ~~XXXXXX~~, Hall Green, Birmingham, B28 ~~XXXXXX~~ contacted the messenger service requesting an officer to witness noise from The Horseshoe, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH. At approximately 02:36 as my colleague Lisa Morrow and I walked towards ~~XXXXXX~~ house on ~~XXXXXX~~ I could hear music emanating from a building located by the hall green branch of Kwik fit. We arrived at ~~XXXXXX~~ at approximately the same time of 02:36 and we were taken to the first floor large bedroom facing ~~XXXXXX~~

Signed 

**Birmingham City Council
REGULATORY SERVICES
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, S. 9,
Magistrates' Courts Act 1980 s 5 (B))

Throughout this bedroom I heard bass beats and music emanating from the same building as I witnessed when I was outside. It was a cold night and the windows to the bedroom were shut. However the music and bass beats were still very audible with the windows shut. I could also hear male vocals, repetitive drum beats and the music style appeared to be of African origin. At approximately 02:44 the volume of the bass beats was turned down a little but it was still audible, even in one of the bedrooms facing the rear of the house away from [REDACTED]. At 02:44 the music track changed to one with a different melody and different rhythm to the beats. I could hear a keyboard, bass beats and male vocals again. At approximately 02:51 the track changed again but with the same level of bass beats. At approximately 02:56 my colleague and I departed, the music was still being played as we departed. In my opinion the noise I witnessed did amount to a statutory nuisance. For approximately 20 minutes during our visit to the complainant's property the level of noise was high enough inside the complainant's bedroom for me to recognise a track changes, instruments and whether the vocals belonged to a male or female. In addition to the high level of sound, the music bass beats were almost continuous and played during unsociable hours. The noise would therefore in my opinion interfere with the use and enjoyment of the complainant's property for a substantial period. The level of noise would interfere with the use of the bedroom; the music is likely to disturb sleep. After departing, my colleague and I walked around the premises from where the music was emanating from. I confirmed

Signed

**Birmingham City Council
REGULATORY SERVICES
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, S. 9,
Magistrates' Courts Act 1980 s 5 (B))

that the music I heard in the bedroom was the same as the music emanating from wooden panels of a building I understood to be known as the horseshoe conference and banqueting suite. I saw and heard the wooden panels to this building vibrating. The music was significantly louder when the doors to the building were opened.

Signed
.....

Dec 11/19

11/1/19 11/1/19

Noise Impact Statement

Complainant details

WK/009211811 (Tony Di Duca)

Birmingham;

Subject details

The Horseshoe The Horseshoe, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH

1. Please provide a description of the noise that affects you from the premises, including terraces, customer car park, beer garden (i.e. loud music, car doors, shouting, etc):

Loud music and DJ shouting. Thumping noises, vibrations from the music. Can be heard in the bedrooms facing the pub.

2. Please provide a description of the noise associated with the premises that arises from outside the premises e.g. people arriving/leaving, public footpath, highway (i.e. loud music, car doors, shouting, etc):

Only inside

3. What are the typical days and times at which the disturbances in 1 and 2 above occur?

11:30pm to 5:30 AM on 23/12/18
24/12/18
26/12/18
01/01/19

4. Have you approached any staff member and, if so, who was this and what was their response?

Yes - Mr Tanu. He said they have a license to play music until 11pm and said they would lower the music if we came whilst it was playing.

5. In what way does the noise affect you or your family (please continue on a separate sheet if necessary)?

Sleep disturbance. Waking up late for work, unable to study at night. 14 year old son unable to sleep at night.

6. Any further information:

We appreciate that they have a business but it is the timing that is more of an issue and that they expect us to leave the house in the early hours to request for the volume to be lowered when it should not be so loud we can hear it through our triple glazing.

Signed: _____

Date: 6-1-19

Karen Boyle

From: [REDACTED]
Sent: 04 March 2019 15:26
To: Karen Boyle
Subject: Re: WK/009250298 The Horseshoe, 1214 Stratford Road

Dear Ms Boyle

As per our telephone conversation today, here is a summary of the event at the Horseshoe pub on 3.3.19.

- We were aware of the event at the Horseshoe at about 2.00 am
- I rang to ask what time their licence was til, I was informed 5.00 am. I said they were being very inconsiderate, they replied "Do you want us to turn it down?". I replied yes but expected they would be turned back up again as usual. I was told "we don't turn it up the DJ does."
- The noise from the event did drop but not significantly and did go back up.
- At 5.10 am I rang again because the function was still ongoing. The phone was put down on me.
- I tried ringing back, no one would answer.

These events keep myself and my family awake all night and into the morning. Anything we may have planned later in the day is scrapped or disrupted due to lack of sleep. I find it incredible that they can get licences until 6.00am in a residential area. I would really like to know how that works.

I would also like to mention that the Banqueting Suite at the Horseshoe used to be a Wacky Warehouse and is really a glorified shed and therefore I suspect, lacking in sound proofing.

Another problem is the noise from the patrons leaving the event. Sometimes it's as late as 7.00am before all the shouting, screaming, singing, door slamming and engine revving stops.

Regards

[REDACTED]
[REDACTED]

Sent from Mail for Windows 10

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

Noise Impact Statement

Complainant details	Subject details
[REDACTED] Hall Green, Birmingham, [REDACTED]	The Horseshoe The Horseshoe, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH.

1. Please provide a description of the noise that affects you from the premises, including terraces, customer car park, beer garden (i.e. loud music, car doors, shouting, etc): Loud music with very heavy bass, Laughing, shouting, fighting. Patrons arriving & leaving. Patrons visiting their vehicles in the car park and listening to their own music very loudly. Patrons gathering in the car park. Basically all the noise associated with a night club.

2. Please provide a description of the noise associated with the premises that arises from outside the premises e.g. people arriving/leaving, public footpath, highway (i.e. loud music, car doors, shouting, etc):

People arriving. On leaving patrons rev their engines and often tear off down Stratford Road. Hoofing. Patrons parked across the road gather at their vehicles and shout, talk, laugh, fight. Cars parked on the Stratford Rd for a considerable distance. Broken bottles & glasses have also been thrown over the boundary wall onto the drive of our block of flats.

3. What are the typical days and times at which the disturbances in 1 and 2 above occur?

Saturdays from approximately midnight to 6 am on Sunday.

Sunday evenings and Friday evenings.

I have seen patrons leaving at 8 am on Sunday morning, having been kept awake throughout the night by the noise.

4. Have you approached any staff member and, if so, who was this and what was their response?

No.

5. In what way does the noise affect you or your family (please continue on a separate sheet if necessary)?

My children and I are unable to fall asleep, particularly my son who is autistic. Loud voices or fights wake my children who become anxious and angry.

My daughter is revising for GCSEs and the noise and subsequent poor sleep routine over the ~~week~~ weekend is impacting her studies/revision schedule.

6. Any further information:

I am certain that many patrons leaving the pub in their vehicles, after revving their engines and screeching out the car park are heavily intoxicated and are therefore a danger to pedestrians & other motorists. I also believe that a fight resulting in serious harm to some one, is only waiting to happen.

Signed:

[REDACTED]

Date: 10/03/2019

1911

1912

1913

Complainant details

WK/009181072 (Deanna Rowley)

Hall Green, Birmingham

Noise Impact Statement

Subject details

The Horseshoe The Horseshoe, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH

1. Please provide a description of the noise that affects you from the premises, including terraces, customer car park, beer garden (i.e. loud music, car doors, shouting, etc):

Loud Music, People shouting, car music while
leaving
Fights, arguments

2. Please provide a description of the noise associated with the premises that arises from outside the premises e.g. people arriving/leaving, public footpath, highway (i.e. loud music, car doors, shouting, etc):

as above

3. What are the typical days and times at which the disturbances in 1 and 2 above occur?

Friday + sat nights some Sundays
8.00am - 7.00am

4. Have you approached any staff member and, if so, who was this and what was their response?

Yes - not helpful

5. In what way does the noise affect you or your family (please continue on a separate sheet if necessary)?

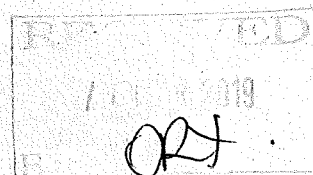
Sleep disruption

6. Any further information:

complaint previously about the noise + speakers
outside - noise is still continued worse than before.

Signed: 

Date: 10/03/19



Karen Boyle

From: Deanna Rowley
Sent: 11 March 2019 13:06
To: Karen Boyle
Subject: FW: Horseshoe Bar, Stratford Road Hall Green

From: [REDACTED]
Sent: Monday, March 11, 2019 12:57 PM
To: Deanna Rowley
Subject: Horseshoe Bar, Stratford Road Hall Green

Hello Deanna

A neighbour has given me your email as they are in contact with you about the disturbance from The Horseshoe Bar Stratford Road Hall Green B28 9BH.

We live at Springfield Court but on the side furthest away from the adjacent pub.

On three occasions this year we have been woken between 5.45am and 6.45am on a Sunday.

27.1.19, 6.50am

3.3.19, 6.45am

10.3.19, 5.45am

There is the usual noise you would expect from a crowd leaving a pub: shouting, loud singing, car doors banging, car horns, bassy music booming, cars revving etc.

There are cars parked on pavements both sides of the Stratford Road: outside the pub, Springfield Court and beyond, by the bus stop etc. The service road from the library to South and City Community College is full on both sides. On 10.3.19 cars parked on the grass between the service road and the Stratford Road. These cars are not there in the evening or before 11.30pm.

On the first occasion 27.1.19, I went into the pub about midday to ask to speak to the manager. I was given his mobile and I rang to say how surprised I was to be woken at 6.50am, to see so many cars and hear so many people leaving the venue at that time on a Sunday morning. He said it was a private function that had finished at 6am, apologised and the staff should have made sure that the people leaving did not disturb the residents.

On the 10.3.19 the noise at 5.45am was much louder, there was a lot of shouting, it looked like there was a gazebo in the car park and there was a smell of food/cooking, music was in the background and glasses smashing. Walking past in the morning the car park was strewn with discarded food packaging and plastic glasses.

I have not contacted the manager again as I do not want another apology, and I do not think he is realistic about the staff being able to keep down the noise of a large crowd leaving the pub and the associated traffic they generate.

We are really surprised that the Horseshoe Bar has a licence for private functions until 6am on a Sunday morning. Please can you confirm that this is the case.

We are very concerned about the noise disturbance, particularly for residents closer to the pub.

We are very concerned about the excessive number of cars parked on pavements and grass around the pub, and the noise that they make in the early hours. (This also happens at other times when there is a large function) Surely there should be a limit on the numbers attending a function if the car park is not big enough and the venue is on a red route by a large traffic junction?

We expect some noise from the pub, and on occasions like New Year expect this to be later than usual, however around 6 am on a Sunday this is not acceptable, particularly as the car wash on the same site starts up shortly afterwards. We are not anti-business but we believe a reasonable compromise should be possible.

Please can you let us know what can be done about this disturbance in a residential area?

Thank you [REDACTED]

Karen Boyle

From: [REDACTED]
Sent: 21 April 2019 06:52
To: Karen Boyle
Subject: Re: WK/009297129. Noise Nuisance- The Horseshoe

Dear Ms Boyal,

Thank you for your e-mail and letter of 3.4.19 re the noise disturbance from the Horseshoe Pub.

We welcome the measures you have put in place to enforce the noise reduction.

However last night (20th April) as we went to bed the music from the pub was very loud (more than a usual function noise.) This morning 21st April, Easter Sunday, we have been woken at 6 am with loud shouting, very loud conversation, loud bass music, cars tooting repeatedly, revving of vehicles, tyres screeching, increased traffic, vehicle reversing beeps, and all the noise associated with a large group of people leaving a venue. The noise lasts for well over half an hour.

Fortunately as we are on the far side of the flats we do not hear the music and noise from the venue during the night. However this also means that we are unable to take advantage of the out of hours witnessing service as the noise disturbance we have is around 6am, which is out of the timings of the service.

It seems to us that if the Temporary Events Licences are not being granted for the Horseshoe Banqueting Suite at the moment the venue is running these events without a licence.

We are writing to let you know that the noise disturbance is continuing.

Hopefully some of our neighbours have taken advantage of the out of hours witnessing service and there will be some evidence for further action.

We would like to see the Horseshoe thrive as a business but not to create such a noise nuisance at regular intervals at such times.

We will be informing the local councillor and the police of the noise disturbance and the parking of vehicles on the pavements.

Thank you for your involvement.

[REDACTED]

On 03 April 2019 at 19:36 Karen Boyle <Karen.Boyle@birmingham.gov.uk> wrote:

Our Reference WK/009297129

3rd April 2019

[REDACTED]
[REDACTED]

Karen Boyle

From: [REDACTED]
Sent: 21 April 2019 20:06
To: Karen Boyle
Subject: WK/009181072
Attachments: Voice 053_sd.m4a

Hi Karen,

Thank you very much we received your letter.

We had a disturbance of loud music and people shouting from about 3.30 am till about 7.00am early hours of the 21st April, which woke up my 3 year old son.

I didn't call the nuisance witnessing service as that is only until 3.00am.

I did try and record some of the noise, I have attached it but I do apologise as it isn't very clear.

Kind regards

[REDACTED]

Sent from my Samsung Galaxy smartphone.

Karen Boyle

From: [REDACTED]
Sent: 21 April 2019 06:45
To: Karen Boyle
Subject: WK/009289562

Dear Karen

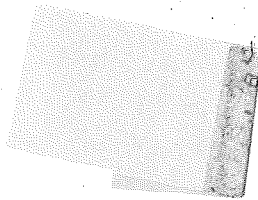
I did not call the nuisance witnessing service as the incident occurred out of service hours.

I have taken a video for your reference. I am unable to send the file via email as it exceeds 25MG but will happily send you the video by some other means. The time was 06:12 on Sunday, 21st April 2019. Bare in mind, the weather is very warm this weekend and our windows were open as they generally will be during warm weather.

Please provide me with another means of sending the video file to you.

Kind regards

[REDACTED]



THEORY OF THE EARTH AND ITS HISTORY

THEORY OF THE EARTH AND ITS HISTORY

Karen Boyle

From: Councillor Lou Robson
Sent: 22 April 2019 10:01
To: BCCCouncilorsEnquiry
Cc: Karen Boyle
Subject: FW: The Horseshoe, 1214 Stratford Road Hall Green B28 9BH

Please could you forward this complaint to Licensing and Environmental Health and ask them to let me know what action is being taken.

I understand the licensing conditions are for operating hours are 09:00-01:00 Sunday-Wednesday and 09:00-02:00 Thursday-Saturday. Overnight/early morning events are completely inappropriate in a residential area. Please could you let me know whether any licences have been granted to this pub for out of hours event.

Many thanks for your attention to this

Clr Lou Robson
Birmingham, Hall Green North Ward

Birmingham City Council, Council House
Victoria Square, Birmingham B1 1BB
Tel: 0121 303 2039

Facebook: <https://www.facebook.com/HGNLabour/>

Residents: please include your full name, address and phone number so I can follow up inquiries

From: [REDACTED]
Sent: 21 April 2019 10:10
To: Councillor Lou Robson <Lou.Robson@birmingham.gov.uk>
Subject: The Horseshoe, 1214 Stratford Road Hall Green B28 9BH

Hello Lou,

We wonder if you can look into the problem we are having with the Horseshoe please. We are sending the information now while it is fresh in our mind, but do not expect you to be acting on it over the holiday period.

We are sending the same information to the local police too.

Hope you are able to have a break over Easter

Thanks
[REDACTED]

Regarding The Horseshoe, 1214 Stratford Road Hall Green B28 9BH

We live at [REDACTED] but on the side furthest away from the adjacent pub, above.

On four occasions this year we have been woken between 5.45 and 6.45am on a Sunday.

27.1.19, 6.30am

3.3.19, 6.45am

10.3.19, 5.45am

20.4.19, 6am

There is the usual noise you would expect from a large crowd leaving an event at a pub: shouting, loud singing, very loud conversations car doors banging, car horns, bassy music booming, cars revving, tyres screeching etc.

There are cars parked on pavements both sides of the Stratford Road: outside the pub, Springfield Court and beyond, by the bus stop etc. The service road from the library to South and City Community College is full on both sides. On 10.3.19 cars parked on the grass between the service road and the Stratford Road. One had registration number X8 MMF. These cars are not there in the evening or before 11.30pm.

On the first occasion 27.1.19, I went into the pub about midday to ask to speak to the manager. I was given his mobile and I rang to say how surprised I was to see so many cars and hear so many people leaving the venue at 6.50am on a Sunday. He apologised and said it was a private function that had finished at 6am and the staff should have made sure that the people leaving did not disturb the residents.

On the 10.3.19 the noise was much louder, there was a lot of shouting, it looked like there was a gazebo in the car park and there was a smell of food/cooking, music was in the background and glasses smashing. Walking past in the morning the car park was strewn with discarded food packaging and plastic glasses.

We put in an impact statement to Environmental Health and the case worker Karen Boyal has served enforcement notices on the operators and owners of the premises on 3.4.19. Also she said that if the Horseshoe does serve any Temporary Events Notices for events Environmental Health will be objecting to them. As a precaution she has given us access to the out of hours nuisance witnessing service. However as we are not disturbed until after 5.45am this is out of the hours of the service remit. We are hoping that some of the neighbours that are closer to the pub have taken advantage of this.

Since then however another event happened on 20/21st April. We were woken at 6am, Easter Sunday, the noise went on for considerably more than half an hour. There were cars parked on the pavements, two visible plates are GJ60 XOO, LS58 OVK (I have photos of these plates and the one on 10.3.19).

There was litter on the pavements in the morning, disposable plastic cups, polystyrene food trays and flyers for other events. There was also a wrist band – GYAL BAWL OUT. Having looked on the internet this was a Live performance at a secret luxury venue. Pic below

I have not contacted the manager again as I do not want another apology, and I do not think he is realistic about the staff being able to keep down the noise of a large crowd leaving the pub, the associated traffic and litter they generate.

We are really surprised that the Horseshoe Bar has a licence for private functions until 6am on a Sunday morning. Please can you confirm that this is the case.

We are very concerned about the noise disturbance, particularly for residents closer to the pub.

