

February 22, 2006

Royal Borough of Kensington & Chelsea Licensing Services  
Royal Borough of Kensington & Chelsea Noise and Nuisance Service  
Directorate of Environmental Health  
37 Pembroke Road  
London W8 6PW

The Directors, Cheyne Walk Brasserie Limited  
50 Cheyne Walk  
London SW3 5LR

Carmen Davis, Licensee, The Phene Arms  
Christian Sandefeldt, c/o The Phene Arms  
The Manager, The Phene Arms  
9 Phene Street  
London SW3 5NY

CC: The Hon. Malcolm Rifkind, MP  
House of Commons  
London SW1A 0PW

This letter is written by several residents of the vicinity of The Phene Arms public house, Phene Street, London SW3. Its purpose is to bring to your attention several violations that have recently occurred and continue to occur at the pub, despite numerous requests for them to cease, specifically:

1. Sale of alcohol outside licensing hours.
2. Unlawful violation of the curfew imposed on the use of the exterior of the premises, which is set at 10:40 p.m. Monday to Saturday and at 10:10 on Sundays.
3. Use of electronic equipment, both outside public hours and without any devices limiting sound volume.

As to item 1, the pub is licensed to serve alcohol until 11:00 p.m. on Monday to Saturday, and until 10:30 p.m. on Sunday. The pub's supper license, allowing the service of alcohol for up to one more hour each evening to diners in a separate space set aside for restaurant meals, was maintained without change under the new regulations that became effective last year. In direct violation of this, the pub has adopted the general practice of serving alcohol in the bar area until midnight on Friday and Saturday. Alcohol is served at these times while there are no diners in the building, and even after the kitchen is closed. This has caused the pub to become the destination, after 11:00 p.m. when the other pubs in the neighbourhood have closed for the service of alcohol, for large crowds of late-night drinkers who (incorrectly) believe they have found the one location in Chelsea where they can be served for another hour. An inquiry within the premises has yielded the response "We are licensed until midnight now". As one example, on the night of Saturday February 18th, 2006, the bar was still open and nearly full well after 12:30, a situation that could not possibly arise if the service of alcohol had stopped at 11:00 p.m. as required by law.

The crowds that have come to the pub are often disorderly and, on one occasion recently, erupted into a violent fight outside the pub witnessed by the neighbours. The pub apparently makes no effort to control these crowds.

This in turn has led to numerous violations under item 2 above. As the late-comers leave, they often remain for extended periods of time in the exterior portion of the premises, creating significant disturbances at a time when the pub is required to have ceased serving to drinkers for more than an hour. The condition of the Magistrates' Order requiring the placement of conspicuous notice of the curfew hours to be posted is also being violated, and the notices that were previously placed on the premises appear to have been removed.

As to item 3, electronic equipment is used both during public hours and outside those hours, in violation of the express conditions of the license. In addition, neither the television on the ground floor nor a newly-installed stereo system in the first floor area which is supposed to serve as a dining room are equipped with regulators to limit the sound volume, and both are frequently clearly audible outside the premises and in the neighbouring buildings, creating a nuisance.

In summary, the continual violations of the laws and licensing regulations by the pub are creating a series of conditions that threaten the well-being and even the safety of the entire neighbourhood. The residents do not regard the fact that they live near a pub to be the equivalent of an open invitation to continual disturbance through noise, nuisance and the threat of violence.

We demand that these violations be brought forthwith to a halt, once and for all, and that all parties responsible take all necessary or appropriate action to ensure their cessation, whether through enforcement of the laws relating to licensing or nuisance, enforcement of the terms of the lease governing the pub premises, or otherwise. We reserve all rights.

Very truly yours,

Mr. and Mrs. R. Martin, 1 Phene Street

Mr. and Mrs. R. Shippee, 2 Phene Street

Mr. and Mrs. A. Johnston, 4 Phene Street

Mr. and Mrs. G. Blasius, 5 Phene Street

Mr. and Mrs. D. Smith, 6 Phene Street

Mr. and Mrs. C. Hall, 8 Phene Street

Mr. and Mrs. C. Rolandi, 1 Margaretta Terrace

Ms. A. Edwards, 37 Oakley Gardens

Ms. M. Wales, Mr. J. Watson, 41 Oakley Gardens

By each of whom the sending of this letter has been fully authorised

22 June, 2004

**From:** The residents of 4 Phene Street, 5 Phene Street, 6 Phene Street, 8 Phene Street, 1 Margaretta Terrace, 37 Oakley Gardens, 41 Oakley Gardens and 43 Oakley Gardens, London SW3

**To:** The parties whose names and addresses appear below

**Subject:** The Phene Arms pub, 9 Phene Street, London SW3 5NY

This letter is written on behalf of the residents of the eight houses listed above situated in the vicinity of The Phene Arms public house, 9 Phene Street, Chelsea SW3. It is intended as a list of reasonable requirements addressed to all parties connected with The Phene Arms, whether as freeholders, licensees, tenants, management, or responsible regulatory authorities (including licensing magistrates, Local Authority, Environmental, Noise and Nuisance, or other). These requirements derive from several examples of nuisance or unreasonable use of the pub that have occurred, many of which continue to the date of writing.

Each instance of nuisance or unreasonable use listed here affects some or all of the signatories to this letter. Those affected are specified at the end of the relevant paragraph describing the nuisance or unreasonable use (key: PS = Phene Street; MT = Margaretta Terrace; OG = Oakley Gardens). The persistent nuisance and unreasonable use has caused a significant deterioration of the quality of life in the neighbourhood of this pub, particularly during the summer months. The undersigned require that these nuisances and unreasonable uses immediately be brought to an end. We request that the relevant authorities vigorously enforce all applicable statutes and regulations, including (upon its entry into effect in July 2004) the London Local Authorities Act 2004.

We are prepared to meet to discuss these issues on the conditions that (i) persons having the necessary authority to address all issues will be made available to us, (ii) a sincere intent is demonstrated to address the issues within a clearly defined timeline and (iii) the meeting is genuinely the start of a new constructive and more considerate approach to the management of the Phene Arms taking into account both the regulatory requirements and the implications for the neighbourhood.

Our reasonable requirements are set out below:

1. **We require immediate, full and permanent compliance with the relevant Noise Abatement Orders**

There occur persistent violations of the Noise Abatement Orders issued with respect to the pub, requiring that there be no noise in or from the forecourt of the pub after 10:40 p.m. on Monday - Saturday or 10:10 p.m. on Sunday. These result from

- a) failure to control noisy crowds of people (often shouting, and some apparently severely drunk, some of whom are openly aggressive or even threatening if asked to make less noise) who loiter at length at or around the exits to the pub, with associated unnecessary noise from cars, motorcycles, car music players and mobile phones; and
- b) leaving doors and windows open while large gatherings, clearly audible at a distance from the pub, remain inside.

These occurrences, which follow a significant change of use of the pub from a small neighbourhood pub to a stand-up drinking destination, constitute fundamental breaches of the terms and intent of the Noise Abatement Orders. This was further exacerbated during the Euro 2004 football tournament by the placement of a television in the garden area (affected: 4, 5, 6, 8 PS; 1 MT; 37, 41, 43 OG).

**2. We require reinstatement of the notices of the Noise Abatement Orders**

This requirement arises from the removal, more than five weeks ago, from the exterior of the pub of notices giving warning of the Noise Abatement Orders and the need for considerate behaviour as regards the surrounding neighbourhood.

This is in direct violation of the terms of the Orders themselves, which require such notices to be conspicuously posted (affected: 4, 5, 6, 8 PS; 1 MT; 37, 41, 43 OG).

**3. We require the taking of reasonable and appropriate measures to limit excess noise**

This refers to the refurbishment of the pub (both the interior and the exterior) to accommodate greater numbers of drinkers than before, including the removal of interior wall coverings and furniture which formerly provided some element of sound insulation or noise reduction, and the removal of an exterior hedge around the forecourt. No attempt has been made to add any sound insulation materials to the walls or windows of the pub to compensate for the alternations made to the building, for the increase in the number of people accommodated by the removal of furniture and the introduction of what The Times has referred to on 18 June, 2004 as “vertical drinking”, or for the playing of music through powerful electronic equipment. The removal of a thick natural hedge from the forecourt, also resulting in extra accommodation for drinkers, and its replacement with a thin wooden fence has changed the character, environmental impact and ambiance of the pub and in doing so increased interference in the adjoining streets from the use of the forecourt (affected: 4, 5, 6, 8 PS; 37, 41, 43 OG).

4. **We require suitable measures to limit noise and nuisance from the rear terrace**

This arises from the change of use of an open-air first floor outside terrace overlooking the rear courtyard to the Northeast of the pub, and holding loud gatherings on that terrace. This has contributed on several occasions to there being loud noise simultaneously emanating from all sides of the pub. A row of plant holders has been removed from the top of the fence, adding to the noise, and leaving the houses to the East of the terrace without adequate privacy (and has more recently been replaced by two smaller plant holders that are adequate neither to limit noise nor to restore the pre-existing level of privacy). On several occasions, bright lights on the roof terrace have been left on all night and affected the ability of the residents of those houses to sleep (affected: 8 PS; 37, 41, 43 OG).

5. **We require that reasonable efforts be made to limit noise and smell emanating from mechanical equipment and from the kitchen**

This relates in particular to the use of two fans, both of which are apparently in poor condition and are unreasonably noisy. The first, a kitchen extractor fan on the East side of the building, has been the subject of discussions with the Kensington & Chelsea Department of Noise and Nuisance, who have advised that it is excessively noisy. It also emits both smoke and unpleasant kitchen smells in an easterly direction (the smells also emanate from the kitchen door, which is often left open for long periods). The second is a cooling fan on the West side of the building, which is audible across Phene Street (on the South side) and remains switched on all night (affected: 4, 6, 8 PS; 1 MT; 37, 41, 43 OG).

6. **We require that the premises and its surroundings be maintained in hygienic and proper condition**

This arises in particular from the long-term storage of leftover materials and miscellaneous detritus, apparently including flammable materials, in the rear courtyard outside the kitchen and on the roof of the building above the kitchen. This is visually offensive and, if these are indeed flammable materials, an immediate danger. Though some materials have recently been removed, the area remains a dumping ground for unwanted items (affected: 4, 6, 8 PS; 1 MT; 37, 41, 43 OG).

7. **We require that the street be cleared of tables, which encourage additional loitering and noise outside the fenced garden perimeter**

The placement of tables for sitting and drinking on the Phene Street side of the pub (a) causes unacceptable levels of noise to reverberate around the street and (b) causes pub customers to assume that the neighbouring property is part of the

pub and occupy (both standing and sitting) the front steps of the neighbouring property (affected: 4, 5, 6, 8 PS).

8. **We require that the surrounding streets be regularly cleaned of rubbish caused by the pub**

On more than one occasion volumes of cigarette ends and other rubbish have been left outside the pub and cleaned up only on specific request (affected: 4, 5, 6, 8 PS).

9. **We require that those with authority over the running of the pub including the freeholder, the licensee, and the relevant authorities act to the full extent of their powers to protect the neighbourhood and the reasonable rights of the residents**

The various statutes, abatement orders, leases and other documents create rights of direction, inspection and control which we require to be fully invoked to re-establish the positive neighbourhood environment and relationship between the Phene Arms and the local residents thereby also protecting the long term sustainability of this unique environment including the Phene Arms itself.

The use of the pub has recently been changed from a reasonably quiet neighbourhood pub, with which the neighbourhood has only infrequently taken issue over the last several years, to a sports bar (with wide-screen television) or "style bar" incorporating lounge music, that has no association with the neighbourhood. The management has also changed, apparently at least twice. Numerous attempts to reason or remonstrate concerning the recurring nuisances, made by several of the persons on whose behalf this letter is written, have met with the response that living near a pub is bound to be noisy. Discussions with the current management about the extractor fan, despite management having undertaken (five weeks ago) to Noise and Nuisance to arrange its repair within two weeks, have yielded the response that nothing can be done about it, and it continues to be offensively noisy. In March of this year, a formal complaint made in writing, following a twelve-hour sports party in the pub using rented television equipment designed for use in large auditoriums, was met with delivery of written abuse

None of the persons represented here objects to the presence of a responsibly run pub consistent with the neighbourhood, and indeed all acknowledge that the pub has been in existence for more than 100 years and in its original form, part of the unique character of the neighbourhood which must be protected. All such persons consider as wrongful the view apparently taken by the pub that the word "pub" confers a blanket license to create pollution, by noise, smell or otherwise, and to destroy the quality of life of this particular neighbourhood. We simply do not agree that we should, silently and without resistance, accept the destruction of a beautiful, historical, otherwise quiet Chelsea neighbourhood by the operation of a pub in an environmentally damaging manner, without effort being made to limit noise and nuisance and which potentially attracts the type of antisocial and

aggressive behaviour that typifies “the new culture”. Vast amounts of coverage of the deleterious effects of this new culture have appeared recently in the press and other media, in local government offices, and in the Houses of Parliament themselves. We think it is not asking too much that measures be taken to eliminate or minimise the effects of this on behalf of a large group of long-standing London residents who wish to lead peaceful and constructive lives without interfering with others.

Very Truly Yours,

For and on behalf of the residents of:

4 Phene Street  
5 Phene Street  
6 Phene Street  
8 Phene Street  
37 Oakley Gardens  
41 Oakley Gardens  
43 Oakley Gardens  
1 Margaretta Terrace

Addressees:

Councillor Merrick Cockell, Chairman, Royal Borough of Kensington and Chelsea, The Town Hall, Hornton Street, London W8 7NX

The Rt. Hon. Michael Portillo MP, House of Commons, London SW1A 0AA

Planning and Conservation, The Royal Borough of Kensington and Chelsea, The Town Hall, Hornton Street, London W8 7NX, Attention: Mr. M.J. French

Noise and Nuisance Service, The Royal Borough of Kensington and Chelsea, 37 Pembroke Road, London W8 6PW, Attention: Mr. Robert Lockwood

The Licensing Magistrates, West London Magistrates Court, 181 Talgarth Road, London W6 8DN

The Cheyne Walk Brasserie Limited, Freeholder, 50 Cheyne Walk, London SW3, Attention: Mr. Robert Bourne and Mr. Ray Duhaney, Directors

Ms. Carmen Davis, Tenant and Licensee, The Phene Arms, 9 Phene Street, London SW3 5NY

Mr. Andrea Manecuso, Manager, The Phene Arms, 9 Phene Street, London SW3 5NY

Copies:

The Chelsea Society, 51 Milmans Street, London SW10 0DA

Chelsea Land Group, 18 Cadogan Gardens, London SW3 2RP

Ms. Shireen Ritchie, Councillor, 47 Oakley Gardens, London SW3