

Mardon, Sarah (Licensing)

From: Penn, Kate (Env Health)
Sent: 24 July 2019 14:04
To: Licensing (HDC)
Cc: Mardon, Sarah (Licensing)
Subject: Application to vary a Premises Licence, The Crown Inn, Bridge Road, Broughton
Attachments: RE: Premises licence variation The Crown Inn, Bridge Road, Broughton [M&R-FirmDMS.FID37962238]

Dear Sarah

I attach correspondence I have had with the solicitor acting on behalf of the applicant regarding the application to vary the Premises Licence for The Crown Inn, Bridge Road, Broughton.

Within the application it is stated that where music provided for at outdoor events and is not played within a marquee it will end at 21:00hrs. I am in agreement that this should be made a condition.

However, at this stage a condition has not been agreed to control noise levels after 23:00hrs where regulated entertainment may take place outside in a marquee. Consequently, I would like to make a representation.

Marquees offer little noise attenuation and although the intention may not be to have frequent events I have to consider that the variation will allow for music to be played in a marquee until midnight every Friday and Saturday night. The premises is situated in a village location in close proximity to noise sensitive receptors. Therefore I consider a condition necessary to control noise after 23:00hrs.

A standard condition that I suggested would be appropriate is that music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

Kind regards

Kate

Kate Penn MCIEH CEnvH
Environmental Health Officer
Huntingdonshire District Council
T: 01480 388 362 or 07810 637575
E: kate.penn@huntingdonshire.gov.uk

Mardon, Sarah (Licensing)

From: Penn, Kate (Env Health)
Sent: 23 July 2019 15:01
To: Catherine.Noble@mills-reeve.com
Cc: harriet.wells@mills-reeve.com
Subject: RE: Premises licence variation The Crown Inn, Bridge Road, Broughton [M&R-FirmDMS.FID37962238]

Dear Catherine

Thank you for your email, I have considered the points raised.

I understand that the premises have in previous years held fewer than 20 marquee events a year and perhaps 20 marquee events in a future year may be an optimistic suggestion.

However, marquees offer little noise attenuation and although the intention now may not be to have frequent events I have to consider that the variation will allow for music to be played in a marquee until midnight every Friday and Saturday night. The premises is situated in a village location in close proximity to noise sensitive receptors. Therefore I still consider a condition necessary to control noise after 23:00hrs.

The condition I suggested is a standard condition, however, I can offer an alternative of the following for when marquee events continue after 23:00hrs. This is again a standard condition, but again does mention windows being open in a typical manner for ventilation.

“The music noise level measured as a 15-minute LAeq, 1 metre from the façade of noise sensitive properties, or within noise sensitive rooms with windows open in a typical manner for ventilation, should not exceed the measured background level LA90 (without entertainment noise).

And, the L10 of the entertainment noise measured over a 15 minute period 1 metre from the façade of noise sensitive properties, or within noise sensitive rooms with windows open in a typical manner for ventilation, should not exceed the representative background noise level L90 (without entertainment noise), in any third octave band between 40 Hz and 160 Hz.”

Please let me know how your client wishes to proceed.

Kind regards

Kate

Kate Penn MCIEH CEnvH
Environmental Health Officer
Huntingdonshire District Council
T: 01480 388 362 or 07810 637575
E: kate.penn@huntingdonshire.gov.uk

From: Catherine Noble <Catherine.Noble@mills-reeve.com>
Sent: 19 July 2019 16:14
To: Penn, Kate (Env Health) <Kate.Penn@huntingdonshire.gov.uk>

Cc: Harriet Wells <Harriet.Wells@Mills-Reeve.com>; 'The Crown Inn' <info@thecrowninnrestaurant.co.uk>

Subject: RE: Premises licence variation The Crown Inn, Bridge Road, Broughton [M&R-FirmDMS.FID37962238]

Dear Kate

I understand that you and Mark Burrell have spoken today regarding the proposed condition regarding music noise after 23:00.

As explained during the course of your call, Mr Burrell and the Crown have historically held significantly fewer than 20 marquee events in any one year. Indeed, only 3 events this year have required a TEN, and it was only 6 events in 2018. The number 20 was picked, perhaps a little arbitrarily (and optimistically), as a maximum expectation.

Mark understands the issues surrounding noise well, and is considerate to the Crown's neighbours and the wider neighbourhood. To that end, the initial application has already been amended to reduce the hours (such that then end at 23:00 Monday to Thursday and Sunday, and to midnight on Friday and Saturday). Furthermore, our client is content to agree a condition whereby music provided for at outdoor events ends at 21:00 where it is not in a marquee. Harriet has previously confirmed this.

In practical terms, however, the condition proposed in your email of 18 July 2019 does not appear to be enforceable due to its ambiguity. "Noise sensitive premises" and "windows being open in a typical manner for ventilation" are both subjective. The proposed condition does not provide any objective measure of the acceptable music noise being emitted from the marquee beyond the boundary of the Crown. As such, whilst the Crown has been hosting events with music in a marquee that has continued past 23:00 for a number of years now without incident, our client is reluctant to agree to the condition as proposed. This is not because our client is being unreasonable, rather that he does not want to unwittingly breach the condition to any variance in interpretation. As noted in the application, the variation to the license is intended to eliminate the need to apply for TENS; it is not intended to materially change the use of the premises.

We hope that this reassurance is sufficient. In the event that it is not, are you able to suggest a more quantifiable condition for our client's consideration?

Kind regards

Catherine

Catherine Noble
Associate
for Mills & Reeve LLP

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From: Catherine Noble <Catherine.Noble@mills-reeve.com>

Sent: 18 July 2019 16:48

To: 'Penn, Kate (Env Health)' <Kate.Penn@huntingdonshire.gov.uk>; Harriet Wells <Harriet.Wells@Mills-Reeve.com>

Subject: RE: Premises licence variation The Crown Inn, Bridge Road, Broughton [M&R-FirmDMS.FID37962238]

Dear Kate

I will take instructions from our client and come back to you when I am able to do so.

Kind regards

Catherine

Catherine Noble
Associate
for Mills & Reeve LLP

[Click here for our latest legal insights on Brexit](#)

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From: Penn, Kate (Env Health) <Kate.Penn@huntingdonshire.gov.uk>

Sent: 18 July 2019 14:18

To: Harriet Wells <Harriet.Wells@Mills-Reeve.com>

Subject: RE: Premises licence variation The Crown Inn, Bridge Road, Broughton [M&R-FirmDMS.FID37962238]

This Message originated outside your organisation.

Dear Harriet

Thank you coming back to me. Working with the number of 20 potential marquee events a year I would like to agree a condition whereby for events continuing after 23:00, the music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

Could you let me know whether your client is agreeable to this?

Kind regards

Kate

Kate Penn MCIEH CEnvH
Environmental Health Officer
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From: Harriet Wells <Harriet.Wells@Mills-Reeve.com>

Sent: 15 July 2019 16:22

To: Penn, Kate (Env Health) <Kate.Penn@huntingdonshire.gov.uk>

Cc: Licensing (HDC) <Licensing@huntingdonshire.gov.uk>

Subject: RE: Premises licence variation The Crown Inn, Bridge Road, Broughton [M&R-FirmDMS.FID37962238]

Dear Kate

Thank you for your email.

My client is content for it to be a licence condition that, where music is played outside, not in a marquee, a terminal hour of 21:00hrs will be observed. We had anticipated that, having included this provision within the application, it would be made a condition in any event.

As regards the intended frequency of providing music outside, but in a marquee, my client can't say for sure as it depends primarily on wedding bookings which are largely seasonal. He anticipates probably no more than around 20 per year.

Regards

Harriet

Harriet Wells

Senior Associate
for Mills & Reeve LLP

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From: Penn, Kate (Env Health) <Kate.Penn@huntingdonshire.gov.uk>
Sent: 15 July 2019 11:51
To: Harriet Wells <Harriet.Wells@Mills-Reeve.com>
Subject: Premises licence variation The Crown Inn, Bridge Road, Broughton

This Message originated outside your organisation.

Dear Harriet

I am in receipt of the application to vary the premises licence at The Crown Inn, Bridge Road, Broughton.

I have a couple of questions relating to outside events, the initial application was for the provision of regulated entertainment outside until 01:00hrs, however, I understand this has been amended to Monday – Thursday and Sunday until 23:00hrs and Friday and Saturday until midnight.

Within the application it states that where music is provided for outdoor events that are not in a marquee a terminal hour of 21:00hrs will be observed – I would be looking to agree a condition in relation to this.

Could you give me an idea how often it is intended to have music outdoors in a marquee?

Kind regards

Kate

Kate Penn MCIEH CEnvH
Environmental Health Officer
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