

Appendix 2.5

In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT

Application to review premises licence under s. 51 Licensing Act 2003

Statement in support of application to review the premises licence

1. My name is Simon Blackford. I live at 98 Clifton Hill in the top flat. I have lived in this house for 11 years. I live with my wife Lesley.
2. This statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. The house I live in is next to the Clifton, separated from the Clifton by a passageway. Our bedroom is at the back of the house on the east (Clifton) side and there is a small window at the side in the ensuite bathroom very close (about 4 feet) to my side of our bed.
4. This statement sets out my own personal experiences of i) nuisance emanating from the Clifton; ii) the impact it has on my life; and iii) efforts to resolve the issues.
5. The nuisance that has been caused by the public house is difficult to understand without describing in some detail our part of the road in which the pub is situated. Clifton Hill is a narrow street with cars parked on both sides of the road and with speed humps on the road. The road ends in a cul-de-sac the far end of which is about 130 yards to the west of our property. The road is not strictly a cul-de-sac for traffic purposes since Greville Road crosses Clifton Hill between our property and the cul-de-sac. However, whilst it is not a cul-de-sac for traffic purposes it is lightly trafficked. The reason for this is that there are good through routes parallel to Clifton Hill on both sides, namely Carlton Hill and Boundary Road. It is unlikely that any traffic would regularly use Clifton Hill as a route between Abbey Road to the east and Edgware Road to the west when there are through routes on either side. Moreover, the narrowness of the road means that cars travelling along Clifton Hill often have to give way to cars coming in the other direction. The result of this is that the road is not attractive to vehicular traffic and is lightly trafficked. Such traffic as there is tends to travel at a low speed. There is rarely any need for heavy braking or acceleration. So the traffic noise is generally low. Clifton Hill is very largely a residential road with some offices at the end of the passageway adjacent to our house. Most of the people working in the offices get there on foot or by bicycle because the permitted parking on Clifton Hill is limited to those with resident permits. There are two pay-by-phone spaces on Clifton Hill close to Abbey Road but that is all. Single yellow lines can be used for parking on Saturdays and Sundays and on weekdays after 6:30 pm.
6. The result is that Clifton Hill is a very quiet and almost exclusively residential street.
7. The above appears to be of importance because the noise coming from the pub, predominantly from the front garden area where there are tables, has been extremely intrusive. My wife and I often like to spend the evenings, during and after dinner (which we normally have quite early in the evening, almost invariably finishing before 7.30), in our front room. Our enjoyment of the

evenings has been very heavily affected by the noise coming from the pub. Very often the main noise from the pub appears to come from one or two tables that are being occupied in the front area, which I shall refer to as the beer garden. So the noise quite often comes from only about half a dozen people. Other tables may be occupied as well, but our experience is that a comparatively small number of voices, typically laughing and talking very loudly with perhaps a bit of shouting and noises that sound like jeering, whooping or heckling, makes an impact which appears quite disproportionate to the limited source. I can only think that the reason for that is the quietness of the street and something to do with the acoustics including buildings being (mainly four storeys) fairly close together. There have certainly been evenings where the source has been many more people than the occupants of a couple of tables and the noise has been a good deal louder than what I have just described; but what I have just described is typical and frequent.

8. The noise from the beer garden tends to abate after 9 pm, typically perhaps at around 9:30 pm. However there is a further problem after that because there have been many times when patrons of the pub have left late in the evening and have made a lot of noise out on the street whilst waiting for a taxi or uber car. The pub has notices up asking people to respect neighbours but they appear to have little effect. To me, this is not entirely surprising given that there is a proportion of people who appear to be fairly noisy to start with and who naturally become more uninhibited after a few drinks. I have on several occasions been woken up after 11 pm (I tend to go to bed around 10 or 1030). This surely needs supervision by a pub employee standing at the front in the last hour of busy evenings. (They have recently had someone standing outside at the end of the evening but he performs no useful function. He makes no effort to ask customers to leave quietly. He just stands there impassively, apparently trying to be as inconspicuous as possible.
9. The main noise from people is from the front in the evening but there is other noise as well. There is a conservatory at the back which has not affected us nearly as much as the noise from the beer garden but there have been a number of times when there have been parties and on those occasions a lot of noise tends to emanate from the conservatory. This does not affect us a great deal at present because we tend to spend our evenings at the front of the building. But we are having a lot of building work done at the moment on the bottom two floors and whilst the building work is taking place we cannot use the garden at the back of the house. However when we are able to use the garden again there can be no doubt that our enjoyment of the garden will be heavily affected by the noise from the conservatory. The Clifton is required to close the doors to the conservatory at 9 pm. By and large that constraint has been observed and the effect in terms of reducing the noise is dramatic. I would say that closing the doors changes the situation from "very noisy" to "quiet". Our ability to enjoy the garden would be greatly enhanced if the pub were required to keep the doors closed at all times (or, failing that, from 6 pm). There have also been occasions when people have spilled out from the conservatory into the area immediately outside it and on those occasions the noise has been extremely loud. Once again, the number of people involved is not great but the impact in this otherwise quiet environment is extremely intrusive.
10. All the noise that I have described from the front happens very regularly but is a good deal worse than usual at the weekends. The noise from the rear is irregular.
11. The next most intrusive noise is that of deliveries early in the morning. I have been woken up on a number of occasions by delivery vans and by a trolley which one of the delivery vans has on

board and which makes an extraordinary racket as it is wheeled along the uneven surface of the passageway between us and the pub. The other extremely loud and intrusive noise is that of the rear door of one of the vans which has a roll down door. The process of operating that door is very loud and extremely penetrating.

12. As I have indicated above, the noise during the operational hours of the pub is very regular. When it is particularly bad I have phoned and complained to the pub and on most of the occasions when I have complained to the pub I have also phoned the Westminster noise team. I have certainly not complained to the pub on every occasion when it has been unduly noisy. That is partly the result of a reticence about making complaints. It also seemed to me more sensible to reserve the complaints for the extremely noisy evenings. I enclose with this statement a list of the major noise incidents. It will be seen that the list I have produced is far more detailed as regards July than as regards the other months since the pub has opened. The reason for that is partly that we have been away for short periods, partly changes in the weather which mean that the beer garden sometimes attracts few people, and partly disorganisation which has been contributed to our building works which have caused us a great deal of upheaval and moving things around from one room to another. I tend to record what happens on record cards or pieces of paper and I am unable to find a number of those records.
13. The reactions of the owners and people who work at the pub to the complaints I have made have been extremely disappointing. They are always friendly, polite and appear to want to help but the actions they have taken to actually deal with the noise appear to be minimal or non-existent. In any event whatever action they may have taken has been almost entirely ineffectual. Moreover, the attitude of the operators of the pub can be seen by the way in which they have disregarded and flouted the conditions imposed upon them regarding early morning deliveries. The conditions have been brought to their attention time and time again, most recently by the Westminster Council noise team. In spite of all those communications, they have gone on flouting the conditions month after month. That is what we are up against and I would ask that in considering the present application Westminster Council takes account of the fact that we are dealing with people who have very little interest in the welfare of their neighbours. We are dealing with people whose overtly sympathetic attitudes do little to conceal a contemptuous indifference to their neighbours and to their own responsibilities.
14. I am by no means opposed to having the pub on Clifton Hill. There is no reason why the pub should not be enclosed within the building and offer all the social benefits which a pub can provide. It simply does not have to encroach on the neighbours' enjoyment of their properties as it does now. I feel very strongly that the use of the beer garden in the evenings is wholly unacceptable in a neighbourhood like this. The amount of noise that has regularly come from the beer garden has had a very serious impact on our enjoyment of our homes – most particularly in the summer months when we want to keep our windows open and enjoy our gardens, terraces etc.. In addition, the fact that the beer garden is virtually on the street means that there is noise from cars which come to pick people up from the beer garden and think it's a good idea to sound their horns or shout a cheery greeting to attract the attention of their friends. I feel very strongly that the beer garden should not be allowed to operate in the evening or, if it were allowed to operate in the evening, that that should be only on terms that the Robson Bros put forward proposals for effective acoustic mitigation which are acceptable to the council. And in deciding what is acceptable I would ask the council to take account of what I have said above including the low level of ambient sound in this residential environment. As

regards the conservatory, it would be a huge benefit to immediate neighbours if the doors of the conservatory were to be kept shut at all times, alternatively after 6 pm.

15. There is a fair amount of noise which inevitably accompanies the running of a pub. The very noisy Biffa wheelie bin carts, some arrivals on motor bikes, the emptying of bottles into bins and so on. I do not think it unreasonable to expect the neighbours to put up with that sort of noise as the price of a valuable social facility. But the opening of the beer garden in the evenings and the opening of the doors to the conservatory at the back create an unnecessary nuisance to immediate neighbours which is entirely disproportionate to any possible gain.
16. I attach (i) a log of prominent incidents and (ii) a photograph downloaded from my phone, the date and time of which are apparent from the title of the document and (iii) a detailed statement regarding a delivery on the morning of the 19th September. I also have CCTV footage from the 26th May which I can readily supply and I will make inquiries as to the best format to use to make it available to the council.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed:

Address:

Date:

Clifton Diary of Events

On the 19th May in the early evening there were several people drinking in the passageway between us and the pub and a little later – around 7 o'clock there was a lot of noise from the front area.

On the 26th May there was a great deal of noise coming from the passage between our property (number 98) and the pub between about 5.30 and about 10.15. The noise consisted of laughing, talking loudly, some shouting and some jeering and clapping. There were several periods when there were more than 10 people in the passageway and the numbers rose to well over 20 at several times between 8pm and 9pm. I have this well-documented on CCTV clips.

Early June – exact date not known – I was woken up by a thunderous rattling noise. I went through to the front of our flat and saw that it was a white delivery van which had a roll down rear door, the operation of which was extremely noisy

On the 17th June there was a great deal of noise mainly from a very loud group of seven or eight people, initially from the front garden area which got worse when they were leaving the pub at shortly after 10p.m..

On July the 3rd I looked out of our rear window and saw that the doors of the conservatory were open and I rang the pub at 9.15 p.m. to point out that the doors should have been closed at 9 p.m..

On the 4th July I also saw the rear doors of the conservatory open after 9 p.m.

On the 5th July 2017 at 9:12 pm I complained to the Clifton about the doors being open at the back after 9 o'clock and pointed out that the same thing had happened on the two previous days. I rang Westminster to log the complaint and was given the number 17/21066/ENC45.

On the 7th July 2017 I complained to the Clifton about loud talking and shouting at the front of the premises shortly after 8 pm. This was logged with Westminster under reference 17/21322/ENC45.

On the 14th July 2017 at 9:05 pm I complained to the Clifton about the conservatory doors being open at the back after 9 o'clock. This was logged with Westminster under reference 17/22282/ENC45.

On the 15th July (Saturday) there was a great deal of the usual kind of noise from the front area, a lot of it from four or five male voices. It started early in the evening and went on till well after 9 pm. Later on there was a lot of noise from the street which may well have been the same group waiting for a taxi/uber car.

On the 16th July there was a lot of the usual type of noise – very loud talking and laughing from the front garden area

On the 17th July at about 11:20 pm I was woken up by the sound of women laughing, talking very loudly and shouting. They were in the passageway and then close to the road, by the south-west corner of the pub. I have since been shown photographs and a video clip of them taken from the other side of Clifton Hill.

On the 19th July 2017 I phoned the Clifton at 8:15 pm to complain about a good deal of noise at the front. I then phoned Westminster and the complaint was logged with Westminster under reference 17/22937/ENC45.

Slightly later on the 19th July between 8.20 and 9 pm there was a great deal of noise coming from the rear of the Clifton Public House. When I looked out of the top floor rear window I could see that there were up to 10 people talking outside the rear conservatory. I took a photograph of what I saw.

On the 25th July there was a great deal of noise -- men and women talking loudly and laughing in an exaggerated way at the front of the pub between

about 7.30pm and 9pm. My complaint was logged with Westminster – reference 17/23824/ENC45.

On the 25th August I phoned the pub at 8:20 pm about noise at the front of the building. I then phoned the noise team and got the reference number 17/27495/ENC45.

On the 30th August there was very loud laughing talking and shouting. I phoned the Clifton at around 8 PM and they said they would tell them to be quiet. But if they did anything about it had no effect whatsoever. There was also loud talking and laughing etc. on the part of people leaving the pub late in the evening (shortly before midnight). I phoned Westminster and got the reference number 17/28039/ENC45

On Friday evening, 1st September there was extremely loud shouting laughing during and clapping in the front garden area. It sounded as if somewhere between a dozen and 20 young men were trying to emulate a football crowd. It started to get really noise at about 8.40pm. I phoned the pub and they said they would deal with it all. There was no detectable difference – indeed the racket got worse. It ended up at 9.35pm with half a dozen men running out into the street and smashing glasses. One of them took his trousers down and lay on the carriageway obstructing the traffic. I rang Westminster and eventually spoke to someone called Andrew who did not seem very interested. The reference number was 17/28281/ENC45. In my opinion the pub waited far too long before chucking them out (if indeed they did chuck them out).

On the 9th September there was a very loud crowd of men shouting, laughing loudly, and making jeering and chanting noises early in the evening from about 6:30 pm. I phoned Westminster and complained and I was given the reference number 17/29106/ENC 45

On September the 19th just after 6 am I was woken by a loud noise in the passage between us and the pub. I looked out and saw that there was a

delivery taking place involving a large white van. The main noise came from a trolley -- from the sound of it a rickety metal trolley -- which was being used to deliver the goods to the side door of the pub.

September 24th at 7 pm there was a loud group of men and women talking and laughing in the front area of the pub. One of them was making hooting noises which were very loud and penetrating. This went on till about 8:30 pm.

This Tuesday morning (the 19th September) just after 6 am I was woken by a loud noise in the passage between us and the Clifton pub. It was a metallic sound. After a minute or so I went to the bathroom which is immediately next to my side of our bed and I looked out of the small window onto the passageway and saw that a man was placing a large cardboard box (at a guess something like 2'6" square) on the steps to the pub. It looked as if the box was being placed on top of other similar boxes. I then heard the metallic noise again. It sounded like a trolley -- from the sound of it a rickety metal trolley -- which was being used to deliver the goods to the side door of the pub. A minute or so later I went to the front of our flat and looked out of the window. I saw a long white van and a tallish man in his 20s or 30s in a pink or pinkish top getting into the driver's seat. I then looked at the clock on the oven in our kitchen and saw that it was 06:07. It took me a minute or two from being woken up to getting out of bed and looking through the window so I would put the time at which I was woken up at two or three minutes past six. When I wrote about this to Mr Keegan of Westminster City Council the following day I sent a copy to neighbours who have also suffered from the noise created by the pub and I received photographs of the van in question taken at the time from the other side of Clifton Hill.

The metallic sound of the trolley (I can only imagine that that is what it was although I did not catch sight of it) was penetrating as it was being rolled over the poor and uneven surface of the passageway.

Simon Blackford

Written at 11 am, 23rd September 2017

