

Mardon, Sarah (Licensing)

From: Mardon, Sarah (Licensing)
Sent: 15 January 2014 11:43
To: 'macbrayne@onetel.com'
Subject: RE: 13/03021/LAPRE5 - Nelsons Head 7 Merryland St Ives Cambridgeshire PE27 5ED

Dear ~~macbrayne~~

Many Thanks for your email.

I can accept your amended representation as relevant under the terms of the Licensing Act 2003. The procedure requires me to forward the representation to the applicant and their legal advisors.

This will give them the opportunity to mediate and perhaps amend the application, by volunteering conditions that will address your concerns.

If the applicant chooses not to change their application, then the application and your representation must be heard and the application decided by the Licensing Authority at a hearing of the Sub-Committee. However I must advise you of the limitations of the Licensing Authority.

The Licensing Committee can only make decisions regarding Licensable Activities. This does not include consumption of alcohol or smoking. Therefore the use of the outside area for these activities is not something the Licensing Authority can govern, equally the use of the rear entrance is not within the scope of the Sub-Committee to control.

In this case I am hopeful the applicant will volunteer a suitable condition that will satisfy your concerns. In which case I will ask you to formally withdraw your representation, and a hearing will not be required.

However, please be assured any proposed changes to the application which take into account your concerns will have to be agreed by you. If you do not agree with any suggested changes the application and your representation will go before the Licensing Sub-Committee.

I will be in touch again once I have had a response from the applicant.

Kind regards

Sarah Mardon
Licensing Officer
Huntingdonshire District Council
Pathfinder House
St. Mary's Street
Huntingdonshire
PE29 3TN
Tel: 01480 387075

-----Original Message-----

From: macbrayne@onetel.com [mailto:macbrayne@onetel.com]
Sent: 15 January 2014 10:33
To: Mardon, Sarah (Licensing)
Subject: REF: 13/03021/LAPRE5 - Nelsons Head 7 Merryland St IvesCambridgeshire PE27 5ED

Dear Sarah Mardon

Thank you for your clarification on the subject of live/recorded music and the outline of the conditions agreed with the applicant - I assume that these apply throughout the year, irrespective of the weather, which may prove to be an issue as I do not believe that the premises have any ventilation beyond that provided by the existing doors/windows. I will follow up on any future noise issues with Environmental Services as required in light of your clarification for which I am grateful.

Having considered your reply and, in particular the revised policy together with the agreed conditions, regarding live and recorded music at the Nelson's Head, I will amend my original representation as below:

I wish to register a number of concerns and objections due to the adverse impact that the proposed variation will have on my home (██████████, Merryland, St Ives, PE27 5ED) - a property that is a direct neighbour with the primary living and bedroom accommodation some 20 to 30 metres from the outdoor area of the subject premises. With regard to the proposal to amend the opening hours to allow the sale of alcohol and the opening of the premises and consequently the use the outdoor area to the rear of the premises are being sought from 08:00 Monday to Sunday and additionally for Late Night Refreshments beyond 2300:

I have no issue with the extension of hours as requested provided that such activity is restricted to the internal areas of the premises with the 'noise suppression' measures applied as for music.

Any use of the outdoor area beyond the current hours and, in particular, the unrestricted use of the Emergency Exit from the outdoor area as an alternative entrance/exit by customers should be prevented.

Yours sincerely

██████████

On 13 Jan 2014, at 14:22, Mardon, Sarah (Licensing) <Sarah.Mardon@huntingdonshire.gov.uk> wrote:

Dear ██████████

Thank you for your email.

Firstly, please accept my apologies for the issues with you on-line contact form, our IT department are working to resolve this problem.

Secondly, again I must apologies, your email has brought to light some further issues with the Public Access section of HDC Website.

The details shown on the website are a reflection of the current licence for the Nelsons Head, not the variation application. However, references to any music OUTDOORS, is incorrect. The current Licence does not permit any music to be played or performed in the outside area. Neither does the variation application seek to change this.

I have attached a copy of the Current Premises Licence for your reference.

Below I have summarised the changes that are being sought through the variation application as advertised on the premises.

- To allow Sale of Alcohol from 08:00, and amend Opening hour to the same, Monday - Sunday
- To allow Live Music indoors 11:00 until 23:00 Monday to Sunday
- To allow Recorded Music indoors 11am - 23:00 Sundays (Existing Licence already allows these times for the rest of the week)

- To allow Late Night Refreshment 23:00 – 23:30 Thursday and 23:00 – 00:00 Fridays and Saturdays. (to clarify – Late night Refreshment is defined as – The sale or supply of HOT food or drink between the hours of 23:00 and 05:00).
- All other hours and Licensable activities will remain unchanged.

It is perhaps worth noting also, that although changes to the times of Live Music have been applied for, this is no longer a Licensable activity, in certain circumstances. The Live Music Act 2012 deregulated Live music, between the hours of 08:00 and 23:00, for an audience up to 200 people for amplified live music (including karaoke) in venues authorised to sell alcohol on the premises. Any conditions relating to Live Music do not have effect unless the licence is reviewed and conditions are added

In addition, since the application was made, discussions and negotiations have taken place between the applicant and Environmental Health resulting in the following conditions being added to the application

- All windows and doors to be kept closed during any performance of Live and Recorded music inside the premises.
- Live and Recorded music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

Your email implies there is currently a problem with noise from music at the premises. In which case, this should be reported to Environmental Health for a noise investigation to be carried out, with a view to improving the situation.

Given the clarification and new information provided above, you now have 3 options.

1. To withdraw your representation, if you feel these changes and additional information have sufficiently addressed your concerns.
2. Submit an addendum to the original representation, taking into account the changes.
3. Continue with the original representation

If you follow option 1, advising us that you wish to withdraw your representation, then the application will be approved as applied for but subsequently amended as detailed above. If you follow options 2 or 3, the application process requires the Licensing Subcommittee to hear any applications and representations that have not been resolved through mediation and you will be invited to attend a hearing to amplify the points you have raised in your representation.

I would be grateful if you could consider your position, and let me know as soon as possible, or before 17 January, the final day for consultation on the application, the way in which you decide to proceed.

With regard to the use of the rear exit of the premises, I can find no previous Licensing restrictions that prohibit or limit its use in relation to the Nelsons Head. My colleagues in Planning also can find no conditions relating to its use.

We would not be able to add any condition regarding its use, through this variation application.

If you have any queries regarding this any of these matters please do not hesitate to get in touch

Kind regards

Sarah Mardon
Licensing Officer
Huntingdonshire District Council
Pathfinder House
St. Mary's Street
Huntingdonshire
PE29 3TN
Tel: 01480 387075

-----Original Message-----

From: ~~Mat Brayne~~ [mailto:~~mat.brayne@hdc.gov.uk~~]
Sent: 13 January 2014 11:38
To: Licensing
Subject: REF: 13/03021/LAPRE5 - Nelsons Head 7 Merryland St Ives Cambridgeshire
PE27 5ED

Having considered a noticed displayed at the subject premise I wish to register a number of concerns and objections due to the adverse impact that the proposed variation will have on my home (~~██████████~~, Merryland, St Ives, PE27 5ED) - a property that is a direct neighbour with the primary living and bedroom accommodation some 20 to 30 metres from the subject premises.

Opening Hours - The displayed summary of the change states that 'the sale of alcohol and the opening of the premises are being sought from 8pm Monday to Sunday - this appears to be at odds with the HDC website details and seeks to allow a significant change that would have a direct detrimental impact on neighbouring residential properties, most notably in the consequential extension of use of the outdoor area of the premises which are in direct sight and closest to my home.

Live and Recorded Music - This is seemingly requested from 11am to 11pm from Monday to Sunday; whilst I have no issue with indoor recorded music and the current practice of indoor live music on Sunday 2pm to 5pm, the amplified live music is extremely intrusive and can be heard clearly within my home (depute double glazing) and precludes me enjoying the garden for its duration. Any extension of live music would blight this residential area off Merryland.

Equally, and for the same reason, I object to the playing of outdoor music at any time as this creates an ongoing disturbance at my property.

Although not related to the subject variation I have an additional point of concern relating to the use of the Emergency Exit gate into the yard at the rear of the premises - an area adjacent to my property. My understanding has always been that, consequent to the acquisition of the area by the Nelson's Head and its conversion into an outdoor area, that the exit in question would not be used as a general entrance/exit to the premises which has become the case. Whilst I can recognise the desirability for it to be used for the licensee's residential and direct business uses and can accept the same, I find that its use beyond its design purpose is detrimental (most notably when I have had cause to remonstrate with customers urinating adjacent to the exit). I have raised this point with the staff but it is clearly difficult to manage and would be grateful if any condition could be reinstated, or added, to see the door secured in some manner to limit such use.

~~Mat Brayne~~

~~01480 464197~~

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